



Department
for Transport



DOE

Department of
the Environment
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Summary of responses to targeted consultation on proposals to implement EU Regulation 165/2014 regarding Tachographs in Road Transport

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Issue

On **17 March 2015**, the Department for Transport (DfT) and the Northern Ireland Department of the Environment (DOE) issued a targeted 8-week consultation with stakeholders - mainly organisations or individuals that have an interest in tachographs, including trade associations, trade unions, road safety organisations, tachograph manufacturers, workshops, enforcement agencies, and others involved in the tachograph industry; seeking views on the implementation of EU regulation 165/2014 regarding Tachographs in road transport.

The consultation was published on the GOV.UK and DOE websites and a copy of the consultation can be viewed and downloaded at:

<https://www.gov.uk/government/consultations/tachographs-implementation-of-eu-regulation-1652014>

The closing date for comments was Tuesday 12 May 2015.

Responses received

There were 13 responses received to this consultation from the following stakeholders:

1. Road Haulage Association (RHA)
2. Freight Transport Association (FTA)
3. Confederation of Passenger Transport (CPT)
4. UNITE the union
5. British Vehicle Rental and Leasing Association (BVRLA)
6. TachoManage Limited
7. Federation of Passenger Transport
8. Traffic Commissioners for Great Britain
9. National Union of Rail, Maritime and Transport Workers (RMT)
10. Law Society of Northern Ireland
11. National Farmers Union (NFU)
12. Vehicle Certification Agency (VCA)
13. Transport for London (TFL)

Summary of responses by consultation question

Main changes resulting from the new Regulation and their impact

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.⁷
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Eight of the respondents commented on Question 1. Of these, six agreed with the assessment of impacts and two disagreed. Five trade associations responded, with four agreeing with the assessment, though one did not agree with the methodology for calculating the benefits of the new tachographs. Two trade unions responded - with one supporting the assessment, and one not in agreement.

The majority of respondents supported the views of the DfT and DOE. The main reasons given for this view were:

- There are potential benefits to be gained from using the increased security of the new equipment to streamline and standardise the requirements for record creation by drivers
- This will improve the tachograph system security and drivers' hours enforcement
- This will provide valuable customer information on the location of a particular vehicle, how much driving time the driver has remaining, and will allow operators to plan more efficiently for better utilisation of the vehicle and driver management
- The benefit of improved compliance and easier enforcement should have a direct impact on road safety and fair competition.

One respondent questioned whether consideration had been given to the labour costs associated with installing the ITS interface – although no suggestions on how to monetise this were provided.

There were some challenges made to the assessment of costs and benefits detailed in the consultation document. These are outlined below:

- One respondent did not believe that it is possible to monetise the benefit of the time-savings made by the introduction of new tachographs, on the basis that a five-second saving for the industry would not translate into a greater distance travelled during the day or more efficient use of the driver's time
- There was disagreement on the calculation of the five-second saving, though recognition that the DfT and DOE have made a more realistic estimate than the one-minute saving proposed by the European Commission

- The estimated costs of £7 per wireless transmitter seems too low (this figure was calculated by the European Commission) – although no more accurate figures were provided.

One respondent suggested that the economic case for the new tachographs should be built on the basis of the benefits to enforcement agencies may get, rather than through time-savings for industry - and that they would support the proposal on this basis - though no proposals for how this should be measured were provided.

Government response

The Departments have noted the responses and are pleased to note that the majority of respondents supported the Departments' assessment of the costs and benefits of the new tachographs. The points on the materialisation of a 5-second benefit has been acknowledged and the Departments will not be using this as part of the economic case for this policy.

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.
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Eight respondents commented on Question 2. Of these, all agreed with the proposals for updating the legislative framework and the costs and benefits identified in principle, though a number noted that the costs and benefits of the proposals are unproven.

