

Annex B

Response form to Consultation - Government's proposals on the implementation of EU Regulation 165/2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

Please send to tachographregulation@dft.gsi.gov.uk or Tachograph Regulation, Zone 3/28 Great Minister House, 33 Horseferry Road, LONDON SW1P 4DR, by 12 May 2015.

Name: Jay Parmar	
I am responding as an:	Organisation: British Vehicle Rental and Leasing Association
If an organisation please provide information as to who the organisation represents and, where applicable, how the views of members were assembled:	<p>The BVRLA is the trade body for companies engaged in the rental and leasing of cars and commercial vehicles. Our 700+ members operate a combined fleet of 3.8 million cars, vans and trucks.</p> <p>The BVRLA operate six specialist committees, made up of leading members in a given field, to inform our policy analysis and to provide feedback on proposals to government. In compiling this submission document, all sixteen member organisations of the Commercial Vehicle Committee have been approached to offer their views on the future of the tachograph and the driver CPC.</p>

Number	Question
1	Do you agree with our assessment of the impacts from the new generation of digital tachograph? Please give your reasons and any further views relating to the impacts (including costs and benefits) of the new generation of digital tachographs.
Response to 1:	The BVRLA agrees that the digital tachograph provides drivers and operators a more efficient utilisation of their vehicles. We believe that this will provide valuable customer information on the location of a particular vehicle, how much driving time that driver has remaining (which will also give the operator better scope for planning return loads or the following day's work load). This will also provide data on how much time drivers likely to take and how soon those vehicles are likely to be back at the depot, allowing operators to plan more efficiently for better utilisation of the vehicle and driver management.
2	Do you agree with the proposals for updating the legislative framework and guidance (including the costs and benefits we have identified)? Please explain your reasons.
Response to 2:	The BVRLA agrees with these proposals as these will provide fewer restrictions to the operator transporting an empty/unladen vehicle for the purpose of testing, inspecting and certifying, and its delivery and collection, to the point of the drivers work area within the 100km radius. This should also apply to driver CPC for the above – however it is argued that rental drivers could infringe the regulations if they inadvertently exceed the

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	100kms radius in transporting an (empty or unladen) vehicle from one depot to another. For this reason, our view is that these type of drivers should come out of the scope of the EU regulations to avoid penalties.
3	Are you interested in seeing information if we decide to provide further information concerning the ongoing development of the policy or the draft legislative changes? If so, please provide contact details.
Response to 3:	Yes, please contact Patrick Cusworth at patrick@bvrla.co.uk or on 01494 545712.
4	Do you agree with the approach for meeting the requirements of the new Regulation for approval of fitters, workshops and vehicle manufacturers and our views on the impacts of article 24? Please explain your reasons.
Response to 4:	We agree with article 24 as it is written in the regulations.
5	Do you have any views related to driver cards and record sheets? Or do you have any concerns?
Response to 5:	<p>The only concern the BVRLA would have would be toward the security of digital cards. These must be secure enough to prevent cloning or other falsification. Similarly, if a digital card is lost or stolen, there must be some safeguards in place to prevent fraudulent behaviour – for example, drivers could key in an individual PIN before the card is accepted.</p> <p>When a card has been lost or stolen, a new card should be allocated in a timely but rigorous fashion. Previously, a replacement card would be sent to an MOT or passport office, for security checks to be carried out and the driver's ID to be confirmed before the card can be collected. It appears that this has been relaxed, with cards sent directly to drivers' home addresses. We are concerned that this could allow potential abuses to occur.</p>
6	Do you agree that we continue to apply the national derogations to EU drivers' hours (for USPs, vehicles using natural or liquefied gas or electricity and those carrying live animals to market,) with the extension to 100km radius? Please explain your reasons. Also, can you provide any further information on the costs or benefits of the extension of these exemptions/national derogations for any of the various sectors?
Response to 6:	The BVRLA has nothing to add to this section.
7	Do you believe we should retain the 50km criterion for driver CPC or increase it to 100km? Please explain your reasons.
Response to 7:	<p>The BVRLA believes that the current criterion should be increased to a 100km radius for cases where the vehicle is being moved for non-hire and reward movements – for example, transporting the vehicle to a testing and inspection facility, the delivery and/or collection of rental vehicles, or for the transportation of tools and equipment for the purpose of using these as part of the driver's work outside driving.</p> <p>Existing feedback from BVRLA members has demonstrated that they do not believe the current 50km radius is sufficient for all the vehicle deliveries they have to make – this is especially true for operators based in more rural areas, such as Scotland or Cornwall. The general view is that around 80/85% of all current deliveries can be made within the existing criterion, though this still leads a sizable number of operators/customers whose</p>

