



FTA Compliance Guide

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FREIGHT TRANSPORT ASSOCIATION

FTA digital tachograph compliance guide

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FTA compliance guides are produced once legislative changes have been published and new requirements and responsibilities are known. Compliance guides are intended to provide clear guidance to members on what to do and how to comply.

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Introduction

This guide is intended to give advice and information on the fitment and use of digital tachographs. It should be read by anyone who is responsible for planning or managing the introduction or on-going use of digital tachographs in goods vehicles.

The guide includes the following.

- 1 Digital tachographs – duties on operators**
- 2 FTA digital tachograph action plan**
- 3 In-use advice**
- 4 Future developments**
- 5 How FTA can help**

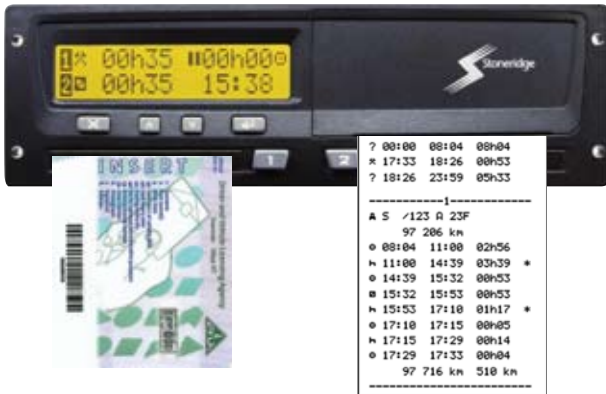
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1 Digital tachographs – duties on operators

Digital tachographs are electronic devices that record driving time, rest and break periods, and will need to be used by operators to monitor their drivers' compliance with EU drivers' hours rules. They are being introduced in new goods vehicles instead of conventional analogue tachographs. There is no general requirement to retrofit them to existing vehicles and in most circumstances these vehicles can continue to use analogue tachographs for the remainder of their useful life. This means, however, that operators and drivers must adapt to using two different systems for recording drivers' hours depending on the age of vehicle that is being driven.

The digital system



Digital tachographs work by storing data in their own memory and by recording it separately on an official 'driver card' inserted into the tachograph during the period the vehicle is being used. A driver card is issued to each driver upon application to the Driver Vehicle and Licensing Agency (DVLA). Operators must periodically download data from the digital tachograph and from drivers' cards and analyse it to check that the drivers' hours rules have been complied with. Data from analogue tachograph charts will also need to be incorporated where drivers drive different vehicles. All data needs to be assembled into a continuous record of a driver's activity and these records kept and made available for inspection for a period of at least 12 months.

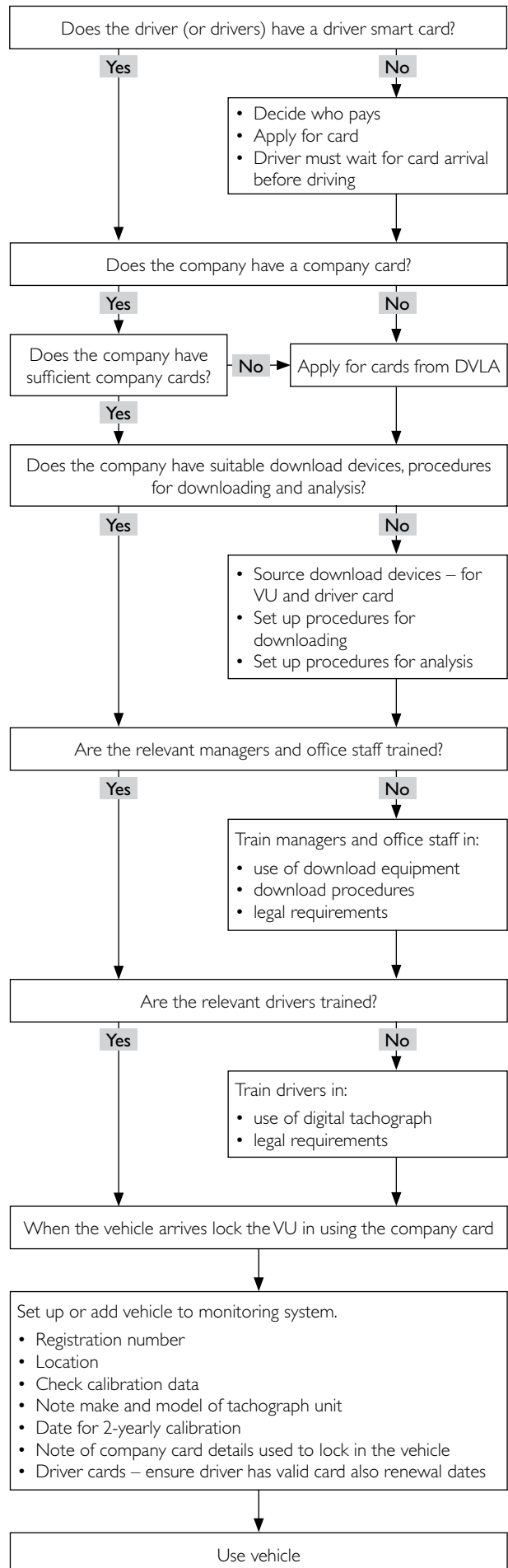
It has been legal to use a digital tachograph since August 2004 and the necessary equipment and facilities to do so voluntarily have been available in the UK since August 2005. But it is mandatory to fit digital tachographs to new vehicles first registered from 1 May 2006.

This compliance guide sets out the legal background and the practical steps that need to be taken to ensure continued compliance with drivers' hours rules when using digital tachographs.

2 FTA digital tachograph action plan

Operators expecting delivery of a vehicle fitted with a digital tachograph will need to prepare in advance. A key factor here is whether the vehicle is the first on the fleet or at a particular depot, branch etc, or if it is an addition to an existing fleet of digital tachograph vehicles.

The following flowchart will help to determine the actions required by the operator:



For a checklist of equipment and services required, see Appendix 1

2.1 Fitment of digital tachographs

All vehicles with a maximum permissible mass (mpm) exceeding 3.5 tonnes registered on or after 1 May 2006 will be fitted with a digital tachograph. This is an important factor to take into account if you are involved in the procurement of vehicles in general; not just new vehicles.

For operators currently using analogue vehicles only, they should be aware that a majority of hire company fleets are fitted with digital tachographs. For procedures for use of a hire vehicles fitted with a digital tachograph, see Appendix 2.

There is no general retrofit requirement. However, digital tachographs must be fitted retrospectively to goods vehicles that meet all three of the following conditions.

- Need to have the whole tachograph replaced – ie all parts of the recording system including the head, transmitter and wiring. Unless the whole system is faulty, you can replace individual components with analogue parts
- Were first registered from 1 January 1996
- Have a maximum weight over 12 tonne

An early problem with the introduction of digital tachographs involving operators of light vans, 4x4s and pick-ups registered on or after 1 May 2006 used in scope has now been resolved. The introduction of additional legislation (EC 68/2009) has allowed the fitting of an adaptor between the sender and the vehicle unit.

Q I have an 18 tonne vehicle that was first registered in 1995. If the tachograph breaks down in November, does this now mean I will have to fit a digital tachograph to it?

A No. In order to be in scope for a retrofit the vehicle must have been first used from 1 January 1996, be over 12 tonne **and** need to have the whole of the tachograph replaced. Because your vehicle was registered before 1 January 1996 it will never need to be retrofitted with a digital tachograph.

Q We operate vehicles over 3.5 tonne, but which are exempt from tachograph rules – so we run on domestic drivers' hours rules. If we order a new vehicle, which is fitted with a digital tachograph, do we have to apply for cards and use it?

A No. It is important to understand that the introduction of digital tachographs only represents a change in the technology of the equipment. The fundamental principles, scope and rules of EU drivers' hours remain unchanged. So, as with the current analogue system, you do not have to use a digital tachograph if the EU rules on drivers' hours do not apply to your operations. Records, if required, can be continued to be kept in log books.

However, if you wish to use the digital tachograph to record domestic drivers' hours voluntarily you may do so, but you will need to obtain all the necessary equipment for downloading, storage and analysis and comply with all the legal requirements relating to its use. You can get the driver to use the 'out-of-scope' mode (see 3.4.5) to record the fact that the operation is not subject to tachograph rules.

2.2 Driver cards



2.2.1 Decide on driver card policy

It is important for an operator to have in place a policy regarding driver cards. The issues to take into account include deciding:

- who will pay for the initial card?
- who will pay for any replacement card?
- who will pay for renewal cards?
- what are the procedures if the driver forgets their driver card?
- what are the procedures if the driver card is lost, stolen or malfunctions?

Although it is the responsibility of the driver to ensure they have a valid driver card, as an operator you may wish to assist in the purchase and the application of the card.

This assistance may also cover the costs of replacement and renewed cards. Any such assistance should be detailed in any contract of employment, terms and conditions of employment or possibly the driver handbook. If any costs are to be recovered from the drivers' wages then this should be detailed in a written and signed agreement.

The company should also have policies in place for when the driver does not have access to their driver card.

Thought should be given to what action the company will take if a driver occasionally or persistently forgets to bring their card to work. This is particularly important as they will not be able to drive **any** goods vehicle that is subject to EU drivers' hours rules, because the law says they must use their card in a vehicle fitted with a digital tachograph and also be able to produce the card (if they hold one) when driving a vehicle with an analogue tachograph. Therefore, you will need to decide if it will be possible to provide the driver with alternative work that does not involve driving an in-scope vehicle, or if they will need to be sent home if they forget their card.

