



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/SC.1/386/Add.1
16 December 2008

ENGLISH
Original: ENGLISH, FRENCH
AND RUSSIAN

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport

**REPORT OF THE WORKING PARTY ON ROAD TRANSPORT
ON ITS one-hundred-and-third SESSION**

(Geneva, 29-31 October 2008)

Addendum

Proposed amendments to the body, Annex and Appendices to the Annex of the
European Agreement concerning the Work of Crews of Vehicles Engaged in
International Road Transport (AETR)

Note by the secretariat

The present document contains the set of proposals to amend the body (part one), the Annex (part two), as well as the Appendices to the Annex (part three) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport* (AETR) adopted by the Working Party on Road Transport at its one-hundred-and-third session (ECE/TRANS/SC.1/386, paragraph 15). An explanatory memorandum concerning the proposals submitted can be found at the end of this document.

* As contained in documents ECE/TRANS/SC.1/2006/2 and ECE/TRANS/SC.1/375/Add.1.

Part One

Amendments to the body of the AETR

(according to the procedure defined in Article 21, paragraphs 1 to 6)

Article 1 (Definitions)

Amend the definitions below, from article 1 of the AETR, to read as follows:

“(f) ‘Permissible maximum mass’ means the maximum mass of the laden vehicle declared permissible by the competent authority of the State in which the vehicle is registered;”

“(g) ‘Carriage by road’ means any journey made entirely or in part on roads open to the public of a vehicle, whether laden or not, used for the carriage of passengers or goods;”

“(j) ‘Driver’ means any person, whether wage-earning or not, who drives the vehicle even for a short period, or who is carried on a vehicle as part of his duties in order to be available for driving if necessary;”

“(m) ‘Rest’ means any uninterrupted period during which the driver may freely dispose of his time;”.

Add the following new definitions to article 1 of the AETR:

“(n) ‘Break’ means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation;

(o) ‘Daily rest period’ means the daily period during which a driver may freely dispose of his time and covers a ‘regular daily rest period’ and a ‘reduced daily rest period’:

- ‘Regular daily rest period’ means any period of rest of at least 11 hours. Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least 9 hours;
- ‘Reduced daily rest period’ means any period of rest of at least 9 hours but less than 11 hours;

(p) ‘Weekly rest period’ means the weekly period during which a driver may freely dispose of his time and covers a ‘regular weekly rest period’ and a ‘reduced weekly rest period’:

- ‘Regular weekly rest period’ means any period of rest of at least 45 hours;
- ‘Reduced weekly rest period’ means any period of rest of less than 45 hours, which may, subject to the conditions laid down in article 8, paragraph (6), of the Agreement be shortened to a minimum of 24 consecutive hours;

(q) ‘Other work’ means all working activities except driving, including any work for the same or another employer, within or outside of the transport sector. It does not include waiting time and time not devoted to driving spent in a vehicle in motion, a ferryboat or a train;

(r) ‘Driving time’ means the duration of driving activity recorded automatically or semi-automatically or manually in the conditions defined in this Agreement;

(s) ‘Daily driving time’ means the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period or between a daily rest period and a weekly rest period;

(t) ‘Weekly driving time’ means the total accumulated driving time during a week;

(u) ‘Driving period’ means the accumulated driving time from when a driver commences driving following a rest period or a break until he takes a rest period or a break. The driving period may be continuous or broken;

(v) ‘Multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional, but for the remainder of the period it is compulsory;

(w) ‘Transport undertaking’ means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road, whether for hire or reward or for own account.”

Article 2 (Scope)

Amend article 2 of the AETR to read as follows:

“1. This Agreement shall apply in the territory of each Contracting Party to all international road transport performed by any vehicle registered in the territory of the said Contracting Party or in the territory of any other Contracting Party.

