

TACHOGRAPH ENFORCEMENT UPDATE

Keeping you informed of developments from the Tacho Web Working Group (TWG)

TWG is a joint TISPOL and Euro Contrôle Route working group of tachograph enforcement officers.



Praise for masterclasses

Feedback from the joint ECR/TISPOL tachograph fraud and manipulation masterclasses is always very positive. Since the start, 157 people have taken part and three member states have received training on demand. The masterclasses fill a clear need for training on the subject. Some of the participants have dealt with HGV enforcement for up to 30 years, yet they indicated that it was the best training they had attended, geared towards the practical and highlighting the right topics.

Why tachograph enforcement is vital

An interview with Gerard Schipper of Euro Contrôle Route



What contribution does tachograph enforcement give to road safety in Europe?

Driver fatigue, especially in professional drivers who clock hundreds of kilometres every day, needs to be prevented. Drivers have to be well rested and alert when going into traffic. The driving and resting time legislation, which is EU legislation and as a consequence the same in all member states combats driver fatigue. The employer is held to account. This prevents drivers having to do excessive shifts behind the wheel.

Is the European Commission aware of the issues with tachograph enforcement and what steps are they taking to assist enforcers?

There have been regular exchanges of Information between ECR and TISPOL, through the TWG working Group, and the EC (DG MOVE). The commission is and has been aware of this issue for years. However, the EC has only limited possibilities to encourage member states in making headway in improving tachograph enforcement. In the recast of EU Regulation 3821, a few cautious obligations on the improvement of enforcement have been included.

How does the co-operation between Traffic Police and Vehicle Inspectors benefit tachograph enforcement and does the partnership between TISPOL and ECR improve this co-operation?

It is clear that the joint ECR-TISPOL TWG tachograph fraud and manipulation working group contributes positively to tachograph enforcement. By exchanging expertise and experiences with enforcement colleagues and the policy making

organs TWG contributes to the improvement of tachograph enforcement. Joint training and controls are very beneficial, as is the elaboration of a European network of tachograph manipulation enforcement experts. The TWG working group, active from 2005 and organising master classes since 2008, gave an enormous boost to the awareness of tachograph fraud and manipulation in Europe. As a result of that, counter measures against tachograph fraud and manipulation have been initiated as a priority in several member states.

What is the current situation with the training of tachograph enforcers in the EU Member States. Is there any harmonisation of training? Is more training required and in what fields?

In 2011 the TRACE project (EU Regulation 561/2006) started. The project was concluded in 2013. The aim was to obtain a uniform interpretation of driving and resting time legislation through harmonised training. Not all member states took part in the 'train the trainer' courses, but the explanation of the legislation is available in the manual of the project. Currently a follow-up to this project is being prepared by DG MOVE under the name 'CLOSER'. This project will continue with the outstanding issues of 561 and will touch on other enforcement areas.

Apart from the project ECR organises, separately from the joint masterclasses with TISPOL, workshops on ADR, weigh in motion, cabotage and load securing. Feedback from enforcement colleagues shows that there is a clear need for more training at a European level. A sentiment echoed by the stakeholders in the transport industry, both employers and employees.

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Tachograph manipulation: offences, enforcement and penalties across Europe

Martin Bonthuis answers your questions



Is the manipulation of tachographs on trucks and buses a major issue?

Tachographs are manipulated to enable longer driving time and less rest. In some cases up to 24 hours of driving without rest is self-evidently detrimental for the wellbeing and safety of the driver as well as other people in traffic. Moreover the manipulation neutralises the effect of the speed limiter on the truck, and speed is a well known contributing factor to road deaths in Europe. Additionally the manipulation gives companies an unfair advantage and as such disturbs the fairness of the road transport market.

A number of member states have made tachograph manipulation an enforcement priority. In those countries we see infraction levels of 30% of trucks.

Is the enforcement of tachographs and penalties harmonised in Europe?

Not at all. There are huge differences. In some countries there is only basic enforcement on this issue, whereas in other countries there is high level of expertise as a result of priority being given to tachograph enforcement. This shows clearly in the offence statistics. There is even less harmonisation in terms of penalties and fines. The consequences of tachograph manipulation vary from a simple fine to imprisonment. The level of fines varies significantly from member state to member state.

Is manipulation of a tachograph a criminal offence in each European country?

No, tachograph manipulation is considered a criminal offence in only a small number of member states. In those

member states where it is considered a criminal offence the fines and/or punishments are considerably more severe. European harmonisation in this field is much needed. The sanctioning of tachograph fraud and manipulation should follow the general principle of being proportionate, deterrent, dissuasive and non discriminatory. Member states should take this responsibility seriously, so opportunist transport entrepreneurs are no longer in the position to get away with this.

The coming into force of the European Register for Road Transport Undertakings, and the risk that transport companies and managers can lose their good reputation, might be of crucial influence in the longer term. The risk of losing a transport licence or professional competence is generally taken very seriously by operators.

Is there any evidence to suggest that if an operator or driver are prepared to manipulate tachographs, they are prepared to commit other crimes in the course of their transport activities?

Experiences in the Netherlands, where tachograph enforcement is a priority, have shown that transport operators who are consistently non-compliant in tachograph use are more often than not non-compliant in other areas such as labour laws and tax fraud. There are even cases where company investigations have turned up ties with drug trafficking, receiving of unlawfully obtained goods, and the smuggling of alcohol and drugs.

The Dutch approach shows that co-operation between the different enforcement agencies yields results. Political support for the pooling of resources from the different enforcement agencies is needed.

A look at the future...

The tachograph is used in road transport to monitor compliance with the rules on driving time and rest periods, in order to ensure road safety, decent working conditions for drivers and fair competition between transport businesses. New regulations have been proposed, which will replace the current one from 1985. This will make fraud more difficult, and will better enforce social rules, as well as reducing the administrative burden by making full use of new technologies and the introduction of a number of new regulatory measures.

The new 'Smart Tachograph' will include two new functionalities: the remote communication for enforcement control purposes and the recording of location data. In relation to the remote communication, a comprehensive list of elements has to be transmitted to control officers. It has been made clear that in no case the remote control communication can lead to automatic fines or penalties for the driver or the transport company. There is an obligation for member states to equip their control officers for the remote communication facility before a deadline of 2032. In relation to the recording of location data, more points than those currently required have been introduced to better enforce controls.

The functionalities of the Smart Tachographs can be provided through the use of external devices. Given the complexity of controlling three different types of tachograph in vehicles (analogue, digital and the new Smart Tachograph) and bearing in mind the objectives of the legislation, the parliamentary negotiating team insisted on having a provision for retrofitting included in the regulation text. Therefore 15 years after the Smart Tachograph comes onto the market, all vehicles should be fitted with such technology.

The role of control officers has been strengthened. In order to overcome the existing problems regarding the disparity in the application of current legislation due to very different levels of training of control officers in the EU, the European Commission will set the content of tachograph training, which will include a common interpretation of driving and resting hours.

To contact the TWG, please send an email to twggroupsec@tispol.org or to A.Devries@benelux.int



Join one of this year's masterclasses

All our masterclasses take place in Osnabrück, Germany. If you're interested in taking part in one of the events scheduled for 2014, then speak to the TISPOL Council member for your country. TISPOL pays for the course, but there is a fee to cover accommodation. You will be required to fund your own travel costs.

The dates for this year are:

- 23 - 27 June
- 27 - 31 October

