

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 III

TYPE-APPROVAL

Article 12

Applications

1 Manufacturers or their agents shall submit an application for approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type-approval authorities designated to that effect by each Member State.

2 Member States shall communicate to the Commission by 2 March 2015 the name and contact details of the designated authorities referred to in paragraph 1, and shall provide updates thereafter as necessary. The Commission shall publish a list of designated type-approval authorities on its website and shall keep that list updated.

3 An application for type-approval shall be accompanied by the appropriate specifications, including necessary information regarding the seals, and by security, functionality and interoperability certificates. The security certificate shall be issued by a recognised certification body designated by the Commission.

Functionality certificates shall be issued to the manufacturer by the type-approval authority.

The interoperability certificate shall be issued by a single laboratory under the authority and responsibility of the Commission.

- 4 In respect of tachographs, their relevant components, and tachograph cards:
- a the security certificate shall certify the following for the vehicle unit, tachograph cards, motion sensor, and connection to the GNSS receiver when the GNSS is not embedded in the vehicle units:
 - (i) compliance with security targets;
 - (ii) fulfilment of the following security functions: identification and authentication, authorisation, confidentiality, accountability, integrity, audit, accuracy and reliability of service;
 - b the functional certificate shall certify that the tested item fulfils the appropriate requirements in terms of functions performed, environmental characteristics, electromagnetic compatibility characteristics, compliance with physical requirements and compliance with other applicable standards;
 - c the interoperability certificate shall certify that the tested item is fully interoperable with the necessary tachographs or tachograph card models.

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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, CHAPTER III. (See end of Document for details)

5 Any modification in software or hardware of the tachograph or in the nature of materials used for its manufacture shall, before being applied, be notified to the authority which granted type-approval for the equipment. That authority shall confirm to the manufacturer the extension of the type-approval, or may require an update or a confirmation of the relevant functional, security and/or interoperability certificates.

6 No application in respect of any one type of vehicle unit, motion sensor, model record sheet or tachograph card may be submitted to more than one Member State.

7 The Commission shall, by means of implementing acts, adopt detailed provisions 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 13

Granting of type-approval

A Member State shall grant type-approval to any type of vehicle unit, motion sensor, model record sheet or tachograph card which complies with the requirements set out in Articles 4 and 11, provided that the Member State is in a position to check that production models conform to the approved type.

Any modifications or additions to an approved model must receive additional type-approval from the Member State which granted the original type-approval.

Article 14

Type-approval mark

Member States shall issue to the applicant a type-approval mark conforming to a pre-established model, for each type of vehicle unit, motion sensor, model record sheet or tachograph card which they approve pursuant to Article 13 and Annex II. Such models shall be adopted by the Commission through implementing acts in accordance with the examination procedure referred to in Article 42(3).

Article 15

Approval or refusal

The competent authorities of the Member State to which the application for type-approval has been submitted shall, in respect of each type of vehicle unit, motion sensor, model record sheet or tachograph card which they approve, send within one month a copy of the type-approval certificate accompanied by copies of the relevant specifications, including those relating to the seals, to the authorities of the other Member States. Where the competent authorities do not approve the application for type-approval, they shall notify the authorities of the other Member States that approval has been refused and shall communicate the reasons for their decision.

Article 16

Compliance of equipment with type-approval

1 If a Member State which has granted type-approval as provided for in Article 13 finds that any vehicle units, motion sensors, record sheets or tachograph cards bearing the type-approval mark issued by it do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved type. The measures taken may, if necessary, extend to withdrawal of type-approval.

2 A Member State which has granted type-approval shall withdraw such approval if the vehicle unit, motion sensor, record sheet or tachograph card which has been approved is not in conformity with this Regulation or if it displays any general defect during use which makes it unsuitable for the purpose for which it is intended.

3 If a Member State which has granted type-approval is notified by another Member State of one of the cases referred to in paragraphs 1 or 2, it shall, after consulting the notifying Member State, take the steps laid down in those paragraphs, subject to paragraph 5.

4 A Member State which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid until further notice the placing on the market and putting into service of the vehicle unit, motion sensor, record sheet or tachograph card concerned. The same applies in the cases referred to in paragraph 1 with respect to vehicle units, motion sensors, record sheets or tachograph cards which have been exempted from EU initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Regulation.

In any event, the competent authorities of the Member States shall within one month notify one another and the Commission of any withdrawal of type-approval or of any other measures taken pursuant to paragraphs 1, 2 or 3, and shall specify the reasons for such action.

5 If a Member State which has granted a type-approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If talks between the Member States have not resulted in agreement within four months of the date of the notification referred to in paragraph 3, the Commission, after consulting experts from all Member States and having considered all the relevant factors, such as economic and technical factors, shall within six months of the expiry of that four-month period adopt a decision which shall be notified to the Member States concerned and communicated at the same time to the other Member States. The Commission shall in each case lay down the time-limit for implementation of its decision.

Article 17

Approval of record sheets

1 An applicant for type-approval of a model record sheet shall state on the application form the type or types of analogue tachograph on which the record sheet in question is designed to be used, and shall provide suitable equipment of such type or types for the purpose of testing the record sheet.

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2 The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of analogue tachograph on which that model record sheet may be used.

Article 18

Justification of refusal decisions

All decisions pursuant to this Regulation refusing or withdrawing approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card shall specify in detail the reasons on which they are based. A decision shall be communicated to the party concerned, who shall at the same time be informed of the remedies available under the law of the relevant Member State and of the time-limits for the exercise of such remedies.

Article 19

Recognition of type-approved tachographs

Member States shall not refuse to register any vehicle fitted with a tachograph, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the type-approval mark referred to in Article 14 and the installation plaque referred to in Article 22(4).

Article 20

Security

1 Manufacturers shall design, test and review vehicle units, motion sensors and tachograph cards put into production so as to detect vulnerabilities arising in all phases of the product life-cycle, and shall prevent or mitigate their possible exploitation. The frequency of tests shall be laid down by the Member State which granted the approval certificate, within a limit which shall not exceed two years.

2 For this purpose, manufacturers shall submit the documentation necessary for vulnerability analysis to the certification body referred to in Article 12(3).

3 For the purposes of paragraph 1, the certification body referred in Article 12(3) shall conduct tests on vehicle units, motion sensors and tachograph cards to confirm that known vulnerabilities cannot be exploited by individuals in possession of publicly available knowledge.

4 If, in the course of the tests referred to in paragraph 1, vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) are detected, those elements shall not be put on the market. If vulnerabilities are detected in the course of the tests referred to in paragraph 3 for elements already on the market, the manufacturer or the certification body shall inform the competent authorities of the Member State which granted the type-approval. Those competent authorities shall take all measures necessary to ensure that the problem is addressed, in particular by the manufacturer, and shall inform the Commission without delay of the vulnerabilities detected and of the measures envisaged or taken, including where necessary the withdrawal of type-approval in accordance with Article 16(2).

Article 21

Field tests

1 Member States may authorise field tests of tachographs which have not yet been type-approved. Member States shall mutually recognise such authorisations for field tests.

2 Drivers and transport undertakings participating in a field test shall comply with the requirements of Regulation (EC) No 561/2006. In order to demonstrate such compliance, drivers shall follow the procedure set out in Article 35(2) of this Regulation.

3 The Commission may adopt implementing acts to lay down the procedures to be followed for carrying out field tests and the forms to be used in order to monitor those field tests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

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