One respondent noted that:

'The assessments of the legislative costs to industry as a result of the changes are recognised. It is likely that drivers will be updated through the Driver CPC framework, so additional costs to quality training providers undertaking regular reviews of accurate training content are likely to be negligible.'

There was a suggestion made that the costs associated with ensuring drivers are aware of the changes could be absorbed into planned or regulatory training sessions.

Government response

The Departments are satisfied that all respondents agreed with the proposals, and will consider the best way to disseminate information to service users.

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.
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Ten respondents expressed an interest in being consulted further.

Government response

The Departments will consult further if and when necessary.

Specific changes that took effect on 2 March 2015 and their impact

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.
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Seven of the respondents commented on Question 4. All were supportive of the approach and agreed with the assessment of the impact.

Comments made included:

- Ensuring that standards are not only maintained but also raised whenever practical;
- Designated managers may require some awareness training with regard to the desk-based assessments;
- There may not always be vehicles readily available for technical audits;
- The time taken to perform a calibration will vary based on the age and make of the statutory test equipment available.

Government response

The Departments are pleased that there was broad support for its approach. DfT, DOE, DVSA and DVA will continue to work to ensure that high standards are maintained, and are engaging with industry to ensure that desk-based assessments are properly rolled out and understood.

5	Do you have any views related to driver cards and record sheets? Or do you have any concerns?
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Seven respondents expressed a view on driver cards and/or record sheets. These have been captured below.

On driver cards, one respondent highlighted the importance of security of digital cards in order to prevent cloning or falsification, and protection to prevent them being used if lost or stolen (such as through PIN authentication).

There was also a comment on the identity checks required when issuing replacement cards, with concern expressed that these have been relaxed in recent years which could result in abuses occurring.

On record sheets, there were several comments made which raised concerns around the impact of the removal of the requirement to provide letters of attestation, and whether a replacement system would be more onerous or would vary between Member States. There were also concerns about the level of detail that manual entries

would be required to record, and the time period this would cover. A number of respondents felt that the current European Commission guidance on this is ambiguous.

Government response

DfT and DOE understand the concerns of stakeholders with regard to the impact of the removal of the requirement to provide letters of attestation. Both will continue to work with other Member States and the European Commission to ensure that there is clarity around the requirements. DVLA and DVA have established systems in place for verifying the identity of those applying for replacement cards, and will investigate any instances of suspected fraudulent activity.

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?
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Six respondents commented on Question 6. Four were in favour of continuing to apply national derogations, and two felt there could be a negative impact on road safety.

There was broad support for the extension to 100km as a deregulatory and proportionate measure reducing the administrative and financial burden on businesses and individuals. It was highlighted that road links have improved which allow greater distances to be travelled in shorter times and an extension would therefore be sensible.

Additional benefits to the farming sector were identified and included:

- Improved access to markets by farmers poorly served as a result of the restriction to a 50km radius
- Reduction in biosecurity risks as a result of farmers being able to use their own transport rather than relying on hauliers visiting multiple farms
- Limits would remain in place on the number of journeys up to 100km as a result of the 6-day standstill imposed on movements on livestock.

One respondent expressed concern that there would be a risk to road safety, by allowing vehicles using natural or liquefied gas to operate within the M25 without regulation of drivers' hours, as a result of the extension of the derogation to 100km.

One other respondent was concerned about the impact on drivers of extending the derogation and was against the extension as they felt it increased the risk of driver fatigue.

In response to this question one respondent expressed concerns about Periods of Availability and the impact that this has on drivers and road safety, suggesting that this

is abused by employers to stretch working days and circumvent the law. They propose removing Periods of Availability.

Government response

Currently domestic legislation takes advantage of European derogations automatically. The Departments consulted on this issue to identify whether to retain the derogation or whether there were justifiable reasons and an appetite to remove the derogation. Respondents were broadly in favour of the increased radius, and these will be retained; noting in particular the benefits to the farming sector that have been identified, and the perception that this is a deregulatory measure. Whilst there was some concern that the derogation could represent a risk to road safety, the Departments would reiterate that the domestic drivers' hours rules continue to apply and there is a legal obligation to comply with these.