It will also be necessary to clarify your policy on lost or stolen cards. The regulations permit the driver to continue to drive without a driver card for a maximum period of 15 calendar days (or longer if this is necessary for the vehicle to return to its premises) provided they can prove the impossibility of producing their card during this period. A replacement driver card must be applied for within seven calendar days. There could be a temptation to consider a mislaid or forgotten card as 'lost' and for it to 'turn up' within the seven day period – thus in theory being able to use a vehicle, but avoiding the cost of a replacement card (£19). You must decide what your organisation would be happy to consider as proof that the card has been genuinely lost or stolen, bearing in mind that this may be challenged in a court of law and that VOSA believes that lost or stolen cards should be reported, and replacements applied for immediately. Should you decide that you will only allow

your drivers to drive your vehicles without a card once a replacement card has been applied for, it is worth noting that anyone (including your organisation) may apply for a replacement card on their behalf. This is particularly relevant for international operations – cards that have been reported lost or stolen via a replacement application will be recoded as such on a pan-European database. Further information on the process can be found in 3.3.3.

Whatever you decide, you are advised to ensure that a responsible approach to card security is adopted by drivers and be alert to the regular reporting of lost cards by the same drivers. Importantly, drivers may only hold one valid card.

Employment contracts, terms and conditions of employment, systems to obtain permission to make deductions from wages, disciplinary procedures or staff handbooks may need to be amended to implement your decisions, and these should be communicated to managers and drivers in good time.

Finally, thought must be given to review of existing recruitment policies or procedures for new drivers and any 'hired-in' drivers. If it is to be a requirement that these drivers already have driver cards, this needs to be communicated in advertisements and to recruitment/driver agencies.

Q Can a driver have more than one driver card?

A It is possible for a driver to hold more than one card, but if they do they are breaking the law. A driver must only be in possession of ONE driver card at a time. A driver must not use a card that is defective, has expired or one that has been replaced by another card because it had been lost or stolen. The Vehicle and Operator Services Agency (VOSA) may investigate cases where drivers have frequently applied for replacement cards.

Q To try to avoid the problems associated with drivers forgetting to bring their cards to work, could we keep them at the depot overnight and on rest days?

A Although strictly speaking there is nothing in law to prevent you from doing this, it is not something that we would generally recommend. Indeed, we would advise against it for the following reasons:

- the driver card is personal to the driver – therefore, they should bear the responsibility of looking after it
- VOSA will expect drivers to have control over their own cards
- if the driver works for another driving employer, they would need to take the card with them anyway
- the constant change of control of the card that such a system would require creates a greater risk of it being mislaid, stolen or handed to the wrong driver
- if a card is used by anyone other than the holder, the card may be withdrawn or suspended

Therefore, it would be better to ensure your driver training and company policies encourage drivers to think about their cards in the same way they do about their door keys – they don't leave home without them.

2.2.1 Driver card applications

Applications for driver cards must be made in good time. Plan for the cards to arrive with the driver approximately 15 days after DVLA has received the application; although in some cases the turn around time may be less. The application form (D777B) can be applied for by telephone from DVLA on 0300 790 6109; you may also download a copy from the

'Transport and Logistics' section of the Business Link website. In Northern Ireland the forms are also available from DVLNI on 028 7034 1589 or at certain DVTA test centres.

For more information on applying for initial, replacement and renewal drivers' cards, see Appendix 3.

TOP TIP

The application process is speedier if the driver is already in possession of a photocard driving licence or a digital UK passport (where the photograph and signature appear on the same page), as this means DVLA or the UK Passport Service already has photographs and signatures on file, and there is no need to send identity documents.

2.2.2 Set up a driver card monitoring system

Whoever pays for the cards, once issued they should be monitored and tracked.

It is recommended that records are kept of:

- driver licence number (item 5a on the card)
- driver card issue number (item 5b on the card)
- expiry date of card (for forward planning) – cards are valid for five years and the driver can apply up to three months before the expiry date (item 4b on the card)
- details of lost, stolen or malfunctioning cards and actions taken

Q Will the driver's card be able to tell me if the driver has been disqualified from driving, or what categories they can drive?

A No. Although the card contains the driver's driver licence number as a means of identification, the driver card will not provide any driving entitlement information and it is important to understand it does not infer entitlement to drive. Your normal driver licence checks should remain in place to ensure you do not cause or permit someone to drive without the correct licence.

2.3 Company cards



2.3.1 Decide on company card policy

Company cards do not primarily hold data, but act as an electronic key to protect and access data from the digital tachograph – also known as the Vehicle Unit (VU).

VU data locked-in by a company card will only be able to be accessed by company cards bearing the same card number as the 'locking' card. Only cards that have been issued on the same **new** application will have the same card numbers. Up to 2,232 cards can be requested on one application and these cards will have identical card numbers, but different is-

sue numbers at the end of the card number so you can tell them apart (see 2.3.3).

If you have more than one depot and want all depots to be able to download information from any of your vehicles, you should apply for multiple company cards on one application using form D779B. If you do not want a depot to be able to view data that relates to other depots, then separate **new** applications are needed.

If you already have a company card and need to obtain more cards bearing the same card number, apply (using the same form as you used to make a new application - D779B) by putting the original card number at the start of part three, and ticking box d.

You should decide how many cards will be needed to lock-in data when the vehicle arrives and to periodically download data from the VU (see section 3 for further details). Then agree the expenditure on this as soon as possible as they must be ordered in plenty of time.

2.3.2 Apply for company cards

As with the driver cards, make sure you apply for enough cards in good time, bearing in mind your strategic action plan and vehicle roll-out plan. Cards should arrive within 15 working days of the date DVLA receives the application, but you can specify the date you wish the card to take effect and apply up to three months before this date.

HOW TO APPLY FOR COMPANY CARDS

Application forms (D779B) can be obtained from DVLA, by calling 0300 790 6109.

In Northern Ireland, application forms are available from DVLNI (call 028 7034 1589) and DVTA test centres.

2.3.3 Set up a company card monitoring system

For security reasons, cards should be monitored and tracked, preferably using a system where card holders sign to acknowledge receipt. The cards should also be included as an item to be returned on employee leaving forms.

It is recommended that records are kept of:

- company card numbers (shown as the first 13 digits of item 5(b) on the card)
- card issue numbers (shown as the last three digits on item 5(b) on the card)
- card holder (with signature)
- the above details of any additional or replacement cards
- expiry date of card (for forward planning) – cards are valid for five years and you can apply up to three months before the expiry date (item 4b on the card). Renewal cards cost £19 each

Q Our fitters sometimes deliver vehicles and are subject to tachograph rules on these journeys. I understand DVLA also issues workshop cards, so do we need to apply for these?

A No. The workshop cards are only for authorised tachograph calibration centres and vehicle or tachograph manufacturers and to allow testing, calibration and downloading information from the VU. These cards are personalised to the individual calibration engineer and are the only card that requires a PIN number. However, your fitters will need driver cards to record their drivers' hours.

Q Do we have to get company cards and arrange for our drivers to get driver cards, even if we are not planning to have any new vehicles for some time, and we have an agreement with our hire company that they will not supply vehicles with digital tachographs?

A No. Cards are only required in order to use digital tachographs, so if you are confident that you will not be using them for some time you do not need to apply now. Cards are only valid for five years, so applying excessively early will increase costs. But make sure you review the situation regularly so that you are not caught out when you actually need to start using digital equipment. And remember that if your drivers work for anyone else, they may have to apply for driver cards earlier. Those drivers will then need to be able to produce their driver card to enforcement officers, even when driving your vehicles fitted with analogue equipment.

2.4 Download, storage and analysis

2.4.1 Decisions to be made

With regard to the downloading of data, the storage and the analysis of that data the following decisions you make will potentially have an effect on cost and training requirements. The areas that should be included in the decision making process are:

- what you want the system to do
- the information sources the system will need to cope with
- the equipment and services needed

What you want the system to do

The EU drivers' hours rules and regulations and the operator licensing regulations require that an operator periodically inspects the tachograph records to ensure compliance, also that the records are made available for inspection by enforcement officers for a period of up to 12 months after the date. To be compliant with these requirements would involve a method to securely store the downloaded data and a system that could analyse the data for drivers' hours infringements. This would be the most basic requirements of a system.

It is, however, possible to utilise this data to analyse for working time requirements or maybe other management information reports, for example payroll. An assessment of what is required from the output of any system will assist in the specification and selection of the system.

Information sources the system will need to cope with

Software systems can easily cope with the digital data produced from a digital tachograph but in your operation the data may also be coming from differing sources, for example

in a mixed fleet of digital and analogue tachographs some data may be stored on analogue tachograph charts, other examples could be manual entries, printouts, records of absence or information of work carried out for a third party. All of these differing data sources may need to be addressed depending on the requirements from the system.

The equipment and services needed

You must be able to download both the driver card and the vehicle unit. The equipment you select must carry out these tasks to be able to comply with the above.

The download frequency, as stated by DfT, is no more than 28 days for a driver card and no more than 56 days for the vehicle unit. All records must be returned to, or driver cards downloaded by, the operator within 42 days. The downloaded data must be kept in a safe and secure manner for a minimum of 12 months; this will allow you to comply with the requirement to be able to produce records for an enforcement officer.

For more information on equipment and services available from FTA see page 18.

When you have decided upon the system that best suits your needs it is important to establish a means of monitoring the equipment and usage; this is especially important for operators with multiple branches/depots. Initial training of managers at this stage should ease the implementation of the new system across the company.

For a full checklist of equipment and services required, see Appendix I.

2.5 Training

It is useful to have a training plan in place. This plan is critical in the introduction of completely new systems, for example the addition to the fleet of the first vehicles fitted with digital tachographs.

When forming a training plan you should consider:

- who needs training (management, drivers, trainers, office staff, analysts)
- what training is required
- the training provider – external or in-house or both
- how to roll out the training – especially important if a large number of personnel are involved
- any additional resource required during training – for example agency drivers to cover staff drivers
- the availability of training – important for external training provider

Depending upon the size of the operation and with regard to possible earlier implementation of digital tachographs, below is an outline of the possible training requirements for differing areas of the operation.

