

Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (Text with EEA relevance)

CHAPTER VII

ENFORCEMENT AND SANCTIONS

Article 38

Control officers

1 In order to monitor effectively compliance with this Regulation, sufficient equipment and appropriate legal powers shall be made available to ^{F1}... control officers to enable them to carry out their duties in accordance with this Regulation. That equipment shall include, in particular:

- a control cards allowing access to data recorded in tachographs and in tachograph cards, and optionally in workshop cards;
- b the tools necessary to download data files from vehicle units and tachograph cards and to be able to analyse such data files and printouts from digital tachographs in combination with record sheets or charts from analogue tachographs.

2 If, after having carried out a check, control officers find sufficient evidence leading to reasonable suspicion of fraud, they shall be empowered to direct the vehicle to an authorised workshop to perform further tests in order to check, in particular, that the tachograph:

- a works properly;
- b records and stores data correctly, and that the calibration parameters are correct.

3 Control officers shall be empowered to request authorised workshops to perform the tests referred to in paragraph 2 and specific tests designed to detect the presence of manipulation devices. If manipulation devices are detected, the equipment, including the device itself, the vehicle unit or its components, and the driver card, may be removed from the vehicle and may be used as evidence in accordance with ^{F2}... rules of procedure relating to the handling of such evidence.

4 Control officers shall, where appropriate, make use of the possibility to check tachographs and driver cards which are on site during a check of the premises of undertakings.

Textual Amendments

- F1** Word in [Art. 38\(1\)](#) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), [97\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Word in [Art. 38\(3\)](#) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), [97\(3\)](#) (with reg. 114); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, Article 38.