

The European Voice of Freight Logistics and Customs Representatives

Brussels, 25th of January 2012

RE: Proposal for a Regulation on recording equipment in road transport – COM(2011)451

CLECAT represents the interests of the vast majority of logistics service providers, freight forwarding and customs services in Europe. Logistics service providers are amongst the largest users of road freight services. However, some of the providers of these road transport services also own the road transport equipment. CLECAT therefore has an interest in the Commission's proposal on recording equipment in road transport COM(2011)451¹. In this respect, we would like to refer to our previous submissions in response to the Commission Consultation which took place during spring 2010².

CLECAT welcomes the Commission's initiative to review the EU legislation on recording equipment in road transport as we believe it represents a good opportunity to have an EU regulation adapted to technological developments. A regulatory approach is deemed appropriate to facilitate the widespread introduction of digital tachographs. However, this should not prevent the manufacturing industry from continuing invest in innovation to develop technological devices that accommodate, for instance, improved mass memory downloads.

CLECAT is of the opinion that the rules on driving times and rest periods need to be controlled in a reasonable way and would encourage the Commission and Member States to increase their efforts on harmonised enforcement. The way in which these rules are currently being controlled is arbitrary and in some cases lead to difficult working situations for professional drivers. Also, whereas the industry is in large majority compliant with the rules on driving and resting time, there is a risk that the decision-makers at European Parliament and Council will focus on the problems relating to compliance and will highlight the criminal aspects the professional drives and the road freight sector, rather than focus on facilitation through technological improvements. In addition, one should realise that the road haulage sector will suffer (once again) from cost increases in a period of time in which the industry is already under huge financial constraints. The costs of new digital tachographs in vehicles is a considerable burden for the operator and even more so when retrofitting.

After these preliminary remarks, we would now want to make some observations on the most important changes that will be introduced through the proposed regulation, in particular in relation to the recording equipment issue:

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0451:FIN:EN:PDF>

² http://www.clecat.org/index.php?option=com_content&task=view&id=298&Itemid=49
<http://www.clecat.org/dmdocuments/pp003oetro100224consulttacho.pdf>

- **Scope of Regulation** (Article 3): CLECAT supports the Commission's proposal to introduce a uniform exemption for road transport operations within a radius of 100 km as it could help to reduce the administrative burden for SMEs which are the main users concerned with this extension.
- **Automated recording of precise location through GNSS** (Article 4): CLECAT welcomes this provision as it could help to reduce administrative burden of road freight service providers (no more manual entering of the location data). It will also provide easier access to check compliance with social legislation.
- **Remote communication with the tachograph for control purposes** (Article 5): This provision will give some basic indications on compliance to control authorities before they decide to stop the vehicle for a roadside check. In principle, CLECAT is not against such measures because compliant undertakings would avoid unnecessary roadside checks and could thereby benefit from a further reduction of administrative burden. However, we would recommend some further clarifications in order to have a true regulatory approach concerning the remote download of the digital tachograph data. The regulation should for instance clearly specify the type of data to which control authorities have access to remotely; it should also clearly indicate whether fines are applicable based on remote data or if additional checks would be needed in case there are indications of infringements.

Integration of digital tachograph in Intelligent Transport Systems (Article 6):

CLECAT supports the integration of the digital tachograph with ITS through a harmonised and standardised interface. Multi-use on-board units could help to reduce the administrative burden, improve logistics efficiency and avoid a multiplication of devices. There is however a risk that fraud will increase.

- **Increased trustworthiness of workshops** (Article 19): CLECAT welcomes the proposed measures to strengthen the legal framework for the approval of workshops but further clarifications for the approval procedure are necessary in order to avoid multi-interpretations of the future legislation.
- **Merged functionalities of driver cards with driving licence** (Article 26 and 27): CLECAT welcomes the proposed measure to encourage the electronic data exchange on driver cards between control authorities and considers that the merging of a driver card with a driving license will bring less administrative burden.
- **Use of driver cards and record sheets** (article 30): The automatic registration of rest periods and dispensing with the obligation to provide proof of rest periods facilitates the use of tachographs and thus reduces the administrative costs for companies. However, this also increases the risk of abuse, as drivers can carry out other work during their rest periods. This undermines the Commission's aims – namely increased road transport safety, improved working conditions and fair competition – and hence represents a step backwards from the existing provisions.
- **Training of control officers** (Article 35): CLECAT is pleased to see that the proposed regulation requires EU Member States to provide adequate training for their control officers in charge of checking the recording equipment. However, we would have appreciated additional regulatory provisions ensuring harmonised training requirements.

- **Minimum degree of harmonisation of sanctions** (Article 37): CLECAT strongly supports the harmonisation of sanctions against the tachograph rules at EU level and regrets that the proposed regulation does not provide for any incentive in this respect. The Commission continues to essentially rely on Directive 2009/5/EC for this matter.