

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 I

PRINCIPLES, SCOPE AND REQUIREMENTS

Article 1

Subject-matter and principles

1 This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC of the European Parliament and of the Council⁽¹⁾ and Council Directive 92/6/EEC⁽²⁾.

Tachographs shall, as regards their construction, installation, use and testing, comply with the requirements of this Regulation.

2 This Regulation sets out the conditions and requirements under which the information and data, other than personal data, recorded, processed or stored by tachographs may be used for purposes other than the verification of compliance with the acts referred to in paragraph 1.

Article 2

Definitions

1 For the purposes of this Regulation, the definitions set out in Article 4 of Regulation (EC) No 561/2006 shall apply.

2 In addition to the definitions referred to in paragraph 1, for the purposes of this Regulation the following definitions shall apply:

- a 'tachograph' or 'recording equipment' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement, including the speed, of such vehicles, in accordance with Article 4(3), and details of certain periods of activity of their drivers;
- b 'vehicle unit' means the tachograph excluding the motion sensor and the cables connecting the motion sensor. The vehicle unit may be a single unit or several units distributed in the vehicle, provided that it complies with the security requirements of this Regulation; the vehicle unit includes, among other things, a processing unit, a data memory, a time measurement function, two smart card interface devices for driver and co-driver, a printer, a display, connectors and facilities for entering the user's inputs;
- c 'motion sensor' means a part of the tachograph providing a signal representative of vehicle speed and/or distance travelled;

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- d 'tachograph card' means a smart card, intended for use with the tachograph, which allows identification by the tachograph of the role of the cardholder and allows data transfer and storage;
- e 'record sheet' means a sheet designed to accept and retain recorded data, to be placed in an analogue tachograph, and on which the marking devices of the analogue tachograph continuously inscribe the information to be recorded;
- f 'driver card' means a tachograph card, issued by the authorities of a Member State to a particular driver, which identifies the driver and allows for the storage of driver activity data;
- g 'analogue tachograph' means a tachograph using a record sheet in accordance with this Regulation;
- h 'digital tachograph' means a tachograph using a tachograph card in accordance with this Regulation;
- i 'control card' means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and, optionally, the control officer, and which allows access to the data stored in the data memory or in the driver cards and, optionally, in the workshop cards for reading, printing and/or downloading;
- j 'company card' means a tachograph card issued by the authorities of a Member State to a transport undertaking needing to operate vehicles fitted with a tachograph, which identifies the transport undertaking and allows for the displaying, downloading and printing of the data, stored in the tachograph, which have been locked by that transport undertaking;
- k 'workshop card' means a tachograph card issued by the authorities of a Member State to designated staff of a tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop, approved by that Member State, which identifies the cardholder and allows for the testing, calibration and activation of tachographs, and/or downloading from them;
- l 'activation' means the phase in which the tachograph becomes fully operational and implements all functions, including security functions, through the use of a workshop card;
- m 'calibration' of a digital tachograph means updating or confirming vehicle parameters, including vehicle identification and vehicle characteristics, to be held in the data memory through the use of a workshop card;
- n 'downloading' from a digital tachograph means the copying, together with the digital signature, of a part, or of a complete set, of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card, provided that this process does not alter or delete any stored data;
- o 'event' means an abnormal operation detected by the digital tachograph which may result from a fraud attempt;
- p 'fault' means an abnormal operation detected by the digital tachograph which may result from an equipment malfunction or failure;
- q 'installation' means the mounting of a tachograph in a vehicle;
- r 'non-valid card' means a card detected as faulty, or whose initial authentication failed, or whose start of validity date is not yet reached, or whose expiry date has passed;
- s 'periodic inspection' means a set of operations performed to check that the tachograph works properly, that its settings correspond to the vehicle parameters, and that no manipulation devices are attached to the tachograph;

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- t ‘repair’ means any repair of a motion sensor or of a vehicle unit that requires the disconnection of its power supply, or its disconnection from other tachograph components, or the opening of the motion sensor or vehicle unit;
- u ‘type-approval’ means a process to certify, by a Member State, in accordance with Article 13, that the tachograph, its relevant components or the tachograph card to be introduced to market fulfil the requirements of this Regulation;
- v ‘interoperability’ means the capacity of systems and the underlying business processes to exchange data and to share information;
- w ‘interface’ means a facility between systems which provides the media through which they can connect and interact;
- x ‘time measurement’ means a permanent digital record of the coordinated universal date and time (UTC);
- y ‘time adjustment’ means an automatic adjustment of current time at regular intervals and within a maximum tolerance of one minute, or an adjustment performed during calibration;
- z ‘open standard’ means a standard set out in a standard specification document available freely or at a nominal charge which it is permissible to copy, distribute or use for no fee or for a nominal fee.

Article 3

Scope

1 Tachographs shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road and to which Regulation (EC) No 561/2006 applies.

2 Member States may exempt from the application of this Regulation the vehicles mentioned in Article 13(1) and (3) of Regulation (EC) No 561/2006.

3 Member States may exempt from the application of this Regulation vehicles used for transport operations which have been granted an exception in accordance with Article 14(1) of Regulation (EC) No 561/2006.

Member States may exempt from the application of this Regulation vehicles used for transport operations which have been granted an exception in accordance with Article 14(2) of Regulation (EC) No 561/2006; they shall immediately notify the Commission thereof.