2. Nevertheless, unless the Contracting Parties whose territory is used agree otherwise, this Agreement shall not apply to international road transport performed by:

(a) Vehicles used for the carriage of goods where the permissible maximum mass of the vehicle, including any trailer or semi-trailer, does not exceed 3.5 tonnes;

(b) Vehicles used for the carriage of passengers which, by virtue of their construction and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose;

(c) Vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;

- (d) Vehicles with a maximum authorized speed not exceeding 40 kilometres per hour;
- (e) Vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;
- (f) Vehicles used in emergencies or rescue operations, including the non-commercial transport of humanitarian aid;
- (g) Specialized vehicles used for medical purposes;
- (h) Specialized breakdown vehicles operating within 100 kilometres of their base;
- (i) Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- (j) Vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for non-commercial carriage of goods;
- (k) Commercial vehicles which have a historical status according to the legislation of the Contracting Party in which they are being driven and which are used for the non-commercial carriage of passengers or goods.”

Article 3

(Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States)

Amend article 3, paragraph 2, of the AETR to read as follows:

“2. (a) However, it shall be open to any Contracting Party, in the case of a vehicle registered in a State which is not a Contracting Party to this Agreement, merely to require, in lieu of a control device conforming to the specifications in the Annex to this Agreement, daily record sheets completed manually by each crew member for the period of time from the moment of entry into the territory of the first Contracting Party.

(b) For this purpose, each crew member shall write on his record sheet the information concerning his professional activities and rest periods, using the appropriate graphic symbols as defined in article 12 of the Annex to this Agreement.”

Article 6 (Driving periods)

Amend article 6 of the AETR to read as follows:

1. The daily driving time, as defined in article 1, paragraph (s), of this Agreement, shall not exceed 9 hours. It may be extended to at most 10 hours not more than twice during the week.
2. The weekly driving time, as defined in article 1, paragraph (t), of this Agreement, shall not exceed 56 hours.
3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.
4. Driving periods shall include all driving in the territory of Contracting and non-Contracting Parties.
5. A driver shall record as other work any time spent as described in article 1, paragraph (q), as well as any time spent driving a vehicle used for commercial operations not falling within the scope of this Agreement, and shall record any periods of availability, as set out in article 12, paragraph 3 (c), of the Annex to this Agreement. This record shall be entered either manually on a record sheet or printout or by use of the manual input facilities of the recording equipment.”

Article 7 (Breaks)

Amend article 7, paragraphs 1 to 3, of the AETR to read as follows:

- “1. After a driving period of four and a half hours, a driver shall take an uninterrupted break of not less than 45 minutes, unless he begins a rest period.
2. This break, as defined in article 1, paragraph (n), of this Agreement, may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the driving period or immediately after this period in such a way as to comply with the provisions of paragraph 1.
3. For the purposes of this article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferryboat or a train shall not be regarded as ‘other work’, as defined in article 1, paragraph (q), of this Agreement, and will be able to be qualified as a ‘break’.”

Article 8 (Rest periods)

Amend article 8 of the AETR to read as follows:

- “1. A driver shall take daily and weekly rest periods as defined in article 1, paragraphs (o) and (p).
2. Within each period of 24 hours after the end of the previous daily rest period or weekly rest period, a driver shall have taken a new daily rest period.

If the portion of the daily rest period which falls within that 24-hour period is at least 9 hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.

3. By way of derogation from paragraph 2, within 30 hours of the end of a daily or weekly rest period, a driver engaged in multi-manning must have taken a new daily rest period of at least 9 hours.
4. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.
5. A driver may have at most three reduced daily rest periods between any two weekly rest periods.
6. (a) In any two consecutive weeks, a driver shall take at least:
 - (i) Two regular weekly rest periods; or
 - (ii) One regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.

(b) By way of derogation from paragraph 6 (a), a driver engaged in a single service of international carriage of passengers, other than a regular service, may postpone the weekly rest period for up to twelve consecutive 24-hour periods following a previous regular weekly rest period, provided that:

- (i) the service lasts at least 24 consecutive hours in a Contracting Party or a third country other than the one in which the service started, and
- (ii) the driver takes after the use of the derogation:
 - a. either two regular weekly rest periods,
 - b. or one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the end of the derogation period,

and

- (iii) four years after the country of registration has implemented the digital tachograph, the vehicle is equipped with recording equipment in accordance with the requirements of Appendix 1B of the Annex, and
- (iv) after 1 January 2014, in case of driving during the period from 22:00 to 06:00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

(c) By way of derogation from paragraph 6 (a), drivers who are engaged in multi manning shall take each week a regular weekly rest period of at least 45 hours. This period may be reduced to a minimum of 24 hours (reduced weekly rest period). However, each reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.

