



2024/1886

11.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1886

of 10 July 2024

laying down detailed rules implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council as regards the content of the initial and continuing training of control officers for the analysis of the data recorded and the checking of tachographs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 39(3) thereof,

Whereas:

- (1) Tachographs play a crucial role in checking compliance by road transport undertakings and professional drivers with the relevant Union law applicable in the sector. It is therefore essential that enforcers have a very good and common understanding of Union rules and awareness of where to find the relevant guidance relating to these rules, knowledge on how to analyse tachograph data and check tachographs, and awareness of the latest technological developments and manipulation techniques. Enforcers should also possess the soft and communication skills necessary during checks, when interviewing drivers at the roadside and other staff at the premises of undertakings.
- (2) The introduction of common training requirements for enforcers in the road transport sector should lead to the harmonisation of control practices throughout the Union and contribute to the equal treatment of road transport drivers and transport undertakings when facing controls. It should also contribute to building a culture of compliance within the industry and the society as a whole.
- (3) Hitherto, experience and good practices in the implementation of certain provisions of Regulation (EC) No 561/2006 of the European Parliament and the Council ⁽²⁾, Regulation (EU) No 165/2014 and Directive (EU) 2020/1057 of the European Parliament and the Council ⁽³⁾ have helped enforcers to control compliance with the rules in a more effective and consistent manner. They therefore should be part of the contents of the training of control officers, so that they serve as useful guidance to them when performing controls.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 42(3) of Regulation (EU) No 165/2014,

⁽¹⁾ OJ L 60, 28.2.2014, p. 1.

⁽²⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁽³⁾ Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).

HAS ADOPTED THIS REGULATION:

Article 1

Content and delivery of training

1. The common training requirements for control officers are set out in the Annex to this Regulation.
2. Member States shall establish the techniques and materials to structure and deliver the initial and continuing training of control officers according to the requirements set out in the Annex to this Regulation.
3. Member States shall regularly update their training programmes to reflect changes in the relevant Union law and technological developments.
4. This Regulation shall not prevent Member States from adopting any additional requirements that they may consider necessary to ensure that enforcement officers are appropriately trained for the execution of their tasks.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 July 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

TRAINING FOR CONTROL OFFICERS

1. Training provided to control officers shall consist of initial training and continuing training. Continuing training is meant to refresh the knowledge of control officers, taking into account any updates to the regulatory framework as well as technological developments.
2. Member States shall ensure a balance between theoretical training (classroom and demonstrations) and practical training (on-the-job experience), including staff exchanges, internship in the control authority of a different Member State or joint trainings for inspectors from different Member States.
3. The training for control officers has the following objectives:
 - acquiring good understanding of the relevant Union law and in particular on Regulations (EC) No 561/2006 and (EU) No 165/2014, Regulations (EC) No 1071/2009 ⁽¹⁾, (EC) No 1072/2009 ⁽²⁾, (EC) No 1073/2009 ⁽³⁾ of the European Parliament and of the Council, Directive 2002/15/EC of the European Parliament and of the Council ⁽⁴⁾, Council Directives 92/6/EEC ⁽⁵⁾, 92/106/EEC ⁽⁶⁾ and, as far as posting of workers in road transport is concerned, Directives 96/71/EC ⁽⁷⁾, 2014/67/EU ⁽⁸⁾, (EU) 2020/1057 of the European Parliament and of the Council ⁽⁹⁾, and of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) and other relevant international agreements, including the EU–UK Trade and Cooperation Agreement (TCA) ⁽¹⁰⁾, as well as of the procedures and techniques to check their implementation in practice,
 - acquiring knowledge and practical skills in the use of special control tools, systems and procedures to analyse tachograph data and detect manipulation of tachographs,
 - acquiring skills for effectively identifying infringements and determining applicable penalties in accordance with the classification of infringements,

⁽¹⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

⁽²⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (recast) (OJ L 300, 14.11.2009, p. 72).

⁽³⁾ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (recast) (OJ L 300, 14.11.2009, p. 88).

⁽⁴⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

⁽⁵⁾ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

⁽⁶⁾ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

⁽⁷⁾ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

⁽⁸⁾ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11).

⁽⁹⁾ Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).

⁽¹⁰⁾ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

- enhancing professional behavioural skills and soft skills to ensure efficient, effective, proportionate and non-discriminatory controls,
- acquiring knowledge of the data exchange and communication systems used in the field of cross-border enforcement of the relevant EU road transport rules,
- acquiring knowledge and skills to familiarise themselves with the guidelines and clarification notes provided by the Commission services ⁽¹⁾, in particular for the consistent implementation and enforcement of Regulations (EC) No 561/2006 and (EU) No 165/2014, and Directive (EU) 2020/1057.