4 15 years after newly registered vehicles are required to have a tachograph as provided in Articles 8, 9 and 10, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph.

5 In the case of national transport operations, Member States may require the installation and use of tachographs in accordance with this Regulation in any of the vehicles for which their installation and use are not otherwise required by paragraph 1.

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Article 4

Requirements and data to be recorded

1 Tachographs, including external components, tachograph cards and record sheets shall fulfil stringent technical and other requirements such as to permit the proper implementation of this Regulation.

2 Tachographs and tachograph cards shall comply with the following requirements.

They shall:

- record data related to the driver, driver activity and the vehicle which shall be accurate and reliable;
- be secure, in particular guaranteeing the integrity and the origin of the source of data recorded by and retrieved from vehicle units and motion sensors;
- be interoperable as between the various generations of vehicle units and tachograph cards;
- allow for efficient verification of compliance with this Regulation and other applicable legal acts;
- be user-friendly.

3 Digital tachographs shall record the following data:

- a the distance travelled, and the speed of the vehicle;
- b time measurement;
- c position points as referred to in Article 8(1);
- d the identity of the driver;
- e the activity of the driver;
- f control, calibration and tachograph repair data, including the identity of the workshop;
- g events and faults.

4 Analogue tachographs shall record at least the data referred to in points (a), (b) and (e) of paragraph 3.

5 Access to the data stored in the tachograph and the tachograph card may be granted at all times to:

- a the competent control authorities;
- b the relevant transport undertaking so that it can comply with its legal obligations, in particular as set out in Articles 32 and 33.

6 The downloading of data shall be performed with the minimum of delay to transport undertakings or drivers.

7 Data recorded by the tachograph which may be transmitted in or out of the tachograph, whether wirelessly or electronically, shall be in the form of publicly available protocols as defined in open standards.

8 To ensure that tachographs and tachograph cards comply with the principles and requirements of this Regulation, and in particular of this Article, the Commission shall, by means of implementing acts, adopt detailed provisions necessary for the uniform application of this Article, in particular provisions which provide for the technical means of how to fulfil those requirements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

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9 The detailed provisions referred to in paragraph 8 shall, where appropriate, be based on standards and shall guarantee interoperability and compatibility between the various generations of vehicle units and all tachograph cards.

Article 5

Functions of the digital tachograph

Digital tachographs shall ensure the following functions:

- speed and distance measurement;
- monitoring driver activities and driving status;
- monitoring the insertion and withdrawal of tachograph cards;
- recording of drivers' manual entries;
- calibration;
- automatic recording of the position points referred to in Article 8(1);
- monitoring control activities;
- detection and recording of events and faults;
- reading from data memory and recording and storing in data memory;
- reading from tachograph cards and recording and storing in tachograph cards;
- displaying, warning, printing and downloading data to external devices;
- time adjustment and measurement;
- remote communication;
- company locks management;
- built-in and self-tests.

Article 6

Display and warning

1 Information contained in digital tachographs and tachograph cards relating to vehicle activities and to drivers and co-drivers shall be displayed in a clear, unambiguous and ergonomic way.

2 The following information shall be displayed:

- a time;
- b mode of operation;
- c driver activity:
 - if the current activity is driving, the driver's current continuous driving time and the current cumulative break time,
 - if the current activity is availability/other work/rest or break, the current duration of that activity (since it was selected) and the current cumulative break time;
- d data related to warnings;
- e data related to menu access.

Additional information may be displayed, provided that it is clearly distinguishable from the information required in this paragraph.

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3 Digital tachographs shall warn drivers when detecting any event and/or fault, and before and at the time of exceeding the maximum allowed continuous driving time, in order to facilitate compliance with the relevant legislation.

4 Warnings shall be visual and may also be audible. Warnings shall have a duration of at least 30 seconds, unless they are acknowledged by the user by pushing any key of the tachograph. The reason for the warning shall be displayed and shall remain visible until acknowledged by the user using a specific key or command of the tachograph.

5 To ensure that tachographs comply with the requirements of this Article concerning display and warnings, the Commission shall, by means of implementing acts, adopt detailed provisions necessary for the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

Article 7

Data protection

1 Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and with Regulation (EC) No 561/2006, in accordance with Directives 95/46/EC and 2002/58/EC and under the supervision of the supervisory authority of the Member State referred to in Article 28 of Directive 95/46/EC.

2 Member States shall, in particular, ensure that personal data are protected against uses other than those strictly linked to this Regulation and Regulation (EC) No 561/2006, in accordance with paragraph 1, in relation to:

- the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 8,
- the use of remote communication for control purposes as referred to in Article 9,
- the use of tachographs with an interface as referred to in Article 10,
- the electronic exchange of information on driver cards as referred to in Article 31, and in particular any cross-border exchanges of such data with third countries,
- the keeping of records by transport undertakings as referred to in Article 33.

3 Digital tachographs shall be designed in such a way as to ensure privacy. Only data necessary for the purposes of this Regulation shall be processed.

4 Owners of vehicles, transport undertakings and any other entity concerned shall comply, where applicable, with the relevant provisions on the protection of personal data.

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- (1) Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities ([OJ L 80, 23.3.2002, p. 35](#)).
- (2) Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community ([OJ L 57, 2.3.1992, p. 27](#)).

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