- 7. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least 9 hours.
- 8. Where a driver chooses to do this, daily rest periods and reduced weekly rest periods taken away from base may be taken in a vehicle, as long as it has specially fitted sleeping facilities for each driver as foreseen by the constructor's design, and it is stationary.
- 9. A weekly rest period that falls in two weeks may be counted in either week, but not in both."

Add a new article 8 bis to the AETR to read as follows:

“Article 8 bis (Derogations from article 8)

1. By way of derogation from article 8, where a driver accompanies a vehicle which is transported by ferryboat or train and takes a regular daily rest period, that period may be interrupted not more than twice by other activities provided the following conditions are fulfilled:

- (a) That part of the daily rest period spent on land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train;
- (b) The period between the portions of the daily rest period must be as short as possible and may on no account exceed a total of one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations.

During all the portions of the daily rest period, the driver shall have access to a bunk or couchette.

2. Any time spent travelling to a location to take charge of a vehicle falling within the scope of this Agreement, or to return from that location, when the vehicle is neither at the driver's home nor at the employer's operational centre where the driver is normally based, shall not be

counted as a rest or break unless the driver is in a ferryboat or train and has access to suitable sleeping facilities.

3. Any time spent by a driver driving a vehicle which falls outside the scope of this Agreement to or from a vehicle which falls within the scope of this Agreement and which is not at the driver's home or at the employer's operational centre where the driver is normally based shall count as 'other work'."

Article 9 (Exceptions)

Amend the last sentence of article 9 of the AETR to read as follows:

"... The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet or on a printout of the control device or in his duty roster, at the latest on arrival at a suitable stopping place."

Article 11 (Supervision by the undertaking)

Amend article 11, paragraph 1, of the AETR to read as follows:

"1. The undertaking shall organize road transport operations and properly instruct crew members so that they are able to comply with the provisions of this Agreement."

Insert the following phrase in article 11, paragraph 3, of the AETR:

"... or encourage breaches of this Agreement."

Add the following two paragraphs to article 11 of the AETR:

"4. A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed in the territory of another Contracting Party or a non-Contracting Party.

Without prejudice to the right of Contracting Parties to hold transport undertakings fully liable, Contracting Parties may make this liability conditional on the undertaking's infringement of paragraphs 1 and 2. Contracting Parties may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

5. Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Agreement."

Article 12 (Measures of enforcement of the Agreement)

Amend article 12, paragraphs (a) to (c), of the AETR to read as follows:

"(a) The competent administrations of the Contracting Parties shall organize the checks so that:

- (i) During each calendar year, a minimum of 1% of the days worked by the drivers of vehicles to which this Agreement applies shall be checked. From 1 January 2010, this percentage will increase to at least 2%, and from 1 January 2012, to at least 3%;
 - (ii) At least 15% of the total number of working days checked shall be checked at the roadside and at least 25% on the premises of undertakings. From 1 January 2010, not less than 30% of the total number of working days checked shall be checked at the roadside and not less than 50% shall be checked on the premises of undertakings.
- (b) The elements of roadside checks shall include:
- (i) Daily and weekly driving periods, interruptions and daily and weekly rest periods;
 - (ii) The record sheets of the preceding days, which shall be on board the vehicle, and/or the data stored for the same period on the driver card and/or in the memory of the control device and/or on the printouts, when required;
 - (iii) The correct functioning of the control device.

These checks shall be carried out without discrimination among vehicles, undertakings and drivers whether resident or not, and regardless of the origin or destination of the journey or type of tachograph.