2.5.2 Training for planners

Planners will be the first who will need to understand the implications of the new technology on the organisation's operations, in order to make important deci-

sions or recommendations on the fundamental roll-out of introduction.

2.5.3 Training for management

MANAGEMENT TRAINING

Managers and supervisors will need to be up to speed regarding the changes and developments since drivers will need support and guidance, particularly in the early stages of transition. They should receive information on your organisation's action plan, how to implement the new working procedures, as well as specific training on the systems and equipment.

2.5.4 Training for drivers

DRIVER TRAINING

Drivers should be trained on your new systems and the specific makes and models of digital tachographs they will have to use.

The roll-out of driver training is a big issue. Whilst the temptation to train before the rush is understood, drivers will need to be able to remember the details when they are first faced with the new equipment. For many this could be years away. Train too soon and the benefit will be lost, arrange training too late and there may be insufficient availability for your needs. Liaise in good time with your training provider or consider in-house training (see 2.5.5) to avoid these problems. As with other types of job-related training, training on the use of digital tachographs will have to be included in your calculations for working time.

Remember to consider 'hired-in' or agency drivers in your plan. Liaise with your regular driver agencies to ensure that drivers will be in possession of driver cards and will know how to use the make and model of your digital tachograph.

2.5.5 Training for trainers

TRAINER TRAINING

In-house trainers will need to be given training themselves on the changes to be implemented and on the new equipment.

If you will be carrying out significant in-house training, it may be worth considering obtaining a demonstration unit from the tachograph manufacturer. This will allow hands-on training on the equipment in a classroom. Alternatively, as a less expensive option, it may be possible to obtain a 'virtual demonstration unit' in the form of a presentation.

2.5.6 Training for analysts

ANALYST TRAINING

If analysis of information is to be undertaken in-house, the analysts need to understand the new systems, equipment and outputs. This may be provided by systems providers as part of a package.

2.5.7 Set up a training monitoring system

As with other investments, the training should be monitored in terms of:

- who received the training
- what the training covered
- the date and provider
- any feedback as to the quality or appropriateness of the training
- forward planning of refresher training, if necessary

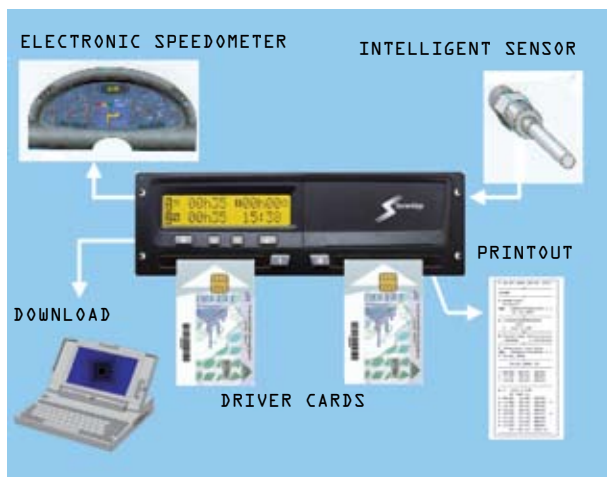
3 In-use advice

3.1 Digital tachograph vehicle use cycle

The figure opposite illustrates the elements that will make up the use of a vehicle fitted with a digital tachograph. Each action (shown in a purple box) has a reference number, which relates to the relevant paragraph of this section.

3.2 Vehicle unit (VU)

The digital tachograph is commonly known as the VU and is part of a system combining vehicle electronics and data.



The VU (shown in the centre of the above diagram) has a display, two card slots, a printer, an aperture for connecting download equipment and various control buttons. It holds data on the vehicle's drivers and their periods of driving and duty (when a driver's card has been inserted in the VU), together with data related to faults, attempts to tamper with the system, over-speeding, use of the vehicle without a driver card, calibration details and when data has been accessed.

The VU must be positioned in the vehicle in such a way as to allow the driver to access the necessary functions from their seat.

3.2.1 Activation, calibration and sealing

The VU in new vehicles must be activated by the vehicle manufacturer or at an authorised workshop. It also has to be calibrated and sealed within two weeks of the VU being activated or vehicle registration (whichever comes first). An installation plaque must also be displayed.

Therefore, when ordering new vehicles, it is worthwhile confirming with the dealership that the VU will be activated and calibrated before delivery, and that the relevant plaque has been installed.

The initial calibration of digital tachographs must be carried out by an authorised workshop (rather than by the manufacturers) as this requires the vehicle registration number to be entered into the VU. On newer units it is possible for the operator to enter the vehicle registration number using the company card. Please note that this can only be done as an initial setting and that once completed would require an authorised tachograph workshop to change the VRN. Compared to analogue tachographs, there is a reduction in the sealing requirements – the cable does not need to be sealed to the motion sensor, or at the back of the head because it carries encrypted signals so any interference will be recorded on the VU. However, the motion sensor still needs sealing to the gearbox. A calibration plaque must be displayed – this cannot be mounted within the VU and so will be mounted elsewhere in the cab, possibly on the door post. EC regulation 1266/2009 states that the installation plaque is clearly visible and easily accessible and affixed to the recording equipment. If this is not possible the plaque should be affixed to the 'B' pillar so that it is clearly visible, otherwise it should be fitted to the door frame on the driver's side of the vehicle and be clearly visible at all times. In the case of vehicles fitted with an adapter; see 2.1, it may be necessary to fit an additional plaque with details of the adapter. This additional plaque must be sited next to or beside the primary plaque. As the calibration plaque does not have to show the vehicle registration number (although some may) it is best to check that the calibration has been carried out correctly by producing a technical data printout.

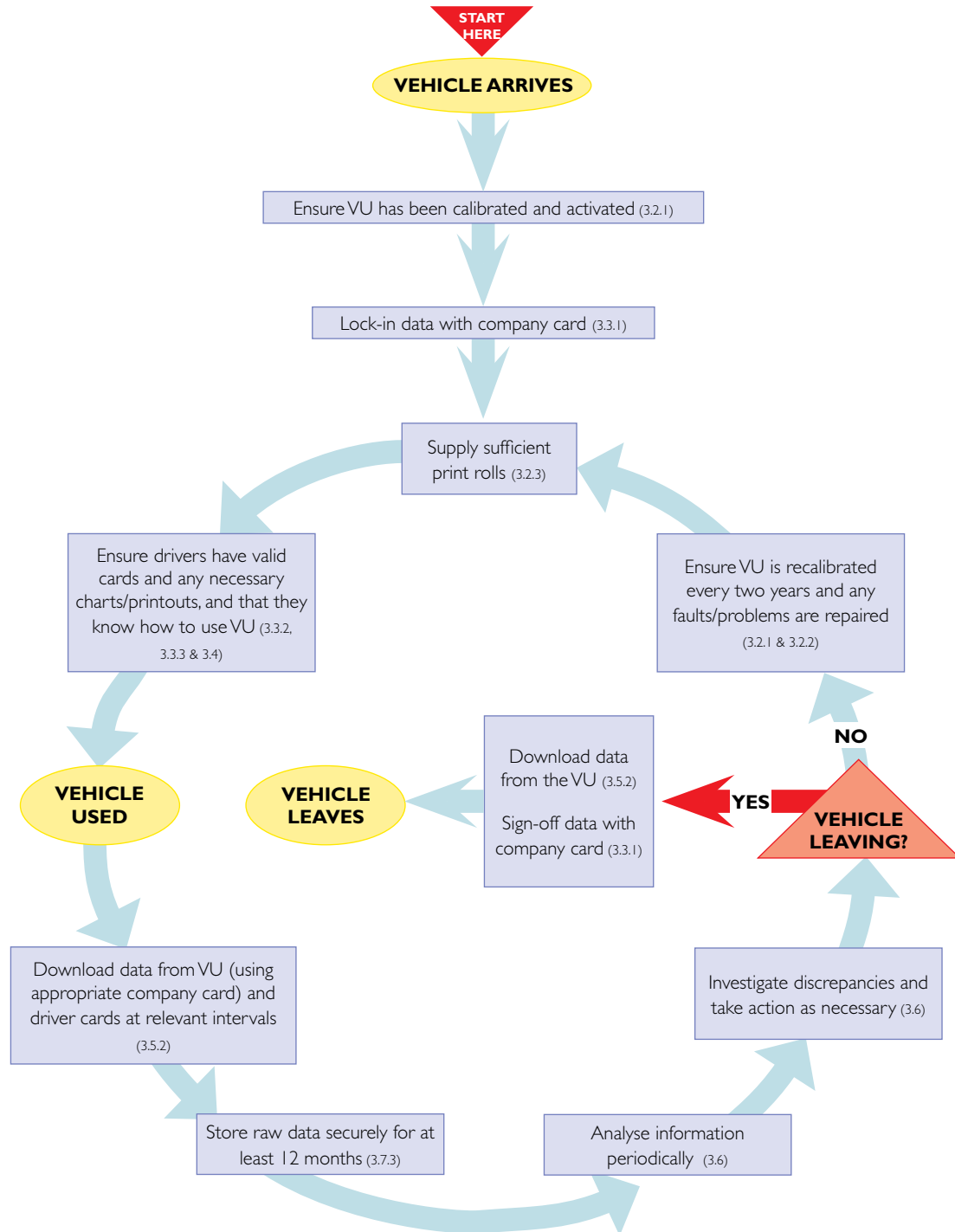
3.2.2 Repairs, breakdowns and recalibration

The VU system runs self-tests and should report if there is a fault with the equipment, otherwise more serious faults should also be reported by drivers.

Not all authorised calibration centres may be able to carry out repairs on all makes of VU – especially if replacement parts are needed. However, manufacturers have indicated that very few parts are repairable, and as the VU itself cannot be opened for repair, this may result in the VU needing replacement. In most cases, workshops will be able to download data from the faulty digital tachograph to give back to the appropriate operator. But where malfunction of the equipment prevents previously recorded data from being downloaded, the workshop should issue the operator with a certificate to this effect.

