

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.

^{F15}

Textual Amendments

F1 [Art. 32\(5\)](#) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **92** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

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

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 VI. (See end of Document for details)

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 [F2a] 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 F3... control officer.

F43

Textual Amendments

F2 Word in Art. 33(1) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **93(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Word in Art. 33(2) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **93(3)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

F4 Art. 33(3) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **93(4)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

Article 34

Use of driver cards and record sheets

[F51 Drivers shall use record sheets or driver cards every day on which they drive, 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 [F6or is necessary in order to enter the symbol of the country after having crossed a border]F7.... 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.


[^{F8}Drivers are not required] 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^{F9}..., and also any work for the same or another employer within or outside of the transport sector,

(iii) under the sign  : ‘availability’, ^{F10}...,

(iv) [^{F5}under the sign  : breaks, rest, annual leave or sick leave,]

(v) [^{F11}under the sign for ‘ferry/train’: In addition to the sign  : the rest period spent on a ferry or train as required by Article 9 of Regulation (EC) No 561/2006.]

[^{F12}In this paragraph—

“driving” has the same meaning as in the definition of “working time” in regulation 2 of the Road Transport (Working Time) Regulations 2005, in relation to England and Wales and Scotland, and in regulation 2(2) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005, in relation to Northern Ireland; and

“availability” has the same meaning as in the definition of “period of availability” in those regulations.]

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:

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 VI. (See end of Document for details)

- (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^{[F5];}
- ^[F13f] the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country that the driver enters after crossing the border of a member State or of the United Kingdom at the beginning of the driver's first stop in that member State or the United Kingdom. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.]

^[F147] The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country that the driver enters after crossing a border of a member State or the United Kingdom at the beginning of the driver's first stop in that member State or the United Kingdom. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival. It shall not be necessary for drivers to enter the information referred to in the first subparagraph if the tachograph is automatically recording location data in accordance with Article 8.]

Textual Amendments

- F5** Substituted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F6** Words in Art. 34(1) inserted (24.12.2022) by The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), **3(8)(a)**
- F7** Words in Art. 34(1) omitted (3.3.2021) by virtue of The Drivers' Hours and Tachographs (Amendment) Regulations 2021 (S.I. 2021/135), regs. 1, **3(8)(a)**
- F8** Words in Art. 34(3) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **94(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 34(5)(b)(ii) omitted (24.12.2022) by virtue of The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), **3(8)(b)(i)**
- F10** Words in Art. 34(5)(b)(iii) omitted (24.12.2022) by virtue of The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), **3(8)(b)(ii)**
- F11** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F12** Words in Art. 34(5) inserted (24.12.2022) by The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), **3(8)(b)(iii)**

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 VI. (See end of Document for details)

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| <p>F13 Art. 34(6)(f) re-inserted (24.12.2022) by The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), 3(8)(c)</p> <p>F14 Art. 34(7) re-inserted (24.12.2022) by The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), 3(8)(d)</p> |
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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 [^{F15}a] 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 [^{F16}a] 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.

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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 VI. (See end of Document for details)

Textual Amendments

- F15** Word in Art. 36(1) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **95(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Art. 36(2) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **95(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Art. 36(3) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **95(4)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

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.

F18 ...

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.

Textual Amendments

- F18** Words in Art. 37(1) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **96**; 2020 c. 1, **Sch. 5 para. 1(1)**

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 VI.