(c) The elements of checks on the premises of undertakings shall include, apart from the elements subject to roadside checks and compliance with the provisions of article 11, paragraph 2, of the Annex:

- (i) Weekly rest periods and driving periods between these rest periods;
- (ii) Two-weekly limits on hours of driving;
- (iii) Compensation for weekly rest periods reduced in accordance with article 8, paragraph 6;
- (iv) Use of record sheets and/or vehicle unit and driver card data and printouts and/or the organization of drivers' working time."

Add new paragraphs 6 to 8 to article 12 of the AETR to read as follows:

"6. (a) A Contracting Party shall authorize its competent authorities to impose a penalty on a driver for an infringement of this Agreement detected on its territory and for which a penalty has not already been imposed, even if that infringement has been committed in the territory of another Contracting Party or of a non-Contracting Party;

(b) A Contracting Party shall authorize its competent authorities to impose a penalty on an undertaking for an infringement of this Agreement detected on its territory and for which a

penalty has not already been imposed, even if that infringement has been committed in the territory of another Contracting Party or of a non-Contracting Party.

By way of exception, when an infringement is detected which has been committed by an undertaking established in another Contracting Party or in a non-Contracting Party, the imposing of sanctions shall conform to the procedure foreseen in the bilateral road transport agreement between the Parties concerned.

Contracting Parties will examine, starting from 2011, the possibility of removing the exception in paragraph 6 (b), on the basis of the readiness of all Contracting Parties.

7. Whenever a Contracting Party initiates proceedings or imposes a penalty for a particular infringement, it shall provide the driver with due evidence of this in writing.

8. Contracting Parties shall ensure that a system of proportionate penalties, which may include financial penalties, is in force for infringements of this Agreement on the part of undertakings, or associated consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies.”

Add new articles 12 bis, 13 bis and 22 ter to the AETR to read as follows:

Article 12 bis (Model standardized forms)

1. To facilitate international roadside checks, model standardized forms will be introduced, for use when required, in the Annex to this Agreement, which will be supplemented accordingly by a new Appendix 3. These forms will be introduced or amended in accordance with the procedure defined in article 22 ter.

2. The model forms shown in Appendix 3 are in no way binding. However, if they are used, they shall respect the contents as defined, in particular the numbering, order and titles of items.

3. Contracting Parties may supplement these data with additional information to satisfy national or regional requirements. This additional information must under no circumstances be required for transport originating in another Contracting Party or third country. For this purpose, it shall appear on the form totally separated from data defined for international traffic.

4. These forms shall be accepted at any roadside check carried out in the territory of Contracting Parties to this Agreement.

Article 13 bis (Transitional provisions)

The provisions referred to at the end of article 12, paragraphs 7 (a) and 7 (b), of the Annex to this Agreement shall apply three months after the present amendment has entered into force.”

Article 22 ter (Procedure for amending Appendix 3)

1. Appendix 3 to the Annex to this Agreement shall be amended in accordance with the following procedure.

2. Any proposal to introduce into Appendix 3 model forms according to article 12 bis of this Agreement or modify existing forms shall be submitted, for adoption, to the Working Party on Road Transport of the Economic Commission for Europe. The proposal shall be deemed accepted if adopted by the majority of Contracting Parties present and voting.

The secretariat of the Economic Commission for Europe will officially inform the competent authorities of all Contracting Parties to this Agreement of any amendment thus adopted and, at the same time, will communicate this information to the Secretary-General accompanied by a copy of the relevant text.

3. Any model form thus adopted may be used three months after the date of communication of the information to Contracting Parties to this Agreement.”

Part Two

Amendments to the Annex to the AETR

(according to the procedure defined in Article 21, paragraph 8)

Article 11

Replace article 11, paragraph 2, of the Annex to the AETR with the following:

“2. (a) The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with article 12, paragraph 1, 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. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorized inspecting officer.

(b) An undertaking which uses vehicles that are fitted with a control device complying with Appendix 1B of the present Annex and that fall within the scope of this Agreement shall:

- (i) Ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Contracting Party and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that undertaking are downloaded;
- (ii) Ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking.