4. Control officers must be trained according to their specialisation and competence in the different fields and to the type of controls that they perform. In this respect, their training must include the following skills in the table below.

Core training – Common set of core skills for control at the roadside and at the premises	Control officers performing checks at the roadside and/or premises must have a very good knowledge of: — the Union legal provisions for which the analysis of tachographs and the data recorded is crucial, — the AETR and relevant rules of other international agreements, including the TCA, — the guidelines and clarification notes provided by the Commission services for the implementation and enforcement of Regulations (EC) No 561/2006 and (EU) No 165/2014, and Directives 2002/15/EC and (EU) 2020/1057, — the characteristics of the different versions of analogue, digital and smart tachographs, such as their design, functionalities and the type of data they can record. Control officers performing checks at the roadside and/or premises must be able to: — use in a proficient way available software and any other relevant tools to analyse tachograph data, — read and analyse the data from available software, tools and printouts, — know the techniques to target controls by using efficiently all relevant databases and systems such as the European Register of Road Transport Undertakings (ERRU) ⁽¹⁾, risk rating system ⁽²⁾, TACHOnet ⁽³⁾, and Internal Market Information System (IMI) ⁽⁴⁾, — conduct themselves in accordance with the requirements of professional ethics, — use the appropriate interview techniques and communication skills, — take the adequate decisions based on the available information and evidence (tachograph data, information collected during the interview, material in the cabin (when allowed by national law), circumstances of the transport operation and history of the driver's and undertaking's compliance behaviour), — report clearly orally and in writing, — share information in the appropriate way with other Member States, when necessary.
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⁽¹⁾ Guidance and clarification notes set out the Commission services' point of view on the application and implementation of a number of provisions and aim at ensuring a common understanding and harmonious application of these provisions. The interpretation of European Union law is ultimately the prerogative of the Court of Justice of the European Union.

Training for control officers performing checks at the roadside	Control officers performing checks at the roadside must have a very good knowledge of: — the installation and functioning of tachographs, — the rules and procedures on sealing and re-sealing of tachographs, — how the relevant workshops work, such as the way they perform the checks and the tools they use. In particular, control officers performing checks at the roadside must be able to: — identify fraud and manipulation performed on all tachograph versions in use, — know the techniques to target controls by using the systems for remote early detection of possible manipulation or misuse, — know how to stop vehicles for control purposes ensuring the safety of all, — know how to handle and react to drivers' behavior during checks.
Training for control officers performing checks at the premises	Control officers performing checks at the premises must have a very good knowledge of: — procedures and investigation powers for checks at premises. This includes ways to obtain the relevant information, procedure on entering the premises, requesting information and inspection of corporate documents, — the various existing business structures both at national and multinational level. In particular, control officers performing checks at the premises must be able to: — know how to use and analyse large amount of data and compare data received from different sources, — identify fraud and manipulation performed on all tachograph versions in use, especially in relation to the improper use of driver cards, — show strong communicative skills and adapt the interviewing techniques according to the interviewee.

(¹) As set out in Article 16(5) of Regulation (EC) No 1071/2009 and in Commission Implementing Regulation (EU) 2016/480 of 1 April 2016 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010 (OJ L 87, 2.4.2016, p. 4).

(²) As set out in Article 9(1) of Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35) and in Commission Implementing Regulation (EU) 2022/695 of 2 May 2022 laying down rules for the application of Directive 2006/22/EC of the European Parliament and of the Council as regards the common formula for calculating the risk rating of transport undertakings (OJ L 129, 3.5.2022, p. 33).

(³) As set out in Article 31(2) of Regulation (EU) No 165/2014 and in Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (OJ L 15, 22.1.2016, p. 51).

(⁴) As set out in Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (the IMI Regulation) (OJ L 316, 14.11.2012, p. 1).

5. In order to further strengthen the principle of collaboration among Member States, relevant language courses and/or the use of translation and communication technology shall be included in the content of the training of control officers, with particular focus on the languages used in the performance of concerted checks and joint inspections with other Member States.
 6. The content of the training shall be adapted to the target group and level of the class to be as useful as possible.
 7. The training shall, to the extent possible, build on the class experience and let room for exchange of experiences and good practices between control officers.
 8. The use of simulators or actual tachographs, although not obligatory, may be useful for the effective training of control officers. In principle, simulators of the latest generation must be used, but control officers shall also be trained to detect fraud and analyse data on older generations of tachographs which are still in circulation.
 9. The training may include the possibility for control officers in training to accompany other control officers during checks at the roadside and/or at the premises.
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