

The European Voice of Freight Logistics and Customs Representatives

Brussels, 18th of March 2010

Revision of the Community Legislation on the recording equipment in road transport (tachographs)

CLECAT is the largest umbrella organisation of its kind in the EU. It represents the interests of the vast majority of EU logistics, freight forwarding and Customs service enterprises (www.clecat.org). Our Members in their role of SC solutions organisers are amongst the largest transport service users and some of them actually provide road transport solutions by owning the equipment. Our interest in the upcoming revision of the legislation pertaining to the use of tachographs is therefore quite central.

We would like to thank the Commission for considering a revision of the EU legislation on recording equipment in road transport throughout a recast of Regulation 3821/85, which has been amended 16 times since its entry into force. Indeed, a recast would consolidate all these past amendments and would also represent a good opportunity to have the Regulation adapted to technological developments. We should like to draw your attention to the fact that the following content of this CLECAT document will strictly focus on the recording equipment issue and will not consider the rules on driving times and rest periods, for which our public position is available on CLECAT website¹.

As a preliminary observation, it is important to keep in mind that however sophisticated a device like the tachograph may be, the final resulting compliance falls often with human responsibility and practical possibilities, which are conditioned by external elements, such as – for instance – the insufficient availability of safe or even merely convenient parking areas for trucks.

CLECAT believes that the Commission should foresee the integration of the digital tachograph with other services into an in-vehicle platform. Clecat is in favour of a scalable, multi-use on-board unit where interoperability of services is ensured by the legislative framework. This could help to reduce the administrative burden for the industry, improve logistics efficiency and avoid a multiplication of devices in the cabin. New

**A real
digitalisation
of record for
tachographs is
needed**

¹ <http://www.clecat.org/dmdocuments/pp014oetro091002wkgttime.pdf>
<http://www.clecat.org/dmdocuments/pp002oetro100128wkgtm.pdf>

ITS applications for commercial vehicles like e-Toll represent opportunities for the Digital Tachograph to be integrated and benefit from these new technologies, even though this possible technological shift must be carefully assessed (Cost-benefit and Transition).

CLECAT would also like to highlight that the downloading of the data from the digital tachograph is a very costly administrative exercise and very often difficult to do, if the download time falls in while the driver is on a road. We therefore strongly encourage the remote download of the digital tachograph data. This could resolve the problem of data having to be extracted all in one lump from the driver card every 28 days and would considerably decrease the time required to collect the tachograph data from larger fleets. A regulatory approach is deemed appropriate by CLECAT in order to facilitate the widespread introduction of such practices. However, the Commission should ensure a balanced approach that allows sufficient flexibility for manufacturers to innovate and develop technological devices that accommodate, for example, improved mass memory downloads.

The constraints for the manufacturer to adjust the tachograph to technical progress and for the user to comply with EU legislation on the recording equipment should be kept to a minimum.

As CLECAT highlighted many times in the past, it is important that aspirations to reach standardised solutions for road equipment do not hammer development and business opportunities down. A piece of legislation on the recording equipment that strictly prohibits and is blind to additional interoperable service opportunities would actually result in increasing the burden for the industry and widening the gap between legislation and technological innovation.

Concerning the introduction of new equipment, adapted to technical progress, CLECAT considers the mandatory retrofit of existing equipment to be too difficult for transport companies to comply with. We would therefore prefer a flexible solution with retrofitting taking place if the existing equipment is replaced, for example, if defective. We would also like to highlight that conditions for applying for drivers' cards should not be changed with the introduction of new recording equipment in the EU market, in order to ensure a smooth transition to the new generations of tachographs.

Moreover, on the issue of the harmonisation of equipment with regards to tachograph elements where no type-approval is foreseen (e.g. download devices, control equipment, calibration tools), we would prefer to keep the equipment requirements to the standardisation level, i.e. optional. Considering the short life-cycle of road equipment which is naturally keeping up with technological progress under market pressure, the advantage of imposing a costly compliance with EU requirements on road hauliers by mandating the regular maintenance and updating of single tachograph elements is probably not necessary.

CLECAT considers the current situation on the installation and repair of recording equipment made by workshops as

***Uniform rules
on recording
equipment
are essential***

unacceptable because there are too many disparities between Member States concerning the approval of workshops and the inspections being carried out on them. The first step towards an improvement of the reliability of workshops standards would be to harmonise both the authorisation procedures and the audits of these workshops at EU level.

CLECAT also takes the view that the issue of automatic and manual recording of information is very important: the Commission should decide to set up uniform rules on all the recorded material, because some diverging rules between different Member States still exist. For example, some Member States currently make their own rules on what type of information should be manually recorded with no visible coordination with other Member States. This situation should no longer be tolerated, as the EU Institutions should decide which requirements for automatic/manual recordings are admissible.

CLECAT remains at the entire disposal of the honourable MEPs and other institutional interlocutors, should there be a need to clarify or explain the contents of this position paper in greater detail.