For the purposes of this subparagraph, “downloaded” shall be interpreted in accordance with the definition laid down in Appendix 1B, Chapter I, point (s).”

Article 12

In article 12, paragraph 1, of the Annex to the AETR

– *In the French version only, amend the second and third subparagraphs to read as follows:*

“En cas d’endommagement d’une feuille ou d’une carte de conducteur qui contient des enregistrements, les conducteurs doivent joindre la feuille ou la carte de conducteur endommagée à la feuille de réserve ou à une feuille appropriée utilisée pour la remplacer.

En cas d'endommagement, de mauvais fonctionnement, de perte ou de vol de la carte de conducteur, les conducteurs doivent, dans les sept jours calendaires, en demander le remplacement auprès des autorités compétentes de la Partie contractante dans laquelle ils ont leur résidence normale.”

– *In the English version only, in the second subparagraph:*

Replace the word “temporary” with the word “appropriate”.

Amend article 12, paragraph 2, of the Annex to the AETR to read as follows:

“2. (a) Drivers shall use the record sheets or driver card 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 authorized. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

When there is more than one driver on board a vehicle fitted with a control device in conformity with Appendix 1B, each driver shall ensure that his driver card is inserted in the correct slot in the tachograph.

(b) When, as a result of being away from the vehicle, a driver is unable to use the control device fitted to the vehicle, the periods of time indicated in paragraph 3, second indent, (b), (c) and (d), below shall:

- (i) If the vehicle is fitted with a control device in conformity with Appendix 1, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or
- (ii) If the vehicle is fitted with a control device in conformity with Appendix 1B, be entered on the driver card using the manual entry facility provided in the recording equipment.

(c) Drivers shall amend the record sheets as necessary should there be more than one driver on board the vehicle, so that the information referred to in paragraph 3, second indent, (b), (c) and (d), below is recorded on the record sheet of the driver who is actually driving.”

Amend article 12, paragraphs 7 (a) and 7 (b), of the Annex to the AETR to read as follows:

“7. (a) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1, he must be able to produce, whenever an inspecting officer so requests:

- (i) The record sheets for the current week and those used by the driver in the previous 15 calendar days;
- (ii) The driver card, if he holds one; and
- (iii) Any manual record and printout made during the current week and the previous 15 calendar days, as required under this Agreement.

From the date of application defined in article 13 bis of this Agreement, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 calendar days.

(b) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1B, he must be able to produce, whenever an inspecting officer so requests:

- (i) The driver card of which he is holder;
- (ii) Any manual record and printout made during the current week and the previous 15 calendar days, as required under this Agreement;
- (iii) The record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with a control device in conformity with Appendix 1.

From the date of application defined in article 13 bis of this Agreement, the time periods referred to under (ii) shall cover the current day and the previous 28 calendar days.”

Article 13

Amend article 13, paragraph 2, of the Annex to the AETR to read as follows:

“2. (a) While the device is unserviceable or malfunctioning, the driver shall mark on the record sheet or sheets, or on an appropriate sheet to be attached to the record sheet or to the driver card, on which he shall enter data enabling him to be identified (name and number of his driving licence or name and number of his driver card), including his signature, all information for the various periods of time which are no longer recorded or printed out correctly by the control device.

(b) Where a driver card is damaged, malfunctions, is lost or stolen, or is not in the possession of the driver, the driver shall:

- (i) At the start of his journey, print out the details of the vehicle he is driving, and enter onto that printout:
 - Details that enable the driver to be identified (name and number of his driving licence or name and number of his driver card), including his signature;
 - The periods referred to in article 12, paragraph 3, second indent, points (b), (c) and (d);
- (ii) At the end of his journey, print out the information relating to periods of time recorded by the control device, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name and number of his driving licence or name and number of his driver card), including his signature.”