As with analogue equipment, EU regulation requires that in the event of breakdown or faulty operation of the equipment, the employer must have it repaired as soon as circumstances permit. If the vehicle is unable to return to its base within a week the repair should be carried out en route. However, UK legislation gives important flexibility to this in providing a statutory defence to the tachograph not being in working order – where it can be proved that the vehicle was on its way to being repaired, or it was not immediately practicable for the equipment to be repaired, and meanwhile written records are kept.

Digital tachograph vehicle use cycle



The digital tachograph must be recalibrated:

- every two years
- after any repair
- after any alteration to the characteristic coefficient (ie gearbox change) of the vehicle or effective circumference of the tyres
- when the Vehicle Registration Number (VRN) is changed
- if the UTC time is wrong by more than 20 minutes (see below)

Where the integral clock that records UTC (Universal Time Co-ordinated) (see 3.4.2) is out by more than 20 minutes, this must be adjusted by an authorised workshop and the VU re-calibrated. As UTC may be altered by plus

or minus one minute every seven days, without the need for the vehicle to go to an authorised workshop or be recalibrated, it is a good idea to include a check on the accuracy of UTC in your regular maintenance inspections. If inaccuracies are caught and rectified early enough you will avoid the additional cost and disruption of a recalibration. We recommend that changes to UTC are only carried out by managers or vehicle technicians, rather than drivers.

Under EC 1266/2009 adjustments to the UTC up to 20 minutes may be carried out at an authorised workshop without the need for a re-calibration. This would be considered a time adjustment.

VOSA approves fitters and workshops in Great Britain, so to find a centre that is able to calibrate digital tachographs call 0300 123 9000. A list is also available on the business

link website. Members in Northern Ireland are advised to look on the DVTA website (www.dvtani.gov.uk) for information, or contact FTA's Member Advice Centre on 0870 60 50 000.

3.2.3 Print rolls

The print rolls used in the VU are type approved for specific makes/models of equipment, although some are type approved for all current models. It is important that you ensure the type approval 'e' number on the back of the print roll matches that on the VU.

Both employers and drivers are legally required to ensure that sufficient supplies of type approved print rolls are carried on board vehicles so that any printouts required by drivers or enforcement officers can be carried out. This will usually mean it would be necessary to carry at least one spare roll on board the vehicle – however, more may be needed if the driver will be away from base for long periods.

You should decide whether to monitor and issue print rolls by vehicle (perhaps included in a daily check) or by driver (if drivers regularly swap vehicles or if rolls are likely to be damaged or lost if left in the vehicle). Also bear in mind that, strictly speaking, printouts are only legally required where:

- the driver card is damaged, malfunctions, lost or stolen (see 3.3.2)
- the driver uses a printout to record details of emergencies, which forced them to depart from the rules, or to correct errors
- enforcement officers request them

Initially whilst drivers and managers become familiar with the new equipment and procedures there may be a requirement to produce additional printouts, in addition to those legally required. After the initial phase you may want to consider issuing guidelines for producing printouts to also include the procedures to enable compliance with the requirements for legally required and voluntary printouts with regard to storage and roadside checks. See Appendix 4 for example guidelines.

Drivers should also be instructed to separate legally required records and printouts from those voluntarily produced. Legally required records must be able to be produced by drivers at the roadside for the relevant period (see 3.3.2) and be kept for at least 12 months (see 3.7.3).

3.3 Card management and use

The issues in relation to devising card policy and monitoring cards are detailed in paragraphs on driver cards (2.2) and company cards (2.3). This sub-section intends to cover the management and use of the cards once they have been issued.

3.3.1 Company card use – protecting data

To prevent unauthorised access to data and to comply with your obligations under the Data Protection Act, the company card should be used to lock-in data before you start operating the vehicle in order to protect data that will be subsequently recorded. It is not possible to protect data retrospectively and any unprotected data will be open for all to download.

You should also lock-out using the company card when you have finished with the vehicle – for example if it has been sold or you have used a hired vehicle. This will signify the end of your interest in the vehicle and its operations, although failing to do this will not prevent another company protecting its own data by locking-in, as locking-in will automatically lock out the previous protection.

There can be practical difficulties with the issues of protecting and downloading data in relation to the short-term use of vehicles (such as hire vehicles), including the fact the VU will only remember a limited number of lock-in details (20). Newer vehicle units, certainly from October 2011, will allow for up to 255 company locks. For example, the first company to short-term hire a new vehicle will lock-in and out when it uses the vehicles. When the first company after the lock limit uses the vehicle in the same way, the first company's lock will be forgotten, and the data protected by that first lock will become unprotected – any company card may then be used to download it.

MANAGEMENT OF COMPANY CARD

Systems need to be in place to ensure that:

- a company card is used to lock-in data prior to use for:
 - newly acquired vehicles
 - hired vehicles
 - vehicles from within the company where the data has been protected by a different card number
- a company card is available to download data regularly from the VU (see 3.5.2)
- a company card is used to lock-out data for:
 - vehicles that are to be sold
 - hired vehicles upon return
 - vehicles going to a different part of the company that uses a different card number

Protecting data is important where possible, but the most critical part of the process in terms of drivers' hours legislation is to ensure that data is downloaded and can be produced for at least 12 months. If the VU of a vehicle is protected by someone else's company card and you use it without locking in, the information will not be accessible to you. For this reason some hire companies are using their own company card to lock-in and immediately lock-out between customers. This effectively closed the previous company lock, ensuring that even if you forget, or are unable, to lock in you will still be able to download your unprotected data. When you take control of a vehicle you or your driver can check the protection status by using the VU menu – the company card number will be displayed if there is an active lock on the data (although no other information about the company is given), alternatively a series of dashes will indicate that data is currently unprotected.

Hire companies and their customers (or vehicle maintenance contractors and their customers) may agree to protect and/or download data for each other, but any arrangements should be agreed in writing so that each party's responsibilities are clear, not only to each other, but to enforcement officers should problems arise.

Company cards and their use should continue to be monitored as described in 2.3.3.

Q What happens if we get a vehicle where the previous company has forgotten to lock-out their data?

A The fact that the previous user has forgotten to lock-out will not prevent you from protecting your own data, nor will it let you have access to their data (as long as they remembered to lock it in). All locking-out does is signify the end of an operator's interest in the vehicle and the data held on the VU. It is the locking-in of data before use that is the most important action. If you fail to lock-in data before you use it in these circumstances, your data will only be able to be read by the previous company's card.

3.3.2 Driver cards and records

In the same way that it is important to match the right driver to the right vehicle in terms of driver licensing, the availability of a driver card for a vehicle equipped with a digital tachograph will now prove to be an equally important consideration.

Generally, for operations covered by EU drivers' hours rules, vehicles that are fitted with a digital tachograph must not be driven without a driver card. Rather like driving a vehicle fitted with an analogue tachograph without a chart in the head, the system will not prevent the vehicle from being driven, but if it is used without a card in place the driver and company will be breaking the law. However, unlike the analogue system, the VU will record the fact that the vehicle has been driven without a card.

When driving a vehicle fitted with an **analogue or digital tachograph** drivers at a roadside check must be able to produce:

- their driver's smart card (if they hold one)
- where they drove a vehicle fitted with an analogue tachograph, charts for the whole of the current fixed week and for the previous 28 calendar days*
- any manual records or legally required printouts kept in relation to the current fixed week and the previous 28 calendar days*

UK regulations currently require the driver to return the charts to you within 42 days of completion.

Where it is impossible to use a driver card (ie where it has been lost, stolen, damaged or is malfunctioning) a driver may drive without the card for a maximum of 15 calendar days (or longer if this is necessary for the vehicle to return to its premises) provided they produce **two** printouts – one at the start and another at the end of their journey. Both printouts must be marked with:

- the driver's name or driver card/driver licence number in order to identify themselves
- any manual entries required to show periods of: other work; availability; and rest or break, and
- the driver's signature

Where there is a breakdown of the VU (see 3.2.2), the driver must manually record their activities and also identify themselves (by signature and writing their name, or driver card/driver licence number) on a temporary sheet.

3.3.3 Driver and company card replacement, renewals and fees

The following table shows procedures in relation to card management.

	Procedure
Driver card malfunction	<ul style="list-style-type: none"> • report the situation to DVLA – drivers or those acting on their behalf should call 0300 790 6109* • return card to DVLA using form D777B within seven calendar days. If the card is not returned, it will be treated as a lost card and a charge made
Driver card lost	<ul style="list-style-type: none"> • report the situation to DVLA – drivers or those acting on their behalf can call 0300 790 6109* (a replacement can be applied for at the same time – see below) • apply for a replacement within seven calendar days – drivers or those acting on their behalf can call 0300 790 6109 between 8am and 8.30pm, Monday to Friday, or 8am to 5.30pm on Saturdays, where payment must be made by Visa, Eurocard, Mastercard, Maestro or Delta. Alternatively, form D777B can be completed and payment made by cheque or postal order
Driver card stolen	<ul style="list-style-type: none"> • report incident to the police force in the area that the theft occurred and obtain an incident number • report the situation to DVLA – drivers or those acting on their behalf can call 0300 790 6109* (a replacement can be applied for at the same time – see below) • apply for a replacement within seven calendar days – drivers or those acting on their behalf can call 0300 790 6109 between 8am and 8.30pm, Monday to Friday, or 8am to 5.30pm on Saturdays, where payment must be made by Visa, Eurocard, Mastercard, Maestro or Delta. Alternatively, form D777B can be completed and payment made by cheque or postal order
Driver card exchange – change of details (ie address)	<ul style="list-style-type: none"> • complete form D777B with new details • do NOT return existing card with application – the driver can continue to use it until the new card is ready for collection • driver must return existing card when they collect the replacement – otherwise it will be treated as a lost card and a charge made
Driver card renewal	<ul style="list-style-type: none"> • apply on form D777B making sure DVLA receives it at least 15 working day prior to the expiry of the current card
Company card malfunction	<ul style="list-style-type: none"> • return card to DVLA using form D779B. If the card is not returned, it will be treated as a lost card and a charge made
Company card lost, stolen or exchange	<ul style="list-style-type: none"> • apply for a replacement on form D779B
Company card renewal	<ul style="list-style-type: none"> • apply on form D779B making sure DVLA receives it at least 15 working day prior to the expiry of the current card

*Note: A message service operates on this line when it is not being staffed. Reporting problems is particularly important for drivers travelling outside the UK, as enforcement staff in all EU countries will have hand-held equipment linked to a central database (called TACHOnet) showing them if the card has been reported as lost, stolen or malfunctioning. If the problem has not been reported it could cause delays for the driver.

