

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 VI

USE OF EQUIPMENT

Article 32

Correct use of tachographs

- 1 Transport undertakings and drivers shall ensure the correct functioning and proper use of digital tachographs and driver cards. Transport undertakings and drivers using analogue tachographs shall ensure their correct functioning and the proper use of record sheets.
- 2 Digital tachographs shall not be set in such a way that they automatically switch to a specific category of activity when the vehicle's engine or ignition is switched off, unless the driver remains able to choose manually the appropriate category of activity.
- 3 It shall be forbidden to falsify, conceal, suppress or destroy data recorded on the record sheet or stored in the tachograph or on the driver card, or print-outs from the tachograph. Any manipulation of the tachograph, record sheet or driver card which could result in data and/or printed information being falsified, suppressed or destroyed shall also be prohibited. No device which could be used to this effect shall be present on the vehicle.
- 4 Vehicles shall not be fitted with more than one tachograph, except for the purposes of the field tests referred to in Article 21.
- 5 Member States shall forbid the production, distribution, advertising and/or selling of devices constructed and/or intended for the manipulation of tachographs.

Article 33

Responsibility of transport undertakings

- 1 Transport undertakings shall be responsible for ensuring that their drivers are properly trained and instructed as regards the correct functioning of tachographs, whether digital or analogue, shall make regular checks to ensure that their drivers make correct use thereof, and shall not give to their drivers any direct or indirect incentives that could encourage the misuse of tachographs.

Transport undertakings shall issue a sufficient number of record sheets to drivers of vehicles fitted with analogue tachographs, taking into account the fact that record sheets are personal in character, the length of the period of service and the possible need to replace record sheets which are damaged or have been taken by an authorised control officer. Transport undertakings shall issue to drivers only record sheets of an approved model suitable for use in the equipment installed in the vehicle.

Where a vehicle is fitted with a digital tachograph, the transport undertaking and the driver shall ensure that, taking into account the length of the period of service, the printing of data from the tachograph at the request of a control officer can be carried out correctly in the event of an inspection.

2 Transport undertakings shall keep record sheets and printouts, whenever printouts have been made to comply with Article 35, in chronological order and in a legible form, for at least a year after their use, and shall give copies to the drivers concerned who request them. Transport undertakings shall also give copies of data downloaded from driver cards to the drivers concerned who request them, together with printed paper versions of those copies. Record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised control officer.

3 Transport undertakings shall be liable for infringements of this Regulation committed by their drivers or by drivers at their disposal. However, Member States may make such liability conditional on the transport undertaking's infringement of the first subparagraph of paragraph 1 of this Article and Article 10(1) and (2) of Regulation (EC) No 561/2006.

Article 34

Use of driver cards and record sheets

1 Drivers shall use record sheets or driver cards every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorised. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

2 Drivers shall adequately protect the record sheets or driver cards, and shall not use dirty or damaged record sheets or driver cards.

3 When, as a result of being away from the vehicle, a driver is unable to use the tachograph fitted to the vehicle, the periods of time referred to in points (ii), (iii) and (iv) of paragraph 5(b) shall:

- a if the vehicle is fitted with an analogue tachograph, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the record sheet; or
- b if the vehicle is fitted with a digital tachograph, be entered onto the driver card using the manual entry facility provided for in the tachograph.

Member States shall not impose on drivers a requirement to present forms attesting to their activities while away from the vehicle.


4 Where there is more than one driver on board a vehicle fitted with a digital tachograph, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.


Where there is more than one driver on board a vehicle fitted with an analogue tachograph, the drivers shall amend the record sheets as necessary, so that the relevant information is recorded on the record sheet of the driver who is actually driving.


5 Drivers shall:

- a ensure that the time recorded on the record sheet corresponds to the official time in the country of registration of the vehicle;

b operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

(i) under the sign  : driving time,

(ii) under the sign  : ‘other work’, which means any activity other than driving, as defined in point (a) of Article 3 of Directive 2002/15/EC, and also any work for the same or another employer within or outside of the transport sector,

(iii) under the sign  : ‘availability’, as defined in point (b) of Article 3 of Directive 2002/15/EC,

(iv) under the sign  : breaks or rest.