Part Three

Amendments to the appendices to the Annex to the AETR

(according to the procedure defined in Article 22)

Appendix 1

(Requirements for construction, testing, installation and inspection)

In the Russian version only, replace in Chapter III, Section C, paragraph 4 a) iii), the first indent by the following:

« - время ожидания, т.е. период, в течение которого водители не обязаны оставаться на своих рабочих местах, иначе как для реагирования на возможные сигналы к началу или возобновлению вождения либо к выполнению другой работы, »

Appendix 2 (APPROVAL MARKS AND CERTIFICATES)

Add the following countries to the list contained in paragraph 1 of point I, "Approval mark":

Albania	54
Armenia	55
Montenegro	56
San Marino	57
Monaco	59

Replace "Serbia and Montenegro 10" with:

Serbia	10
--------	----

New Appendix 3

Insert a new Appendix 3 after Appendix 2 of the Annex to the AETR to read as follows:

“MODEL FORMS

In accordance with article 12 bis of this Agreement, road carriers may use the following model forms to facilitate roadside checks:

1. The ATTESTATION OF ACTIVITIES is to be used when a driver has been on sick leave or annual leave or when he has been driving a vehicle exempted from the scope of the AETR as defined in article 2 of this Agreement.

Instructions for use (To be reproduced, where possible, on the reverse of the form)

(a) All the fields in this form must be filled in, before the journey, by the transport undertaking and the driver concerned.

(b) The text of the form may not be modified.

(c) In order to be valid, the form must be signed both by the authorized representative of the transport undertaking and by the driver himself. For individual undertakings, the driver signs once on behalf of the undertaking and once as the driver. Only the signed original is valid.

(d) The form may be printed on paper containing the undertaking's logo. Sections 1 to 5 may be preprinted. The signature of the undersigned may not be replaced by the undertaking's stamp but may be accompanied by it.

(e) Any additional national or regional information must be included on the reverse of the form.

(f) If this form is drawn up in a language other than English or French, the title, in the national language, must appear below the English and French titles, which must be retained. The section headings in the body of the form must be repeated in English when the original document is drawn up in a language other than English (see attached model).

2. *(reserved for a possible other form) ...”*

APPENDIX 3 OF THE ANNEX TO THE AETR

ATTESTATION OF ACTIVITIES*/FORMULAIRE D'ATTESTATION D'ACTIVITÉS*
(REGULATION (EC) 561/2006 OR THE AETR**)/(RÈGLEMENT (CE) 561/2006 OU L'AETR**)

To be filled in by typing in Latin characters and signed before a journey/ À remplir en dactylographie en caractères latins et à signer avant tout voyage

To be kept with the original control device records wherever they are required to be kept/ À joindre aux enregistrements de l'appareil de contrôle qui doivent être conservés

FALSE ATTESTATIONS CONSTITUTE AN INFRINGEMENT/ LES FAUSSES ATTESTATIONS CONSTITUENT UNE INFRACTION**Part to be filled in by the undertaking (Partie à remplir par l'entreprise)**

1. Name of the undertaking/*Nom de l'entreprise*
2. Street address, postal code, city/*Rue, code postal, ville*

Country / *Pays*:

3. Telephone number (including international prefix)/*Numéro de téléphone (y compris le préfixe international)*
4. Fax number (including international prefix)/*Numéro du télécopieur (y compris le préfixe international)*
5. Adresse courrier électronique/*e-mail address*):.....

I, the undersigned (Le soussigné):

6. Name and first name/*Nom et prénom*
7. Position in the undertaking/*Fonction dans l'entreprise*.....

declare that the driver/ déclare que le conducteur:

8. Name and first name/*Nom et prénom*
9. Date of birth (day/month/year)/*Date de naissance: (jour/mois/année)*:
10. Driving licence or identity card or passport number/*Numéro du permis de conduire ou de la carte d'identité ou du passeport*

11. who has started to work at the undertaking on (day/month/year)/*qui a commencé travailler dans l'entreprise le(jour/mois/année)*.....

au cours de la période/*for the period*:

12. from (hour/day/month/year) *du (heure/jour/mois/année)*:.....
13. to (hour/day/month/year) *au (heure/jour/mois/année)*:.....