DVLA is required by EU regulation to issue replacement cards within five working days of receiving a detailed request. Replacement cards expire at the same time as the original card it replaces and driver cards must be collected from a DVLA local office or VOSA vehicle test station by the driver when it has been:

- lost or stolen
- exchanged due to change of name, address or photo
- exchanged from a non-GB card to a GB one

The driver should nominate where they would like to collect the card (details of all offices and stations are available from FTA's Member Advice Centre on 0870 605 0000). DVLA will write to the driver to advise them when their card is ready for collection, and on collection the driver must prove their identity by providing:

- a passport
- a driving licence
- a gas, electricity or water bill or bank statement (dated within the last three months)

The driver will be asked to sign for the card and hand in their previous card if it is to be exchanged.

Driver and company cards expire after five years. Renewal applications can be made up to three months prior to the expiry date of the cards. Cards should be issued within 15 working days of DVLA receiving a complete application. A renewal reminder will be sent by DVLA approximately three months prior to the expiry date, but forward planning systems should also be used as a failsafe.

The card transaction fees are as follows.

Card fees

TRANSACTION	DRIVER CARD	COMPANY CARD	WORKSHOP CARD	CONTROL CARD
Card application	£38	£38	Free	Free
Renewal	£19	£19	Free	Free
Replacement – lost/stolen	£19	£19	Free	Free
Exchange – change of details	Free	£38	Free	Free
Malfunction	Free	Free	Free	Free

Q Is there any limit on the number of times a driver can apply for a replacement card?

A There is no limit to the number of replacement cards applied for, but a driver may only hold ONE valid card at a time. However, you should be monitoring the driver card issue numbers and incidents of lost cards (see 2.2.2) and you may decide to investigate where this happens frequently. DVLA report details of drivers who repeatedly request replacement cards to VOSA, who may investigate in these circumstances.

Q What happens if a lost card is found after a replacement has been issued?

A If, after requesting a replacement card the original is found, the driver should return the original to DVLA with an explanatory note. The original card is invalid and must not be used.

3.4 Driver training

The planning and provision of driver training is covered in 2.5, but there are some in-use issues you and your drivers need to be particularly aware of.

3.4.1 Knowledge of equipment

EQUIPMENT USE

It is essential to ensure that drivers know how to correctly operate the make and model of the recording equipment. This is particularly important when fleets have different makes and models of VU fitted, or where hire vehicles are used, as while all tachographs will meet standard minimum specifications, there are fundamental differences to their operation, menus and displays. In operations where this is likely to be an issue, we recommend that a register is kept of which drivers are trained on which equipment.

You should also check that any agency drivers understand to your satisfaction how to operate your VUs.

3.4.2 Time setting

Drivers of vehicles fitted with digital tachographs will need to understand Universal Time Co-Ordinated (UTC). All data recorded within the VU is recorded in UTC, although the time displayed on the screen at the front of the unit may be completely different and is known as local time.

UTC is the same as Greenwich Mean Time (GMT) so for a UK operator the local time will differ from UTC during the summer months due to British Summer Time (BST) being one hour ahead of GMT or UTC. This is a fact that needs to be remembered by a driver when entering manual entries, due to some vehicle units having a requirement for these manual entries to be entered using UTC.

Newer vehicle units, certainly from October 2011, have a UTC time offset instead of a local time. This is the difference between the displayed or local time and UTC, in positive or negative half hour increments. If a driver needs to enter manual entries in one of these vehicle units, then the entry is made using the displayed time and the unit will take into account the offset and record the data accordingly.

It is essential that drivers are aware of the particular vehicle unit being used so as to make manual entries in the correct manner. As an operator it may be useful to have a system in place that helps identify the vehicle unit; this may take the form of a sticker in the cab of the vehicle or a guideline for the drivers referring to the procedures for particular vehicles.

3.4.3 Centre field data

The information that we now refer to as 'centre field' data on tachograph charts will be collected electronically (see figure 6). For example the driver's name will be read directly from the driver's smart card – both start and finish locations will be entered by scrolling to UK, the date and time will come from the integral clock and the vehicle identity and odometer readings from the passive memory. Given that 'centre field' errors account for a significant percentage of tachograph infringements, this should be useful for drivers.

Centre field data – electronic



driver's
name from
Smart Card



start and finish
locations selected
by scrolling

Shows the screen that the driver uses to select the begin place of his day's work



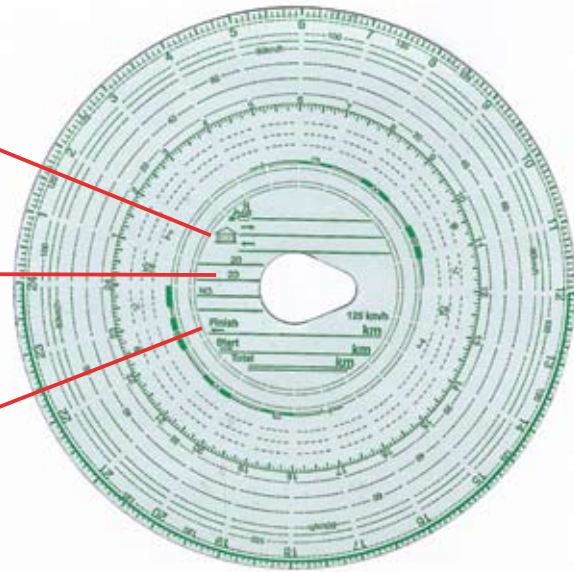
date and time
from integral
clock

Displays UTC date and time



vehicle ID and
odometer from
passive memory

Shows the kms travelled that day and the average speed km per hour, as well as time



3.4.4 Start and finish location

Drivers are specifically required by regulation to enter the symbols of the countries in which they begin and end their daily work period. This must be done at the time they start and also at the time they end their daily work period, as this also tells the VU when to record start and finish odometer readings.

Drivers will normally be prompted to do this by the VU every time they insert and eject their card and will use the menu to select the relevant country. Once the country has been selected it will always default to this selection when a card is inserted until changed by the driver. In essence this means that once UK is selected the VU will retain this setting. However it is important that the driver always remembers to check which country is displayed as this data will be recorded on their card and in the VU.

Drivers must be particularly aware of the need to enter start and end locations when they are not in possession of their driver cards (i.e they have been lost or stolen) or if they are leaving their driver cards in the VU overnight, as they will not receive the normal prompts from the VU when inserting or ejecting their cards. Failure to enter the start/finish locations is an infringement of the rules and will result in missing odometer readings from the digital record.

3.4.5 Manual entries and activities

When the driver inserts their card following a period of rest or being away from the vehicle, the VU will prompt them to enter details of missing periods of time since the card was last removed. The driver can enter these details 'manually' by following the instructions on screen. The driver can only enter this information on first insertion of the card, so care should be taken not to accidentally eject the card – otherwise the opportunity is lost. Also during the manual entry procedure, should there be no activity on the VU for more than one minute, the driver is 'timed-out' and will lose the opportunity to enter the details. To prevent this from happening drivers should use the scroll buttons to gain more time.

Drivers must complete a full record of their daily working period (or shift) – ie the period between two daily rest periods or between a daily and weekly rest period. Any missing activity during a shift is an incomplete record and an infringement of the rules.

When the vehicle is driven the digital tachograph will automatically record the drivers' activity as driving. The VU 'rounds-up' the amount of time it records as driving as follows:

- for a calendar minute, if any driving activity has occurred within the minute, the whole minute will be regarded as driving
- for a calendar minute, if any driving activity has occurred within both the immediately preceding and the immediately succeeding minute, the whole minute will be regarded as driving

Example:

Actual =

20s	40s work	60s work	40s work	20s
-----	----------	----------	----------	-----

Recorded =

60s drive	60s drive	60s drive
-----------	-----------	-----------

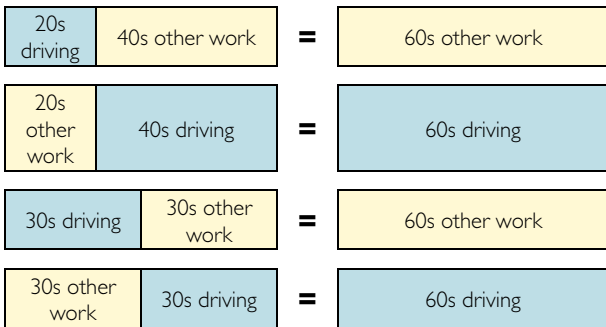
In the example above a driver has carried out a short stop on a multi-drop operation. However, because of the way the digital tachograph records driving, the short break in driving has not been recorded. For multi-drop operations in particular, this can result in significantly more driving being shown for drivers of vehicles fitted with digital equipment than with analogue, and mean that drivers may have to change their break patterns or take more breaks earlier and have less driving time available to them in the day, week and fortnight. It is also worth noting that from 11 April 2007 the EU drivers' hours rules will contain a new definition of driving time, which states that whatever is recorded by the equipment is driving.