As such, the derogations will be retained.

7	Do you believe we should retain the 50km criterion for driver CPC or increase it to 100km? Please explain your reasons.
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Eight respondents commented on Question 7. Six were in favour of increasing the criterion to 100km, and two in favour of retaining it at 50km.

Comments made in favour of the increase were supportive on the basis of the measure having a relatively low impact, being deregulatory, and reducing the burden on individuals and businesses across a number of sectors. It was also felt that this would be consistent with CPC-criteria applied to other derogations or exemptions, and could assist somewhat with the industry-wide driver shortage.

One respondent explicitly commented that changing the criterion would not result in an adverse impact on road safety, and one was of the opposing view.

The second respondent against the increase felt that the current exemption is sufficient, allowing for non-professional drivers, whose work includes an incidental element of driving empty lorries, buses, and coaches in a local area to continue to do so. Their view was that the efforts to improve road safety and reduce road deaths could be undermined by an extension and that therefore they would be guarded against an increase.

Government response

The 50km distance criterion in the driver CPC exemption was originally selected to be consistent with the 50km distance limit in the drivers' hours rules (in Article 13(1)(d) of Regulation (EC) 561/2006) for vehicles carrying materials, equipment or machinery for the driver's use in the course of their work. Regulation (EC) 561/2006 has since been amended (by EU Regulation 165/2014) to increase this 50km radius to 100km and the Department believes to remain consistent with this EU Regulation the driver CPC exemption should also be amended.

As the exemption in the driver CPC Regulations applies to people who drive empty vehicles from time to time, such as valets and mechanics, the Departments do not

believe there will be any adverse road safety effects from increasing the radius from 50km to 100km and intend to amend the driver CPC Regulations to this effect at the earliest opportunity.

Areas where the UK has flexibility on the way forward

8	Do you agree with the views above? 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?
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There were seven responses to Question 8. Of these, five agreed with the position of the Departments, and the other two provided comments only.

Generally there was agreement with the position that the UK is unlikely to host field-testing of non-type-approved tachographs due to the fact that there are no UK-based manufacturers, though it will have to recognise authorisations for field tests issued by other Member States under Article 21 of the Regulation.

The UK was recognised in one response as being in a unique position to offer some testing opportunities, such as access by ferry and a change in time-zone, which other Member States may not offer.

It was noted that testing non-type-approved tachographs would make it easier to modify the units to ensure they are capable of delivering the required results and to tackle fraudulent use.

The concern was also raised that drivers could put themselves in a vulnerable position by failing to understand the new technology, and as a result this would need to be factored in to any field trials.

One respondent felt that field testing in the UK could provide an opportunity for jobs creation as a result of carrying out research and development work for European manufacturers.

Government response

The Departments consider it unlikely that field testing would take place in the UK. Respondents agreed with this view, but given the minimal administrative effort to authorise field testing and the fact that failing to authorise field tests could place UK industry at a competitive disadvantage, the Departments will seek to ensure DVA and DVSA have the necessary powers to allow this.

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.
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There were nine responses to this question. All responses were in agreement with the position of DfT and DOE that temporary cards should not be issued on the basis

of cost to card issuing authorities, and the fact that there would be little, if any, benefit to UK organisations.

Government response

The option to issue temporary cards will not be taken up. From consultation there is no evidence of any appetite from industry for this, and the costs to DVA and DVLA is likely to be high for minimal benefit.

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)?
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There were eleven responses to this question. Of these, ten were in agreement that operators should only be liable if they have infringed against the primary obligations listed in the document, and one was against.

Most responses commented that liability on the part of the operator is a reasonable principle if there is fault caused by their action or inaction, which is in line with the obligations as set out under Article 33.1 (sub-paragraph one) of EU Regulation 165/2014 or Articles 10(1) and 10(2) of EU Regulation 561/2006.

