

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 authorised 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 national 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.

Article 39

Training of control officers

1 Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the checking of tachographs in order to achieve efficient and harmonised control and enforcement.

2 Member States shall inform the Commission of the training requirements for their control officers by 2 September 2016.

3 The Commission shall, by means of implementing acts, adopt measures specifying the content of the initial and continuing training of control officers, including training in relation to techniques to target controls and to detect manipulation devices and fraud. Those measures shall include guidelines to facilitate the implementation of the relevant provisions of this Regulation and of Regulation (EC) No 561/2006. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

4 Member States shall include the content specified by the Commission in the training given to control officers.

Article 40

Mutual assistance

Member States shall assist each other in applying this Regulation and in checking compliance therewith.

Within the framework of that mutual assistance, the competent authorities of the Member States shall, in particular, regularly send to each other all available information concerning infringements of this Regulation by fitters and workshops, types of manipulation practices, and any penalties imposed for such infringements.

Article 41

Penalties

1 Member States shall, in accordance with national constitutional arrangements, lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory, and shall be in compliance with the categories of infringements set out in Directive 2006/22/EC.

2 The Member States shall notify the Commission of those measures and the rules on penalties by 2 March 2016. They shall inform the Commission of any subsequent change to those measures.