Any minute that is not regarded as driving according to the rules above shall be allocated to the longest continuous activity within the minute (or where there are more than one, the latest of the equally longest). When the vehicle stops, the VU automatically selects other work for the driver, but if the driver changes the mode switch within 120 seconds the VU

will assume that the chosen activity started when the vehicle stopped, therefore cancelling the recording of other work at that time.

The above rules on the recording of driving minutes changes somewhat with the newer vehicle units, from October 2011. In the newer systems any minute will be recorded as the activity that has the longest continuous period during that minute. If the minute has multiple activities of the same continuous duration, then the minute will be recorded as the same as the latest activity within the minute.

For example:



As with the analogue tachograph, drivers will need to adjust their activity mode when the vehicle is stationary and the driver card is still in the VU. Unlike the analogue tachograph, the first driver's activity mode will automatically default to 'other work' (crossed hammers) after each period of driving regardless of the mode selected prior to driving. For example, where a driver selects the rest mode switch before beginning a period of driving, when the vehicle stops moving the digital tachograph will automatically start to record other work unless the driver changes the mode switch to either POA or rest/break. It may be necessary to check with the vehicle manufacturer or authorised tachograph workshop respon-

sible for the initial calibration as to the default settings for the vehicle unit. The system will also allow the driver to 'flag' on the record any out of scope driving or duty and details of ferry/train rest break interruptions. None of these activities may be modified retrospectively – the modes and flags must be activated as the activities happen. The information recorded by the tachograph forms a legal record – so it is important that drivers get it right first time. Any errors should be corrected on printouts as soon as possible.

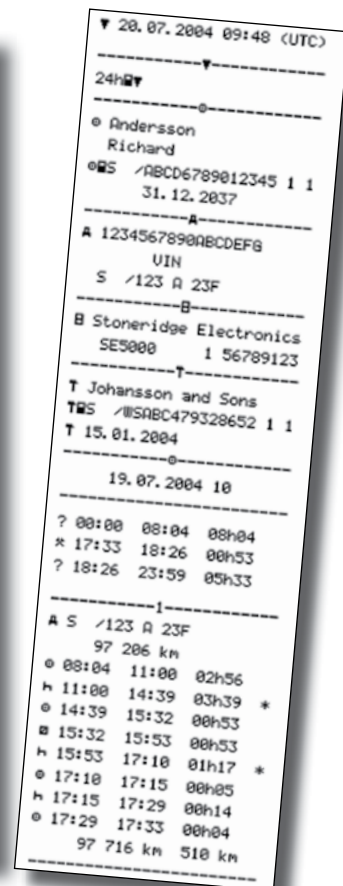
In double-manned operations the driver enters their card in slot one and the second man enters their card in slot two. When they swap over driving duties they must also change over their cards. The second man's card will automatically record POA when the vehicle is in motion and default to POA when the vehicle is stationary. So the second man will need to remember to change the mode to other work or rest/break as necessary, when the vehicle is stationary.

All digital tachographs will automatically record all time spent as a second man as a period of availability and do not allow the driver to record break when the vehicle is in motion. DfT has confirmed that it will treat the first 45 minutes as a break provided the driver makes a written manual entry to this effect on a printout. Any periods of other work must similarly be recorded by written manual entries. To provide the written manual records depicting the activities for a double manned operation may require the use of a printout at the start and end of day endorsed with the manual entries.

3.4.6 Pictograms

There are 38 single pictograms (the diagram opposite shows just a sample) but in addition there are 46 pictogram combinations. Given that only a limited number will be in regular use, it is not likely to be as daunting as it might appear at

3.4.6 Basic pictograms			
	Period of availability		Power supply
	Drive		Printer/Print-out
	Rest/break		Sensor
	Other work		Vehicle/Vehicle Unit
	Cumulative break		Fault
	Unknown		Event
24h	Daily		Security
	Weekly		Time
	Two		Total/Summary
	From or To	OUT	Out of scope
	Card		Overspeed
	Clock		Ferry
	Display		
	External storage		



first glance. However, drivers will need to understand them to properly record their activities whilst using the vehicle and to enter 'manual' keyed-in entries.

3.4.7 Warnings

The vehicle unit will warn the driver (usually with a light) when it detects a fault or an event (including an over speeding event). The VU will also warn the driver 15 minutes before and again at the time of exceeding 4.5 hours of continuous driving time. However, as the VU assumes any POA or unknown activities as break in its calculation, drivers must not rely on the warnings to tell them when breaks are due. The fact that the warning is not activated does not mean the rules have necessarily been complied with. However, if a break warning is activated, drivers must take a break to avoid an infringement.

In newer systems, from October 2011, if the vehicle unit is set to 'OUT' to depict out of scope driving, then the unit suppresses any warning messages related to driving without a driver card and any warning associated with continuous driving time.

3.4.8 Printouts

The specification of the digital tachograph requires the equipment to be able to produce six types of printout.

24h□▼	Driver activities from card daily printout – includes: activities of driver in order of occurrence; activity totals, places entered in chronological order; and the last five events or faults
24h▲▼	Driver activities from VU daily printout – includes: card holder identification (for all cards inserted in VU); activities in chronological order for both driver and co-driver (second man); activity totals; summary of periods without card in driver and co-driver slot; places entered in chronological order; and the last five events or faults
!×□▼	Events and faults from card printout – includes: driver identification; vehicle identification; and a record of all events and faults stored on card
!×▲▼	Events and faults from VU printout – includes: card holder identification (for all cards inserted in VU); vehicle identification; and all events and faults recorded on the VU
T□▼	Technical data printout – includes: card holder identification (for all cards inserted in VU); vehicle, VU and sensor identification; all calibration records in chronological order; all time adjustment records; and most recent event and fault recorded in VU
>>▼	Over speeding printout – includes: card holder identification (for all cards inserted in VU); vehicle identification; over speeding control (enforcement) information; first over speeding after last calibration; the five most serious over speeding events in the last 365 days; and the most serious over speeding for each of the last 10 days where the limit was exceeded (not calendar)

Tachograph manufacturers are permitted to provide additional printouts provided they are clearly distinguishable from the key six types above.

3.4.9 Emergencies

Where drivers depart from the rules in order to find a suitable stopping place in an emergency they must make a manual record of the reasons why on a printout. This must be done as soon as possible and in any case on arrival at the suitable stopping place at the latest.

3.5 Output data

3.5.1 Data

- 1 the distance travelled with an accuracy of one kilometre
- 2 the speed of the vehicle – detailed speed for previous 24 hours' worth of driving plus incidence of over-speeding as previously outlined
- 3 periods of driving time (time and date) with an accuracy of one minute
- 4 other periods of work, or of availability (times and dates) with an accuracy of one minute
- 5 the driver card issue number with times and dates of insertion and removal
- 6 the recording equipment (VU) shall be able to read from the tachograph card the following data:
 - identify the card type, the holder, the previously used vehicle, the date and time of the last card withdrawal and the activity selected at that time
 - check the last card session was correctly closed
 - compute the driver's continuous driving time, cumulative break time and cumulated driving times for the previous and current week*
 - print requested printouts related to data recorded on the driver card
 - download a driver card to external media
 - in case of a reading error; the VU will try again, three times maximum and then if still unsuccessful, declare the card faulty and non-valid
- 7 date, time and duration of driving without an inserted or a functioning driver card
- 8 data recorded on the places at which the daily work period began and ended
- 9 automatically identifiable system faults of the recording equipment with date, time and driver card issue
- 10 faults in the driver card with date and time and driver card number
- 11 workshop card number of the authorised fitter or workshop with data of at least the last installation inspection and/or periodic inspection of the recording equipment
- 12 control card number with data of control card insertion and type of control (display, printing, downloading). In case of downloading, period of download should be recorded
- 13 time and adjustment with data, time and card issue number; driving status (single/crew driving – driver/co-driver)
- 14 driving status (single/crew driving – driver/co-driver)

digital tachograph capability RECORD • DISPLAY • PRINT

*Note: don't be misled by point 3 that requires the VU to compute continuous driving time. The VU is not programmed to analyse drivers' hours, this purely means that it assesses the current period of driving against cumulative breaks. However, since it calculates Periods of Availability and any unidentified time as break, drivers cannot depend on the in-built warning (see 3.4.7).

3.5.2 Downloading

You must download data from both the VU and company cards. Downloading merely copies the information from the VU and card – it does not delete it. The VU holds 365 days of 'average' activity and the driver card holds 28 days' worth of data, after which their memories are full and the oldest data is overwritten. Company cards are needed to download data from the VU – they can be placed in either driver card slot. Company cards are not required to get access to information from a driver card, where it is being downloaded separately from the VU. The Department for Transport has stated that the download frequency for digital tachographs be no more than 28 days for the driver card and no more than 56 days for the vehicle unit.

There is no limit on the amount of times you download the information, but this can take up time – particularly when downloading the VU – and you should make sure that your analysis systems will be able to separate out and disregard any duplicated information.

You will need to ensure you download data from the cards of agency drivers before they leave your service. You will also be able to interrogate the data on their card prior to them driving your vehicles, to check for breaches in the rules. However, be aware that you may not have access to the driver's full record (they may have driven vehicles with analogue tachographs), so we advise you to continue to ask drivers for their signature to declare that they understand and comply with the rules. For an example of an agency driver declaration see Appendix 5.

3.5.3 Speed

Detailed speed data will be stored in the vehicle unit memory for at least the last 24 hours that the vehicle has been moving (ie 24 hours' worth of driving). Also speed data will be stored where the maximum vehicle (not road) speed has been exceeded as follows:

- the most serious over-speed incidence for each of the last 10 days where the vehicle limit was exceeded (not calendar days)
- the five most serious over-speed incidences during the last 365 days
- the first over-speed incidence that occurred after the last calibration

The information available to companies on speed is generally less accessible on a digital tachograph than that of an analogue chart. However, it should be remembered that the tachograph is intended only to record over speeding events, which indicate a potential problem with the function of the vehicle's speed limiter, rather than road speeding offences.