One respondent queried whether existing DVSA guidance had greater scope for holding an operator liable than the circumstances set out in the regulation.

Another respondent noted that vehicle leasing or rental organisations should not be included in this arrangement as they only rent or lease vehicles.

The response which disagreed with the list of operator's duties noted that the list was too limited, and did not agree with the principle of presuming the driver is responsible for an offence, noting that the employer should be held to account for any infringement. Another response was concerned that limiting the exclusions to the given list could create a 'get-out clause' for the operator.

Government response

The Departments have considered the views from the consultation and are pleased that there is broad support for making transport operators conditionally liable for offences. This maintains the status quo, and ensures that transport operators remain responsible for the safety and wellbeing of their employees whilst being protected from drivers who breach the rules of their own accord.

The list provided in the consultation was not exhaustive, and DVA and DVSA have more scope for holding operators liable for offences if knowledge, intent, or failure to uphold their primary obligations. Vehicle leasing or rental organisations would not be responsible for offences committed by drivers of vehicles that they have leased out, unless that driver is their employee on work business.

As such, the Departments will maintain the current arrangements.

Other new requirements that take effect from 2 March 2016

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?
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There is a requirement for vehicles which travel abroad to be retrofitted with a tachograph which meets the criteria in the new technical Annex (currently under development). However, this is unlikely to be a requirement until at least 2034 (15 years from the new generation tachograph being required to be installed). Likewise, it will not apply to vehicles that only travel domestically.

There were eight responses to this question. Of these responses all were in agreement with the view that retrofitting in the timeframe set out above would have minimal impact on industry.

One respondent commented that failure to require a retrofit would result in operators being incentivised to continue to operate ageing vehicles.

Government response

The Departments have limited flexibility with this requirement, however we are pleased that respondents agreed that impact on industry will be minimal.

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?
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There were six responses to this question.

One respondent felt that strengthening the security requirements would eliminate 'Most Serious Infringements' and 'Very Serious Infringements' if tampering could be prevented.

It was noted that the frequency of testing at present is adequate, with two respondents believing that a two-year cycle is reasonable.

It was identified that strengthening the security requirements could increase the number of fault codes generated and therefore there could be unnecessary maintenance completed on the digital tachographs due to technicians misunderstanding the codes.

There was one comment made on the costs to the manufacturer associated with strengthening the security requirements, solely recognising that these would probably increase.

Government response

A variety of responses were received to this question and the Departments acknowledge the response that costs could increase to tachograph manufacturers;

however, at present there are no manufacturers based in the UK and there is no estimate of these costs. There was relatively little feedback on the testing cycle so the current two-year cycle will be retained.

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?

There were five responses to this question. Two respondents noted that there would be additional cost for legitimate operators as a result of the new Regulation's recalibration requirements, but that this would be relatively small.

One response identified that vehicles currently not covered by EC rules may be impacted as they could subsequently come under them and consequently the installation seal which may have been broken will need checking and the tachograph recalibrating.

One commented that protocols and practices should be clarified to ensure that tachograph installations remain fully compliant.

One respondent felt that stronger requirements around sealing are likely to reduce the incidence of tachograph tampering.

No further information was given on costs or benefits.

Government response

The responses to the consultation do not provide a clear picture of the costs or benefits to changing sealing practices as a result of the new Regulation. As such this will not be quantified or included in any Impact Assessment of this policy. The Departments were pleased to note that costs are expected to be minimal. Enforcement agencies will issue updated guidance as and when necessary.

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).

There were four responses to this question, all of which were in agreement that the introduction of a requirement to keep inspection reports will not impact on UK workshops.

Government response

The Departments have noted the responses and are pleased to note that no significant impacts have been identified.

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?
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Seven respondents commented on Question 15. Broadly, the responses agreed that the requirement would have little impact on drivers assuming that they remain able to manually override the mode set automatically. It was noted by one respondent that current tachograph models cannot 'lock' modes and, as a result, it is not currently possible to commit the offence outlined in the Regulation.

