

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 IV

INSTALLATION AND INSPECTION

Article 22

Installation and repair

1 Tachographs may be installed or repaired only by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States for that purpose in accordance with Article 24.

2 Approved fitters, workshops or vehicle manufacturers shall, in accordance with the specifications included in the type-approval certificate referred to in Article 15, seal the tachograph after having verified that it is functioning properly, and, in particular, in such a way as to ensure that no manipulation device can tamper with or alter the data recorded.

3 The approved fitter, workshop or vehicle manufacturer shall place a special mark on the seals which it affixes and, in addition, for digital tachographs, shall enter the electronic security data for carrying out authentication checks. The competent authorities of each Member State shall send to the Commission the register of the marks and electronic security data used and the necessary information related to the electronic security data used. The Commission shall give Member States access to that information upon request.

4 For the purpose of certifying that the installation of the tachograph took place in accordance with the requirements of this Regulation, an installation plaque shall be affixed in such a way as to be clearly visible and easily accessible.

5 Tachograph components shall be sealed as specified in the type-approval certificate. Any connections to the tachograph which are potentially vulnerable to tampering, including the connection between the motion sensor and the gearbox, and the installation plaque where relevant, shall be sealed.

A seal shall be removed or broken only:

- by fitters or workshops approved by the competent authorities under Article 24 for repair, maintenance or recalibration purposes of the tachograph, or by control officers properly trained and, where required authorised, for control purposes;
- for the purpose of vehicle repair or modification which affects the seal. In such cases, a written statement stating the date and time at which the seal was broken and giving the reasons for the seal removal shall be kept on board the vehicle. The Commission shall develop a standard form for the written statement through implementing acts.

In all cases, the seals shall be replaced by an approved fitter or workshop without undue delay and at the latest within seven days of their removal.

Before replacing seals, a check and calibration of the tachograph shall be performed by an approved workshop.

Article 23

Inspections of tachographs

1 Tachographs shall be subject to regular inspection by approved workshops. Regular inspections shall be carried out at least every two years.

2 The inspections referred to in paragraph 1 shall check at least the following:

- the tachograph is correctly fitted and appropriate for the vehicle;
- the tachograph is working properly;
- the tachograph carries the type-approval mark;
- the installation plaque is affixed;
- all seals are intact and effective;
- there are no manipulation devices attached to the tachograph or traces of the use of such devices;
- the tyre size and the actual circumference of the tyres.

3 Workshops shall draw up an inspection report in cases where irregularities in the functioning of the tachograph had to be remedied, whether as a result of a periodic inspection or of an inspection carried out at the specific request of the national competent authority. They shall keep a list of all inspection reports drawn up.

4 Inspection reports shall be retained for a minimum period of two years from the time the report was made. Member States shall decide whether inspection reports are to be retained or sent to the competent authority during that period. In cases where the inspection reports are kept by the workshop, upon request from the competent authority, the workshop shall make available the reports of inspections and calibrations carried out during that period.

Article 24

Approval of fitters, workshops and vehicle manufacturers

1 Member States shall approve, regularly control and certify the fitters, workshops and vehicle manufacturers which may carry out installations, checks, inspections and repairs of tachographs.

2 Member States shall ensure that fitters, workshops and vehicle manufacturers are competent and reliable. For that purpose, they shall establish and publish a set of clear national procedures and shall ensure that the following minimum criteria are met:

- a the staff are properly trained;
- b the equipment necessary to carry out the relevant tests and tasks is available;
- c the fitters, workshops and vehicle manufacturers are of good repute.

3 Audits of approved fitters or workshops shall be carried out as follows:

- a approved fitters or workshops shall be subject, at least every two years, to an audit of the procedures they apply when handling tachographs. The audit shall focus in particular on the security measures taken and the handling of workshop cards. Member States may carry out these audits without conducting a site visit;

- b unannounced technical audits of approved fitters or workshops shall also take place in order to check the calibrations, inspections and installations carried out. Those audits shall cover at least 10 % of the approved fitters and workshops annually.

4 Member States and their competent authorities shall take appropriate measures to prevent conflicts of interests between fitters or workshops and transport undertakings. In particular, where there is a serious risk of a conflict of interests, additional specific measures shall be taken to ensure that the fitter or workshop complies with this Regulation.

5 The competent authorities of the Member States shall forward to the Commission, if possible electronically, on an annual basis, the lists of approved fitters and workshops and the cards issued to them. The Commission shall publish those lists on its website.

6 The competent authorities in Member States shall withdraw approvals, either temporarily or permanently, from fitters, workshops and vehicle manufacturers which fail to meet their obligations under this Regulation.

Article 25

Workshop cards

1 The period of validity of workshop cards shall not exceed one year. When renewing the workshop card, the competent authority shall ensure that the criteria listed in Article 24(2) are met by the fitter, workshop or vehicle manufacturer.

2 The competent authority shall renew a workshop card within 15 working days after receipt of a valid renewal request and all the necessary documentation. If a workshop card is damaged, malfunctions, or is lost or stolen, the competent authority shall supply a replacement card within five working days of receiving a detailed request to that effect. Competent authorities shall maintain a register of lost, stolen or defective cards.

3 If a Member State withdraws the approval of a fitter, workshop or vehicle manufacturer as provided for in Article 24, it shall also withdraw the workshop cards issued thereto.

4 Member States shall take all necessary measures to prevent the workshop cards distributed to approved fitters, workshops and vehicle manufacturers from being falsified.