3.5.4 Manual entries

It is worth noting that 'manual' keyed-in entries relating to the driver's activities when they are away from the vehicle and during which their card was not in the VU, are only recorded on the driver card, not on the VU.

3.5.5 'Missing mileage'

Unlike an analogue tachograph, the VU of a digital tachograph will note when it has been driven without a driver card in place. This driving may be perfectly legal – it may be entirely off-road, or have been carried out under an exempt activity. It is recommended that you are confident you can account for this unrecorded activity, should the enforcement authorities question it. You may choose to use the 'OUT' symbol to indicate periods of out of scope driving (see 3.4.5).

3.6 Analysis and compliance – operator obligations

You must analyse data periodically to ensure compliance with the rules. In order to make sense of your digital data, your analysis system must be able to combine it with analogue data for as long as you are using both types of recording equipment.

In order to properly check a driver's record for compliance you must have a full picture of all their activities over the relevant period – any missing data will prevent proper analysis. The increase in the number of charts that the driver is required to be able to produce at the roadside (see 3.3.2) has made the potential time gap between analysing analogue and digital data greater. One possible solution is to scan analogue charts for analysis, enabling charts to be returned to the driver within minutes.

The system must also be able to take account of the different time references used in analogue and digital systems during British Summer Time (see 3.4.2). Even when your whole fleet is digital there will still be some information that will need to be entered manually – such as when driver cards are lost or stolen, or where equipment malfunctions. However, in theory, having driver and vehicle activity data in a digital format should ultimately provide you with a more advanced system of data management.

As a minimum the system you choose should be checking for and reporting on:

- non-compliance with EU drivers' hours rules
- 'missing mileage' – ie where a vehicle has been driven without a driver card
- missing activity during a shift
- missing start or end locations (which will result in missing odometer readings)
- over speeding events

The principal aim of the tachograph rules is to ensure road safety. Drivers' hours and the operator licensing system obliges operators to periodically inspect records to ensure compliance with those rules. The move away from analogue to digital tachographs, brought about by the new legislation, is intended to make gathering information on the hours that drivers work more secure and easier to manage.

Therefore, it is only the method of collecting, storing and analysing the information that has changed. Your existing systems in terms of acting on potential breaches of the rules should be constantly in place to ensure you continue to comply with your obligations.

3.7 Enforcement and penalties

3.7.1 Control cards



This is the card that will be issued to the police and VOSA. It identifies both the control (enforcement) body and the control officer and allows for access to data stored in the memory of the VU. This can be used for reading, printing and/or downloading. The card will be able to store control activity data such as date and time of control, type of control (displaying and/or printing and/or vehicle unit downloading and/or card downloading).

3.7.2 Enforcement powers

An enforcement officer is entitled to:

- require any person to produce and permit them to inspect any driver card
- temporarily remove the card for the purpose of copying the data stored on the card and to remove and retain the copy
- require the driver to sign the hard copy (if necessary manual corrections can be made) to declare that it is a true record of their activities
- following a minimum of 10 day's notice in writing, require that all of the above noted records, copies of electronic data and documents are produced at a specified address
- detain a vehicle for inspection or require the driver or operator of the vehicle to take it to a specified address for inspection if they have reason to believe the recording equipment has been interfered with
- enter any premises at any reasonable time to inspect vehicles and/or records, documents, driver cards or data downloaded from a card or recording equipment
- enter any vehicle to inspect or remove records or download and remove data stored on digital tachograph and/or driver card or to inspect any recording equipment and if necessary remove it from the vehicle and retain for evidence

An enforcement officer is entitled to inspect, remove, retain and copy:

- any document he/she might reasonably require to inspect for the purpose of ascertaining whether the provisions of the legislation have been complied with
- any record sheet or hard copy of electronically stored data that is required under the Community Recording Equipment Regulations to be kept or produced
- any book, register or other document which the officer may reasonably require to inspect to ascertain whether the EU rules have been complied with

Any record sheet, book, register, document or electronic copy of data may only be retained by an officer for

six months. However, these records can be retained for any further period if required as evidence in any proceedings.

3.7.3 Storage and production of raw data

Under drivers' hours rules, as a minimum, you must be able to produce 12 months' worth of raw (in other words, pre-analysed) data in hard copy format. Therefore, a secure place to store this data will be needed. If the data is to be kept electronically, it is recommended that back-up systems are used. If storage is to be undertaken by a third party, check when and how often the data will be deleted – ideally this information should be detailed in your contract. Remember to also retain any legally required printouts or manual records for the same period.

If the data is to form part of your **only** working time record, then it will need to be kept for a minimum of two years following the end of the relevant reference period.

The regulations also require you to give copies of downloaded data (together with printed papers of these copies) from driver cards to the drivers concerned who request them.

3.7.4 Penalties

Fines of up to £2,500 can be imposed on summary conviction for failure to comply with the rules on fitting and using tachographs. Deliberate falsification could result in a fine of up to £5,000 or imprisonment for up to two years. The maximum fine for failing to comply with any requirement imposed by an enforcement officer, including failing to produce records for inspection, has been increased to £5,000.

4 Future developments

Throughout this publication there has been mention of a newer version of the vehicle unit being available from October 2011. The changes taking place in October 2011 may be available on your current version of vehicle unit. We would suggest that if you would like to take advantage of these changes you contact your vehicle unit supplier to check if an upgrade is available. Another issue to take into account regarding the next issue of vehicle unit is that although the primary issue date is October 2011, some units will be in the market ahead of this date. Again check with your supplier, especially for new vehicles.

Changes in October 2012

A further development to be made available in October 2012 covers the issue of security of the vehicle unit and the data received. Following a report on the security of digital tachographs, EC 1266/2009 refers to the protection of the data being transmitted between the source of vehicle movement and the motion sensor.

The regulations refer to additional steps being taken to prevent the tampering of the system, for example by the use of magnets, in that the data should be corroborated by at least one other independent source. This will bring about an additional recordable event of 'Vehicle motion conflict'. These changes are due in October 2012 and there will be no upgrade route for existing vehicle units other than a complete replacement of the whole system.

5 How FTA can help

5.1 Information and advice

FTA wants to ensure that operators fully understand the implications of digital tachographs and manage the transition from analogue to digital.

In addition to this compliance guide, to keep members up to date, FTA has:

- a dedicated tachograph phone line – 08700 11 57 15*
- regular email news bulletins as developments occur
- a dedicated Member Advice Centre for any queries you may have in terms of legislation or your operations

5.2 Analysis and interpretation

Tachof^{ta} has been helping operators comply with their operator licence obligations for 30 years and around 20 million driver days a year are analysed by our advisors.

FTA offers analysis solutions to combine all of your digital and analogue tachograph data. Digital data can be uploaded to FTA simply by using our unique Customer Data Upload software or via our range of wireless digital solutions (see Equipment section 5.3). Analogue chart data can then be merged on-site by one of our drivers' hours experts or at our bureaux by using FTA's postal or scanner analysis service. Management reports are compiled and are available via our online interactive Reporting Gateway.

For further information on tachograph analysis call the Member Service Centre on 08717 11 22 22* or visit www.fta.co.uk/tachof^{ta}

5.3 Equipment

Shop^{fta} provides a wide range of products for recording, storing and analysing drivers' hours and working time data.

Vehicle unit data solutions

Shop^{fta} has a range of devices available to assist in downloading data from the vehicle unit. These range from devices that are used to solely download the vehicle unit to multi-activity devices that are able to also download driver card information and transmit the data to FTA for analysis.

Options include:

- Digipostpro
- Digifobpro
- FTA Vehicle Download Unit Device
- FTA Combined Download Device
- Digivu
- Digidown Blue
- VDO Download Key II

Driver card data solutions

Although some of the above mentioned vehicle unit download devices are able to also download drivers' cards there are also some stand-alone devices available including:

- FTA Driver Card Reader
- FTA Heavy Base Driver Card Reader

Consumables, aids and storage solutions

Shop^{fta} offers a wide variety of other products that will assist with your digital tachograph operation, including the following.

- Tachograph Rolls
- Digital Tachograph Organiser
- Digifob
- VDO and Stoneridge Simulator Cases, training CDs
- Digital Tachograph Pictogram and Printout Guide
- Digital Tachograph Drivers' Card
- UTC Sticker
- Drivers' Hours and Working Time Rules DVD
- Easy Tac Package

For more information or to order call Shop^{fta} on 08717 11 11 11* or visit www.shop.fta.co.uk

5.4 Training

A range of training solutions is available to ensure that all relevant employees are compliant in tachograph operations. Courses can be delivered at public venues, in-company at your premises or, on request, bespoke solutions can be developed and delivered to your organisation. Furthermore, these courses can now be offered as part of your Driver CPC regulatory training requirements.

Who should attend	Digisimulator workshop for managers	Digisimulator driver training	Drivers' hours and working time
	1 day	½ day	½ day
Transport managers	✓		✓
Drivers		✓	✓
Planners	✓		✓
Trainers			✓
Others	✓		✓

Our digisimulator courses provide a hands-on experience using an on-screen simulator and several remote vehicle unit simulators.

For more information or to book call 08717 11 22 22* or visit www.fta.co.uk/training

5.5 Tachograph Systems Audit

For a full check on the systems you have in place to deal with driver management, drivers' hours compliance and working time regulations, we offer our Tachograph Systems Audit. The audit follows the same structure as is carried out by VOSA and provides a report to highlight areas for improvement.