One response made reference to an appropriate level of penalty that should be set for the new requirement, noting that the current penalty of 'G2 – Recording Equipment Improperly Used' should remain as a 'Very Serious Infringement'.

Government response

The Departments acknowledge the responses to this question which agreed with the assessment that this requirement would have minimal additional impact on drivers. The Departments agree that the offence could be dealt with under the existing frameworks and that no new offences will be introduced.

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?
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There were six responses to this question. All responses supported the requirement to not have more than one tachograph fitted in a vehicle, and could not identify a valid reason for two tachographs other than for field testing. Two responses supported fixed penalties, though one noted that this penalty should be borne by the operator, rather than the driver.

One response made reference to an appropriate level of penalty that should be set for the new requirement, noting that:

'Having two tachographs installed would seem to be an indication that effort has taken place to break the rules. If found to be the case, the highest penalties possible should be awarded to all offenders and a fixed penalty would not be appropriate.'

Government response

The requirement to not have more than one tachograph is directly applicable, except for the purposes of field testing. As the Departments expected, no valid reason for having more than one tachograph could be identified. The view on fixed penalties was

understood, however, to avoid 'gold-plating' the EU requirement, the offence will be enforced under the existing regime and using existing offences.

17	Do you have any views on the above related to our existing legislative framework on false records and what needs to be amended?
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There were seven responses to this question. Of these, six either supported the current legislative framework, or commented on required amendments as a result of the legislation. One response felt that the current regime required strengthening.

It was noted that there would need to be an amendment to the existing legislative framework in order to add the new offence of 'advertising'.

The comment regarding strengthening the legislative framework noted that they felt the current fine levels were inadequate as a deterrent. A suggested fine of £2,500 for manipulation or falsification of records was proposed to demonstrate the seriousness of endangering road safety.

Government response

The Departments will seek to amend domestic legislation to introduce the offence of advertising tachograph interruption devices. Changes to the penalty regime have been considered, however, the Departments believe the current regime remains effective and transparent. No changes will be made to the penalty structure for tachographs unless considered as part of a wider review of the penalty regime.

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?
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There were six responses to Question 18. All were in support of control officers being empowered to request workshops to carry out tests.

Three responses noted that penalties should be issued to workshops which refuse to assist DVSA or the DVA in carrying out tests to determine whether a manipulation device is present.

One respondent suggested an improved Level 5 fine and possible prosecution would be the appropriate penalty if a workshop fails to comply.

One response was concerned that workshops could be fully committed to current work, and queried whether there would be a process for requesting a dispensation to extend the 7-day requirement.

Government response

At present DVA and DVSA can request workshops to carry out tests on a vehicle to determine whether a manipulation device is present. There are no plans to amend this, with the requirement being directly applicable. The Departments were pleased

to see support from stakeholders to ensure this continues, and would also note that this requirement has never posed a problem in the UK.

19 Do you have views on penalties for offences? If so, please explain them.

There were seven responses to Question 19. Of the views expressed on penalties for offences, four supported the current penalty regime, whilst one other expressed support for increasing penalties in line with the seriousness of the offence committed. One had a more detailed view on the level of fines, and one expressed a view on the 'Most Serious Infringements'.

Two respondents were in favour of increasing penalties for serious offences in order to give the appropriate weight to the offences being committed.

One response supported the removal of the upper-limit on Level 5 fines, agreeing that changes to sentencing guidelines would be required to support the courts.

One respondent noted that 'Most Serious Infringements' are set out in Annex IV of Regulation 1071/2009 and should not be added to.

Government response

The Departments have noted the responses and intend to maintain the current penalty regime, which was established after extensive consultation with industry. The concerns from respondents were understood, and alignment with the EU categories were considered. However, the Departments believe the current regimes remain effective and transparent. No changes will be made to the penalty structure for tachographs unless considered as part of a wider review of the penalty regimes.