6 Each driver of a vehicle fitted with an analogue tachograph shall enter the following information on his record sheet:

- a on beginning to use the record sheet — his surname and first name;
- b the date and place where use of the record sheet begins and the date and place where such use ends;
- c the registration number of each vehicle to which the driver is assigned, both at the start of the first journey recorded on the record sheet and then, in the event of a change of vehicle, during use of the record sheet;
- d the odometer reading:
 - (i) at the start of the first journey recorded on the record sheet,
 - (ii) at the end of the last journey recorded on the record sheet,
 - (iii) in the event of a change of vehicle during a working day, the reading on the first vehicle to which the driver was assigned and the reading on the next vehicle;
- e the time of any change of vehicle.

7 The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished. However, a Member State may require drivers of vehicles engaged in transport operations inside its territory to add more detailed geographic specifications to the country symbol, provided that the Member State notified those detailed geographic specifications to the Commission before 1 April 1998.

It shall not be necessary for drivers to enter the information referred to in the first sentence of the first subparagraph if the tachograph is automatically recording location data in accordance with Article 8.

Article 35

Damaged driver cards and record sheets

- 1 In the event of damage to a record sheet bearing recordings or to a driver card, drivers shall keep the damaged record sheet or driver card together with any spare record sheet used to replace it.
- 2 Where a driver card is damaged, malfunctions, or is lost or stolen, the driver shall:
 - a at the start of his journey, print out the details of the vehicle he is driving, and enter on that printout:
 - (i) details that enable the driver to be identified (name, driver card or driving licence number), including his signature;
 - (ii) the periods referred to in points (ii), (iii) and (iv) of Article 34(5)(b);
 - b at the end of the journey, print out the information relating to periods of time recorded by the tachograph, record any periods of other work, availability and rest taken since the printout made at the start of the journey, where not recorded by the tachograph, and mark on that document details enabling the driver to be identified (name, driver card or driving licence number), including the driver's signature.

Article 36

Records to be carried by the driver

- 1 Where a driver drives a vehicle fitted with an analogue tachograph, he shall be able to produce, whenever an authorised control officer so requests:
 - (i) the record sheets for the current day and those used by the driver in the previous 28 days,
 - (ii) the driver card, if one is held, and
 - (iii) any manual records and printouts made during the current day and the previous 28 days as required under this Regulation and Regulation (EC) No 561/2006.
- 2 Where the driver drives a vehicle fitted with a digital tachograph, he shall be able to produce, whenever an authorised control officer so requests:
 - (i) his driver card,
 - (ii) any manual records and printouts made during the current day and the previous 28 days as required under this Regulation and Regulation (EC) No 561/2006,
 - (iii) the record sheets corresponding to the same period as that referred to in point (ii) during which he drove a vehicle fitted with an analogue tachograph.
- 3 An authorised control officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed, printed or downloaded data which have been recorded by the tachograph or by the driver card or, failing that, of any other supporting document that justifies non-compliance with a provision, such as Articles 29(2) and 37(2) of this Regulation.

Article 37

Procedures in the event of malfunctioning equipment

1 In the event of the breakdown or faulty operation of a tachograph, the transport undertaking shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the transport undertaking's premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out en route.

Measures taken by Member States pursuant to Article 41 shall give the competent authorities power to prohibit the use of the vehicle in cases where the breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs of this paragraph in so far as this is in accordance with the national legislation in the Member State concerned.

2 While the tachograph is unserviceable or malfunctioning, the driver shall mark data enabling him to be identified (name, driver card or driving licence number), including a signature, as well as the information for the various periods of time which are no longer recorded or printed out correctly by the tachograph:

- a on the record sheet or sheets, or
- b on a temporary sheet to be attached to the record sheet or to be kept together with the driver card.