For more information call 08717 11 22 22* or visit www.fta.co.uk/tachof^{ta}

5.6 FTA Consultancy

FTA Consultancy offers a range of strategic, practical and tailor made solutions, including:

- guidance and assistance in planning the introduction of digital vehicles
- evaluation of options and provision of recommendations
- development of solutions for the implementation of digital tachographs into your transport operation

Our consultants will work alongside you to develop detailed plans to ensure implementation in the most cost effective and efficient manner. For more information call 08717 11 22 22* or visit www.fta.co.uk/consultancy

Appendix I (referred to in section 2 and 2.4.1)

Digital tachograph equipment and services audit checklist

Checklist item	Implemented Yes / No	Comments
Vehicle unit calibrated and activated? <ul style="list-style-type: none"> – Record calibration data – Technical printout from vehicle unit – Remember to check vehicle registration number; can be initially input by operator 		
Detail of vehicle recorded? <ul style="list-style-type: none"> – VRN – Location – Make and model 		
Company cards issued? <ul style="list-style-type: none"> – Card number – Location 		
Company card details recorded? <ul style="list-style-type: none"> – Card number 		
Vehicle unit locked in?		
Driver cards available?		
Driver card details recorded? <ul style="list-style-type: none"> – Driver name – Card number – Renewal date 		
Manager/supervisor/analyst training received?		
Driver training received?		
Training recorded? <ul style="list-style-type: none"> – Date of training – Training undertaken – Training given by 		
Sufficient print rolls available? <ul style="list-style-type: none"> – Driver to have sufficient rolls at all time to be able to produce any requested printouts 		
Download from vehicle unit and drivers' cards possible? <ul style="list-style-type: none"> – Download equipment – Procedures 		
Secure storage of raw data?		
Analysis possible? <ul style="list-style-type: none"> – Analysis undertaken in-house or external – % of records analysed 		
Forward planning in place? <ul style="list-style-type: none"> – Vehicle unit calibration – Driver card renewal 		

Appendix 2 (referred to in section 2.1)

Procedures for hire vehicles fitted with digital tachographs

Reason

Before any hired vehicle fitted with a digital tachograph can be used, the vehicle unit data should be locked into the company.

This allows for the data recorded and held on the vehicle unit during the hire period to be solely accessed by the operator using their unique company card.

Procedure

- Hire vehicle arrives at operating centre
- Nominated person or persons to:
 - check condition and roadworthiness of vehicle
 - check that the digital tachograph has been calibrated and set up for the vehicle (see technical printout from vehicle check for sufficient print rolls)
 - lock in data on vehicle unit using company card
- Driver to check with traffic office that the digital tachograph has been calibrated and set up for the vehicle before carrying out a walk around check and using the vehicle
- Vehicle used for the duration of the hire, if hired for more than 28 days vehicle details to be added to operator's licence
- End of hire period
- Nominated person or person to:
 - check condition of vehicle
 - download data from vehicle unit
 - lock out data on the vehicle unit using company card
- Vehicle returned to hirer

Appendix 3 (referred to in section 2.2)

Additional information on applying for driver cards

1 Applying for an initial driver's card

- For drivers holding a GB photocard licence

To apply for an initial drivers' smart card you must complete form D777B. You can download the form D777B (application for a digital tachograph driver card – new photo not needed) from the Business Link website. If for any reason you are unable to download this form you can request an application form pack (ST1A) from DVLA, telephone number: 0300 790 6109; this will include a copy of the form D777B.

In Northern Ireland the forms are also available from DVLNI on 028 7034 1589 or at certain DVTA test centres.

You will, however, need to supply your contact details, including licence number and address and sign a declaration that the information given on the form is correct.

The completed form along with the fee (£38) should be returned to:

DVLA
Swansea
SA99 1ST

- For drivers without a GB photocard licence

You will need to obtain the form D777B, as above, and complete as necessary with contact details, including licence number and address and sign the declaration that the information given on the form is correct. Due to not having a GB photocard licence you will also need to send a passport style photograph with additional supporting documents proving your identity.

The completed form along with the fee (£38) should be returned to:

DVLA
Swansea
SA99 1ST

2 Applying for a card due to damage or malfunction

If you need to apply for a replacement card due to your current card either being damaged or malfunctioning. You will need to contact DVLA and also obtain form D777B, to obtain this form see the above section 1 Applying for an initial driver's card.

You will, however, need to supply your contact details, including licence number and address and sign a declaration that the information given on the form is correct.

Send the completed application for with the fee (£19 for a damaged card) and the damaged or malfunctioning card to:

DVLA
Swansea
SA99 1AZ

3 Applying for a card due to previous card being lost or stolen

If you need to apply for a replacement card due to your current card either being lost or stolen then you will need to contact DVLA and obtain a form D777B. To obtain this form see the above section 1 Applying for an initial driver's card. In the case of a stolen card it may also be worth reporting the theft to the police to be able to get an incident number; this number can also be used when referring to the reason you currently have no driver card.

You will however need to supply your contact details, including licence number and address. You will also need to nominate where to collect the new card from (DVLA local office or VOSA test centre) and sign a declaration that the information given on the form is correct.

Send the completed application for with the fee (£19) to:

DVLA
Swansea
SA99 1AZ

4 Applying for a card due to renewal and no reminder received

When your driver's smart card is due for renewal you will be sent a reminder from DVLA. If you did not receive this then you can obtain form D777B as above in 1 Applying for an initial driver's card.

The completed application must be returned to DVLA no later than **15 working days** before the expiry of your current card. When returning your application **you do not include your current card**.

Send the completed application for with the fee (£19) to:

DVLA
Swansea
SA99 1BZ

You will, however, need to supply your contact details, including smart card number, licence number, address and any changes since last issue and sign a declaration that the information given on the form is correct.

Information given on the application form specifically states that expired cards do not need to be returned and should be kept for 28 days after date of expiry (see note D on form); this would be to comply with the requirements at roadside checks.

Appendix 4 (referred to in section 3.2.3)

Example guidelines for procedures for printouts – both legally required and voluntarily produced

Drivers should be instructed to ensure that legally required printouts are kept separate from any voluntary printouts that either the driver or manager may have produced. The main reason for this is that the legally required printouts form a part of the driver's records for the EU driver's hours regulations, as explained below.

Legally required printouts

There are three reasons for legally required printouts;

- The driver card is damaged, malfunctions, lost or stolen (see 3.3.2)
 - If a driver's card is damaged, malfunctions, is lost or stolen the driver must contact DVLA and either arrange for the return of a damaged or malfunctioning card or apply for a replacement in the event of a lost or stolen card
 - The driver must contact DVLA within seven days
 - The driver can continue driving for up to 15 calendar days provided a printout is taken at the start of day and again at the end of day
 - Each printout must be endorsed with the driver's name, driver card or licence number and the reason for the printout, ie awaiting replacement card
- The driver needs to record details of an emergency which has forced them to depart from the rules, or to correct errors
 - An example of when this situation could arise is if the driver has been stuck on a motorway for a long period due to an accident or maybe weather conditions and has been forced to over run the drivers' hours requirements whilst trying to get to a safe and secure parking area
 - The driver should produce a printout as soon as possible or immediately upon arriving at the safe and secure parking area
 - As above the printout should be endorsed with the driver's name, driver card or licence number and the reason for the printout, ie having to find a safe and secure parking area following an incident outside of the driver's control – motorway accident
- If an enforcement officer requests a printout

Another possible reason for printouts would be to make manual entries regarding double manned operations, see 3.4.5.

Procedures for roadside checks

At a roadside check the driver must be able to produce:

- a driver card if one has been issued to him
- any relevant analogue tachograph charts for the current week and the previous 28 calendar days
- any legally required printouts from a digital tachograph, having been produced within the current week and the previous 28 calendar days

Storage of printouts

Legally required printouts must be kept by the driver for the purpose of roadside checks, as above. Also these printouts are classified as part of the driver's records with regard to EU drivers' hours regulations and as such must be kept by the operator for a minimum of 12 months.

It is important to ensure that these printouts are kept in a legible condition in the same way as analogue tachograph charts.

Appendix 5 (referred to in section 3.5.2)

Example of agency driver declaration

This declaration is to be signed before starting work with _____
(company/organisation name)

This is a declaration that I _____ (driver name) understand and will comply with all relevant legislation in relation to road transport and any other reasonable requests during my placement with the above-mentioned company/organisation.

In particular I declare that I:

- have taken sufficient daily and weekly rest prior to my placement
- have sufficient duty and driving time available to be able to work the shift(s) allocated to me
- have (and will continue to have) on my person the drivers' hours records required to be produced to an enforcement officer if requested, namely:
 - my digital driver's card (if I hold one)
 - analogue tachograph charts for the current day and the previous 28 calendar days (if I drove a vehicle fitted with analogue equipment in that time)
 - any written manual records and printouts legally required for the current day and the previous 28 calendar days
- will ensure the original analogue charts and any legally required printouts or written manual records, which relate to my placement, are returned to the above-mentioned company/organisation within 42 days
- will ensure my digital driver's card is downloaded at the required intervals and in any case at the end of my placement, before I leave the site
- understand and will comply with the rules on working time limits for mobile workers in the road transport sector
- have a full valid licence (with no disqualifications) for the type of vehicle I am being asked to drive
- where appropriate, hold a Driver CPC and am carrying my Driver CPC qualification card
- will inform the company of any encounters with VOSA, police or other enforcement officer
- will never use a hand-held mobile phone whilst driving
- will report any accidents or near misses that I am involved in
- will carry out my daily vehicle checks using the documents provided and report any defects
- understand and will comply with speed limits of roads and vehicles
- will not drive a vehicle whilst under the influence of drink or drugs (whether illegal or prescribed)
- will ensure that the load on my vehicle is secure and within the limits of the vehicle in terms of weight and distribution
- will comply with any health and safety requirements on this site and any site visited during my placement
- will return the vehicle and its equipment in the same condition that I received it in

I declare that I am legally able to undertake the duties required of me and will advise the company/organisation if I have any doubts, concerns or problems with any issue in relation to performing my duties during my placement.

Signed _____ Date _____

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