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 (in the case of a driver) or turnover or profit (in the case of an operator)?

There were seven responses to Question 20. Two expressed support for tailored individual fines, whilst four were against this approach, and one commented on the current practice of courts.

In support of the approach, one respondent agreed but highlighted that there must be some form of minimum threshold to not undermine the enforcement regime.

With regard to comments against the approach, one respondent noted that the penalty should match the offence, rather than an operator's ability to pay. Another respondent commented that as earnings for drivers are relatively comparable, a single penalty should have a standard deterrent effect. They also pointed out that larger operators

would have a greater opportunity to commit offences, and so if non-compliant they would incur a greater overall number of fixed penalties.

One response was concerned that smaller operators can struggle to pay fines, and that time limits could be extended to allow them more time to pay, though noting this is a matter for the courts.

Government response

The Departments have noted the responses and intend to maintain the current penalty regimes, which were established after extensive consultation with industry. As one respondent noted, fines are a matter for the courts to decide, and with the most serious offences being rated as Level 5 on the Standard Scale, this allows for unlimited penalties based on the severity of the instance in the eyes of the court.

21	Do you have views [on the above] related to fixed penalties? If so, please explain them.
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There were seven responses to question 21. Two expressed support for the current fixed penalty regime, two expressed support for alignment with EU categories, one expressed support for the combined option, one suggested that there is a need to strengthen the existing regime, and one noted only that a reduction of the current fixed penalty levels would be seen as diluting the seriousness of offences. The comments received are set out below.

In support of the current regime:

The current fixed penalty system appears to be fair thus changes should only be considered if other EU members introduce substantial increases to those which are already in place.

Since the EU has no locus in determining fine levels other than that they should be effective, proportionate, etc. the consultation has not identified a reason why the penalty framework is needed to be brought into step with the EU framework outlined.

Two respondents expressed support for the simple alignment of fines with EU categories.

One respondent supported the combined option, noting that ‘a watering down of some fines is obviously not desirable’.

The response in favour of strengthening the current regime noted that they would like to see more robust deterrents against ‘Most Serious Infringements’ and ‘Very Serious Infringements’.

Government response

The Departments have noted the responses and intend to maintain the current fixed penalty regimes, which were established after extensive consultation with industry. The concerns from respondents were understood, and alignment with the EU

categories were considered. However, the Departments believe the current regimes remain effective and transparent. No changes will be made to the penalty structures for tachographs unless considered as part of a wider review of the penalty regimes.

Other points to note

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)?
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There were three comments made in relation to renewal of drivers' cards. Two were concerned with ensuring that the current commitment to timely replacements is maintained, with one noting that card issuing authorities should commit to a performance standard which preserves the current five day standard. One expressed explicit concern that extending the renewal time frame to eight days could cause concern for drivers - though noted that if drivers and companies manage the renewal process robustly, there should be sufficient time to ensure that cards are issued.

There was one comment made on early remote detection, identifying it as an opportunity for enforcement to target non-compliant operators and drivers, and suggesting that enforcers seek to purchase equipment as soon as the number of new tachographs warrants it. This is viewed as a direct benefit to compliant operators.

No comments were made on the data protection requirements, other than one respondent noting that it is assumed there will be no change to current requirements.

Government response

Whilst EU legislation extends the replacement performance standard, there are no plans to relax this domestically, and DVLA and DVA continue to work to the five-day standard. The Departments agree with the assessment of the benefits to enforcement and compliant operators of the new tachographs; but given the timescales involved have no plans at present to introduce new equipment for roadside checks. It is likely that this will be reassessed in future when the number of vehicles with next generation digital tachographs installed reaches critical mass.