14. was on sick leave^{***} / *était en congé de maladie*

15. was on annual leave^{***} / *était en congé annuel*

16. was on leave or rest^{***} / *était en congé ou repos*

17. drove a vehicle exempted from the scope of Regulation (EC) 561/2006 or the AETR^{***} /

conduisait un véhicule exclu du champ d'application du règlement (CE) 561/2006 ou de l'AETR

18. performed other work than driving^{***} / *effectuait autre travail que la conduite*

19. was available^{***} / *était disponible*

20. Place /*Lieu*:..... Date/*date*:.....

Signature/*signature*

21. I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) 561/2006 or the AETR during the period mentioned above (*Le soussigné, conducteur, confirme ne pas avoir conduit un véhicule relevant du champ d'application du règlement (CE) 561/2006 ou de l'AETR au cours de la période susmentionnée*).
22. Place / *Lieu*:..... Date/*date*:.....
Signature of the driver /*Signature du conducteur*

* This form is available in electronic and printable versions at the following address /Ce formulaire peut être obtenu en version électronique et en version imprimable à l'adresse suivante: <http://www.unece.org/trans/main/sc1/aetr.html>

** European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport /Accord européen relatif au travail des équipages des véhicules effectuant des transports internationaux par route.

*** Choose only one box/ Ne cocher qu'une seule case.

EXPLANATORY MEMORANDUM

INTRODUCTION

Since its creation in 1970, the AETR has been modified on five occasions in order to ensure its evolution with technical advances and its coherence with Community legislation. The most recent amendment made entered into force on 16 June 2006.

The set of amendment proposals presented in this document is intended to align the AETR with the legislation introduced in the European Union concerning the driving and rest periods of professional drivers so as, on the one hand, to ensure consistency of the regulations applicable to international transport by road in all countries of UNECE and, on the other, to improve road safety.

The introduction of these amendments requires modifications and additions to the AETR (articles 1, 2, 3, 6, 7, 8, 8 bis, 11, 12, 12 bis, 13 bis and 22 ter), as well as to its Annex and its Appendices 1, 2 and 3 (new). The relevant proposals are described in detail below.

BODY OF THE AETR

Article 1 (Definitions): The proposed amendment aligns the definitions in the AETR with those in the European Union regulations.

Article 2 (Scope): The proposed amendment aligns the derogations contained in the AETR with those contained in the European Union regulations.

Article 3 (Application of the Agreement to third countries): The proposed amendments to paragraphs 2 (a) and 2 (b) specify the conditions for the application of the AETR to vehicles from third countries.

Article 6 (Driving periods): The proposed amendments align the driving periods of professional drivers under the AETR with those in force in the European Union. New paragraphs 4 and 5 clarify respectively that driving does not stop or start when a border is crossed and that, for road safety reasons, the other activities undertaken by the driver are not counted as rest.

Article 7 (Breaks): The modifications proposed are mainly of an editorial nature.

Article 8 (Rest periods): To avoid erroneous or diverging interpretations when checks are performed, the article has been completely recast so as to align it with the corresponding provisions of the European Union regulations. The modifications proposed to this article are of both an editorial and a substantive nature.

The substantive amendments (see paragraphs 2 to 7) are intended to simplify the existing provisions and facilitate enforcement. In particular, compensation for reduced daily rest has been removed. By way of recompense, the minimum length of daily rest is raised from 8 hours to 9

hours, and splitting can only be into two periods, not three. However, splitting daily rest still means that a minimum of 12 hours' rest is required. In addition, it is specified that the 24-hour period may also be a reduced rest period at the operational base or at the driver's home. The new provisions also now apply to all transport activities, including occasional passenger transport.

The amendment to paragraph 8 recognizes increased use of on-board sleeping facilities for extended periods away from the driver's base. However, it leaves it for the driver to decide whether to take daily rest periods and reduced weekly rest periods on board the vehicle. This amendment establishes the principle that sleeping facilities should be available for every driver on board.

Article 8 bis (new) (Derogations from article 8): Part of the former article 8 has been transposed into this new article, which has also been supplemented with new provisions based on those introduced in the European Union regulations.