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	needs are not currently being met, and deregulation can be introduced without any adverse impact on road safety.
8	Do you agree with the views above [page 14]? Please give your reasons. Also do you think the UK should allow for field tests of non-type approved tachographs? Could you provide us with any costs or benefits that may arise from this, as well as any practical issues you think there might be with this?
Response to 8:	The BVRLA has nothing to add to this section.
9	Do you agree with the view that we should not take up the option of issuing temporary cards? If you do not agree, please provide comments – including any benefits, cost information and situations where this would occur to support your comments.
Response to 9:	The BVRLA agrees that issuing temporary cards would not be advisable, as this could allow for drivers potentially using more than one card, compromising accurate recording of driver hours, and thus driver safety and vehicle security. If temporary cards were to be introduced, a method of ensuring temporary cards were surrendered back to DVLA prior to a permanent being allocated would be necessary.
10	Do you agree that transport operators should only be liable for drivers' infringements if those operators have themselves infringed one or more of their own primary obligations (as listed above – page 15)?
Response to 10:	The BVRLA agrees that the operator's licence (o-licence) holder should be at least jointly liable with the driver in all of the suggested examples, and all these activities should be stopped. If the licence holder bullies, bribes or encourages the driver to any of the above he should be taken to task by the Traffic Commissioner, and suspension/withdrawal of his o-licence. The BVRLA's member organisations should not be included as they only rent or lease vehicles.
11	Do you agree with our views in relation to retrofitting vehicles with a new generation tachograph? If not, can you provide any further information?
Response to 11:	The BVRLA has nothing to add to this section.
12	Can you provide views on any impact (including costs or benefits) that strengthening the security requirements of tachographs might have and anything that will need further consideration, including how often a test should be required?
Response to 12:	In terms of the frequency of testing, we believe that the current system of checking tachographs is adequate. Increasing the regularity of testing would create an unnecessary burden in terms of cost, time and vehicle availability, on to the o-licence-holder.
13	Do you agree with the view that sealing practices may have to change as a result of the new Regulation? Please explain your reasons. Can you provide any further information including any costs or benefits?
Response to 13:	The BVRLA has nothing to add to this section.

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14	Do you agree that the introduction of a requirement to keep inspection reports will not impact UK workshops? If not, please provide further information (including costs and benefits).
Response to 14:	The BVRLA has nothing to add to this section.
15	Do you have views on how the new requirement that tachographs shall not be set to automatically switch to a specific category should be treated in our domestic legislative framework, including any appropriate level of penalty?
Response to 15:	We believe the tachograph should automatically default to the other work mode when the ignition is off and keys removed, as this will indicate that the driver is either loading or unloading. The driver should manually put the mode switch to rest when taking a break and is free from any other activity.
16	Do you have views on the new requirement to not have more than one tachograph fitted in a vehicle? Do you consider there to be any valid reason that two tachographs might exist in a vehicle? Do you have any thoughts on the costs and benefits of these requirements? Should more than one tachograph in a vehicle (if not related to a field test) be designated as a fixed penalty offence and if so, what are your views on appropriate levels of penalties?
Response to 16:	The BVRLA does not believe there would be any necessity to fit a second tachograph in a commercial vehicle. Fitting a second tachograph could lead to confusion, jeopardise accuracy, and increase cost for operators. If a vehicle is found with two tachographs, this should be reported to the Traffic Commissioner who would then decide whether to bring the offending operator to a disciplinary hearing or public inquiry, which may resort in court proceedings for the operator.
17	Do you have any views on the above [page 18] related to our existing legislative framework on false records and what needs to be amended?
Response to 17:	If either drivers or operators are found to have falsified, or attempted to falsify records, this is a breach of the regulations and could be a danger to other road users (especially if this involves drivers' hours). For this reason, offenders should be prosecuted as per the current legislation either via the Traffic Commissioners or the courts, with the penalty fitting the crime. We do not believe that the current legislation requires amendment.
18	Do you have views on control officers being empowered to request workshops to carry out tests, including on what the appropriate level of penalty for non-cooperation should be?
Response to 18:	We agree that controlling officers should have the power to request a workshop to carry out tests, though within the 5 mile radius without compensation as the regulations stand.
19	Do you have views on penalties for offences? If so, please explain them.
Response to 19:	We believe that the current penalty system is accurate.
20	When sentencing offenders for infringement of tachograph rules, do you agree that courts should tailor individual fines to the offender's ability to pay, for example by reference to weekly pay

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	(in the case of a driver) or turnover or profit (in the case of an operator)?
Response to 20:	The BVRLA believes that the penalty fine should match the offence, not the ability to pay or profit/turnover on the part of the operator.
21	Do you have views on the above [pages 20-21] related to fixed penalties? If so, please explain them.
Response to 21:	The BVRLA has nothing to add to this section.
22	Do you have any comments on the data protection requirements, the early remote detection provision or the change in times for renewal of drivers' cards (including costs or benefits)?
Response to 22:	The BVRLA has nothing to add to this section.
23	Do you consider there are any other impacts (including costs and benefits) from Articles 1-3? If so, please provide information.
Response to 23:	The BVRLA has nothing to add to this section.
24	Do you consider there are any other impacts (including costs and benefits) from Articles 4-11? If so, please provide information.
Response to 24:	The BVRLA has nothing to add to this section.
25	Do you consider there are any other impacts (including costs and benefits) from Articles 12-21? If so, please provide information.
Response to 25:	The BVRLA has nothing to add to this section.
26	Do you consider there are any other impacts (including costs and benefits) from Articles 22-25? If so, please provide information.
Response to 26:	The BVRLA has nothing to add to this section.
27	Do you consider there are any other impacts (including costs and benefits) from Articles 26-31? If so, please provide information.
Response to 27:	The BVRLA has nothing to add to this section.
28	Do you consider there are any other impacts (including costs and benefits) from Articles 32-37? If so, please provide information.
Response to 28:	The BVRLA has nothing to add to this section.
29	Do you consider there are any other impacts (including costs and benefits) from Articles 38-41? If so, please provide information.
Response to 29:	The BVRLA has nothing to add to this section.
30	Do you consider there are any other impacts (including costs and benefits) from Articles 42-48? If so, please provide information.
Response to 30:	The BVRLA has nothing to add to this section.