The impact of the remainder of the new Regulation

23	Do you consider there are any other impacts (including costs and benefits) from Articles 1-3? If so, please provide information.
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Six respondents chose not to answer Question 23. The other seven respondents did not consider there to be any additional impact from Articles 1-3.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

24	Do you consider there are any other impacts (including costs and benefits) from Articles 4-11? If so, please provide information.
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Six respondents chose not to answer Question 24. The other seven respondents did not consider there to be any additional impact from Articles 4-11.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

25	Do you consider there are any other impacts (including costs and benefits) from Articles 12-21? If so, please provide information.
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Six respondents chose not to answer Question 25. The other seven respondents did not consider there to be any additional impact from Articles 12-21.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

26	Do you consider there are any other impacts (including costs and benefits) from Articles 22-25? If so, please provide information.
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Six respondents chose not to answer Question 26. The other seven respondents did not consider there to be any additional impact from Articles 22-25.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

27	Do you consider there are any other impacts (including costs and benefits) from Articles 26-31? If so, please provide information.
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Six respondents chose not to answer Question 27. The other seven respondents did not consider there to be any additional impact from Articles 26-31.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

28	Do you consider there are any other impacts (including costs and benefits) from Articles 32-37? If so, please provide information.
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Six respondents chose not to answer Question 28. The other seven respondents did not consider there to be any additional impact from Articles 32-37.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

29	Do you consider there are any other impacts (including costs and benefits) from Articles 38-41? If so, please provide information.
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Six respondents chose not to answer Question 29. Four respondents did not consider there to be any additional impact from Articles 38-41, whilst three made comments.

The comments noted that costs to the public sector would most likely have an impact on industry due to DVSA's trading fund status, suggesting that an increase in costs to DVSA will have an associated impact on industry as a result of the need for DVSA to cover its costs through fees.

Government response

The Departments have noted the responses and understand the concerns of industry. Costs should be one-off and will be funded through DVA and DVSA's normal funding mechanisms, so there are no anticipated increase in costs to industry.

30	Do you consider there are any other impacts (including costs and benefits) from Articles 42-48? If so, please provide information.
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Six respondents chose not to answer Question 30. The other seven respondents did not consider there to be any additional impact from Articles 42-48.

Government response

The Departments have noted the responses and are pleased to note that no other significant impacts are identified.

ANNEX 1: CONSULTATION QUESTIONS

Main changes resulting from the new Regulation and their impact	
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.
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.
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.
Specific changes that took effect on 2 March 2015 and their impact	
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.
5	Do you have any views related to driver cards and record sheets? Or do you have any concerns?
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?
7	Do you believe we should retain the 50km criterion for driver CPC or increase it to 100km? Please explain your reasons.
Areas where the UK has flexibility on the way forward	
8	Do you agree with the views above? 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?
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.
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)?
Other new requirements that take effect from 2 March 2016	
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?

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?
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?
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).
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?
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?
17	Do you have any views on the above related to our existing legislative framework on false records and what needs to be amended?
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?
19	Do you have views on penalties for offences? If so, please explain them.
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 (in the case of a driver) or turnover or profit (in the case of an operator)?
21	Do you have views [on the above] related to fixed penalties? If so, please explain them.
Other points to note	
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)?
The impact of the remainder of the new Regulation	
23	Do you consider there are any other impacts (including costs and benefits) from Articles 1-3? If so, please provide information.

24	Do you consider there are any other impacts (including costs and benefits) from Articles 4-11? If so, please provide information.
25	Do you consider there are any other impacts (including costs and benefits) from Articles 12-21? If so, please provide information.
26	Do you consider there are any other impacts (including costs and benefits) from Articles 22-25? If so, please provide information.
27	Do you consider there are any other impacts (including costs and benefits) from Articles 26-31? If so, please provide information.
28	Do you consider there are any other impacts (including costs and benefits) from Articles 32-37? If so, please provide information.
29	Do you consider there are any other impacts (including costs and benefits) from Articles 38-41? If so, please provide information.
30	Do you consider there are any other impacts (including costs and benefits) from Articles 42-48? If so, please provide information.