The amendment to paragraph 1 recognizes that a driver may have to get on or off a ferryboat/train, in which case the daily rest may be split into three. However, the maximum of one hour to do these operations remains.

Paragraph 2 specifies that, for a period to count as a rest period or break, the driver must have access to sleeping facilities on board a ferryboat/train whenever he goes to pick up a lorry/coach/bus or comes back from doing so.

Paragraph 3 clarifies the rules when a driver goes to pick up a vehicle or comes back from doing so in a vehicle which falls outside the scope of the AETR and supplements the provisions of article 6, paragraph 5.

Article 9 (Exceptions): This clarification ensures that the driver keeps his own records. It also takes account of the digital tachograph, the subject of Amendment 5.

Article 11 (Supervision by the undertaking): The amendment to paragraph 1 highlights the specific duty of the undertaking to instruct its crew appropriately.

The additional phrase at the end of paragraph 3 clarifies exactly why such payments are to be banned.

The new paragraph 4 establishes a presumption of liability of the employer. This rule will ensure that greater care is taken when drawing up and altering time schedules. A defence mechanism for employers is included.

The new paragraph 5 is intended to sensitize the entire transport chain to the need to ensure that unreasonable time schedules which would run counter to the Agreement are not put in place.

Article 12 (Measures of enforcement of the Agreement): The amendment to paragraph 1 is intended to enhance checks at the roadside and on the premises of undertakings. The increase in the checks to be performed is based on the European Union regulations and reflects the take-up rate of the digital tachograph within the international fleet and the consequent ability to check a greater number of working days. The dates given here correspond to the compulsory introduction

date for the digital tachograph within the AETR (16 June 2010). To ensure that enforcement is fair, and seen to be fair, additional criteria on non-discrimination have been added at the end of subparagraph (c).

The new provisions of paragraph 6 allow countries to empower enforcement officers to impose penalties for breaches of the rules, no matter where the infringement detected was committed. An interim measure is put in place so that Contracting Parties may decide how they wish to proceed in respect of the exception contained in subparagraph (b).

Paragraph 7 specifies that, whenever a Contracting Party initiates proceedings or imposes a penalty for a particular infringement, it must provide evidence thereof.

Paragraph 8 calls on Contracting Parties to put in place a system of proportionate penalties for infringements of the Agreement committed by elements of the transport chain.

Article 12 bis (new) (Model standardized forms): This new article introduces in the AETR model forms which may be used by professional drivers so as to facilitate roadside checks. This article defines the conditions for the use of such forms.

Article 13 bis (new) (Transitional provisions): This new article specifies that certain provisions of the Annex to the AETR will apply following the entry into force of this amendment.

Article 22 ter (new) (Procedure for amending Appendix 3): This new article introduces a simplified procedure for amending Appendix 3, which will include only model standardized forms (*see article 12 bis above*).

ANNEX TO THE AETR

Article 11: The additional phrases in this article take account of the digital tachograph. In this connection, an obligation is placed on the transport undertaking to download data in a timely way so that they can be adequately checked on the premises and to keep them for at least 12 months - this is the time period for all other records to be kept.

Article 12: The modifications to paragraph 1 are of a purely editorial nature. The new provisions of paragraph 2 (b) update this provision to take account of the digital tachograph.

The amendments to paragraph 7 update this provision to take account of the new provisions introduced in European Union legislation concerning driving and rest periods and the digital tachograph.

Article 13: The new provisions inserted in subparagraph (b) clarify several situations in connection with the digital tachograph to ensure that a full record is in place for enforcement officers to check.

Appendix 1 of the Annex

The proposed amendment which only concerns the Russian version of the AETR aims at using the same wording than the one contained in the first indent of Article 12, paragraph 3 (c) of the Annex.

Appendix 2 to the Annex

The proposed amendment updates the list of countries Contracting Parties to the AETR attributed a number allowing the identification of their approval mark (Appendix 2, point I, para. 1).

Appendix 3 to the Annex (new)

The proposed amendment defines the model forms that may be used by professional drivers. The first form introduced is the “ATTESTATION OF ACTIVITIES” (*see article 12 bis*).
