

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)

[^{F1}CHAPTER III

TYPE-APPROVAL

Article 11A

Requirement for UK or EU type-approval

1 A vehicle unit, motion sensor, model record sheet or tachograph card shall, where installed or used in a vehicle to which Article 3 applies, be of a type approved in accordance with—

- a) this Chapter and the Motor Vehicles (Type Approval) Regulations 1980 (“the 1980 Regulations”), or
- b) Chapter 3 of the equivalent EU Regulation.

2 In this Chapter a reference to “UK type-approval” is a reference to type-approval in accordance with this Chapter and the 1980 Regulations, and related expressions are to be read accordingly.

Article 12

Applications for UK type-approval: certificates

1 An application for UK type-approval shall be made to the Secretary of State.

2 The application shall be made in accordance with regulation 6 of the 1980 Regulations.

3 The form of the document issued by the Secretary of State for the purposes of such an application (in accordance with paragraph (iii) of the definition of “information document” in regulation 3(1) of the 1980 Regulations) shall require the application to be accompanied by—

- a) a security certificate;
- b) a functionality certificate;
- c) an interoperability certificate;
- d) in the case of an application relating to a vehicle unit, information about the seals.

4 A security certificate shall be issued by a person appointed by the Secretary of State (which may be a person outside the United Kingdom).

5 A functionality certificate shall be issued by the Secretary of State.

6 An interoperability certificate shall be issued by a person appointed by the Secretary of State (which may be a person outside the United Kingdom).

7 In respect of tachographs, their relevant components, and tachograph cards:

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- a) the security certificate shall certify the following for the vehicle unit, tachograph cards, motion sensor, and connection to the satellite navigation system receiver when the satellite navigation system 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.

8 The Secretary of State shall give notice to manufacturers as provided for in regulation 10(1)(c) of the 1980 Regulations to ensure that a manufacturer is required to give notice under that regulation of any alterations in software or hardware of a tachograph or in the nature of materials used for its manufacture.

9 Where notice of alterations is given to the Secretary of State under regulation 10 of the 1980 Regulations, the Secretary of State may require an update or a confirmation of the relevant functional, security or interoperability certificates, before confirming to the manufacturer the extension of the type-approval or taking action under regulation 11 of those Regulations.

Article 17

Approval of record sheets

1 For the purposes of an application for UK type-approval of a model record sheet, the form of information document issued by the Secretary of State (as mentioned in Article 12(3)) shall require that—

- a) an applicant for UK type-approval of a model record sheet states on the application form the type or types of analogue tachograph on which the record sheet in question is designed to be used, and
- b) suitable equipment of such type or types is required in connection with the application for type-approval, for the purpose of testing the record sheet.

2 The Secretary of 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 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 at least every two years.

2 Manufacturers shall submit the documentation necessary for vulnerability analysis to the person who, under Article 12, is responsible for issuing security certificates.

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3 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, no security certificate is to be issued and, accordingly, no type-approval application is to be considered (see Article 12(3)). If vulnerabilities are detected in the course of the tests referred to in paragraph 1 for elements already on the market, the manufacturer shall inform the Secretary of State. The Secretary of State shall take all measures necessary to ensure that the problem is addressed, in particular by the manufacturer (including, where necessary, the withdrawal of type-approval).

Article 21

Field tests

Drivers and transport undertakings participating in a field test authorised under section 96A of the Transport Act 1968 or regulation 2A of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 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.]

Textual Amendments

- F1** Ch. 3 substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **81**; 2020 c. 1, Sch. 5 para. 1(1)

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