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Item 4 (a) of the provisional agenda

**CONSIDERATION OF PROPOSED AMENDMENTS TO
THE AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES
ENGAGED IN INTERNATIONAL ROAD TRANSPORT (AETR)**

Note by the secretariat

On the basis of the request contained in Article 2.4 of the new Regulation adopted by the EU (published in May 2006 in the Official Journal of the European Union), which was supported by the Committee on Inland Transport at its 68th session, the secretariat, in cooperation with the European Commission, has prepared amendment proposals to the AETR, which seek to **harmonize** it with the new EU Regulation No 561/2006 and Directive 2006/22/EC of 15 March 2006.

In order to facilitate their understanding, these amendments are presented **in** the form of a comparison table between the current text of the AETR (including the latest amendments, which entered into force on 16 June 2006 concerning the digital tachograph) and the new provisions to be introduced.

Following the discussions **since the last session of SC.1 in 2006**, the secretariat **has updated the table which** appears below. The new modifications appear in bold.

Comparison table between current AETR provisions and new provisions to be introduced into the AETR

Revised text for the 101st session of SC.1

AETR text (including last amendments)	Revisions arising from the new EU Regulation and Directive <i>The new modifications appear in bold</i>	Corresponding article in the new EU regulation	Comments
Article 1 Definitions	Article 1 Definitions		
a. "vehicle" means any motor vehicle or trailer; this term includes any combination of vehicles;	(a) " <u>vehicle</u> " means any motor vehicle or trailer; this term includes any combination of vehicles;	Art.4 (b) of the EU Regulation	A little bit different but not to be changed.
b. "motor vehicle" means any self-propelled road vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods; this term does not include agricultural tractors;	(b) " <u>motor vehicle</u> " means any self-propelled road vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods; this term does not include agricultural tractors;	Art.4 (b) of the EU Regulation	Idem
c. "trailer" means any vehicle designed to be drawn by a motor vehicle and includes semi trailers;	(c) " <u>trailer</u> " means any vehicle designed to be drawn by a motor vehicle and includes semi trailers;	Art.4 (b) of the EU Regulation	Idem
d. "semi trailer" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its weight and of the weight of its load is borne by the motor vehicle;	(d) " <u>semi trailer</u> " means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its weight and of the weight of its load is borne by the motor vehicle;	Art.4 (b) of the EU Regulation	Idem
e. "combination of vehicles" means coupled vehicles which travel on the road as a unit;	(e) " <u>combination of vehicles</u> " means coupled vehicles which travel on the road as a unit;	This definition does not exist in the EU Regulation	To be kept
f. "permissible maximum weight" means the maximum weight of the laden vehicle declared permissible by the competent authority of the State in which the vehicle is registered;	(f) " <u>permissible maximum mass</u> " means the maximum mass of the laden vehicle declared permissible by the competent authority of the State in which the vehicle is registered;	Art.4 (m) of the EU Regulation	'Mass', rather than 'weight', is the more technically correct term. This term is also used in other UNECE legal instruments in particular the Vienna Convention on Road Traffic.

g. "carriage by road" means any journey made on roads open to the public of a vehicle, whether laden or not, used for the carriage of passengers or goods;	(g) " <u>carriage by road</u> " 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;	Art.4 (a) of the EU Regulation	This amendment clarifies that the rules should apply to those journeys that either start or finish on site (e.g. construction site, quarry,) but otherwise use a public road.
h. "international road transport" means road transport which involves the crossing of at least one frontier;	(h) " <u>international road transport</u> " means road transport which involves the crossing of at least one frontier;	This definition does not exist in the EU Regulation	To be kept
i. "regular services" means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Rules governing the operations of services or documents taking the place thereof, approved by the competent authorities of Contracting Parties and published by the carrier before coming into operation, shall specify the conditions of carriage and in particular the frequency of services, timetables, faretables and the obligation to accept passengers for carriage, insofar as such conditions are not prescribed by any law or regulation Services by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in the first subparagraph of this definition, shall be deemed to be regular services. Such services, in particular those providing for the carriage of workers to and from their place of work or of schoolchildren to and from school, are hereinafter called "special regular services";	(i) " <u>regular services</u> " means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Rules governing the operations of services or documents taking the place thereof, approved by the competent authorities of Contracting Parties and published by the carrier before coming into operation, shall specify the conditions of carriage and in particular the frequency of services, timetables, faretables and the obligation to accept passengers for carriage, insofar as such conditions are not prescribed by any law or regulation Services by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in the first subparagraph of this definition, shall be deemed to be regular services. Such services, in particular those providing for the carriage of workers to and from their place of work or of schoolchildren to and from school, are hereinafter called "special regular services";	Art.4 (n) of the EU Regulation	More complete in the AETR. To be kept. This definition is based on the definition contained in Regulation (EEC) 684/92 of 16 March 1992.
j "driver" means any person, whether wage-earning or not, who drives the vehicle even for a short period, or who is carried on the vehicle in order to be available for driving if	(j) " <u>driver</u> " 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	Art.4 (c) of the EU Regulation	This nuance ensures those drivers who are carried in a convoy of vehicles but who switch vehicles to commence driving or who are

necessary;	available for driving if necessary;		carried in a vehicle as part of their duties in order to take over a lorry/coach should still be considered as 'drivers'.
k "crew member" means the driver or either of the following, whether wage-earning or not i) driver's mate, i.e. any person accompanying the driver in order to assist him in certain manoeuvres and habitually taking an effective part in the transport operations, though not a driver in the sense of paragraph (j) of this article; ii) conductor, i.e. any person who accompanies the driver of a vehicle engaged in the carriage of passengers and is responsible in particular for the issue or checking of tickets or other documents entitling passengers to travel on the vehicle;	(k) " <u>crew member</u> " means the driver or either of the following, whether wage-earning or not i) driver's mate, i.e. any person accompanying the driver in order to assist him in certain manoeuvres and habitually taking an effective part in the transport operations, though not a driver in the sense of paragraph (j) of this article; ii) conductor, i.e. any person who accompanies the driver of a vehicle engaged in the carriage of passengers and is responsible in particular for the issue or checking of tickets or other documents entitling passengers to travel on the vehicle;	This definition does not exist in the EU Regulation	To be kept
l. "week" means the period between 00.00 hours on Monday and 24.00 hours on Sunday;	(l) " <u>week</u> " means the period between 00.00 hours on Monday and 24.00 hours on Sunday;	Art.4 (i) of the EU Regulation	Same definition
m. "rest" means any uninterrupted period of at least one hour during which the driver may freely dispose of his time.	(m) " <u>rest</u> " means any uninterrupted period during which the driver may freely dispose of his time;	Art.4 (f) of the EU Regulation	The definition of 'rest' has been simplified. 'Rest' is to be distinguished from 'rest period', which is a distinct time period in the rules. There is no longer a minimum daily rest period of at least 1 hour, nor compensation for reductions in daily rest – split rests are now 3 hours plus 9 hours, so having the one hour distinction is no longer necessary or appropriate
	(n) " <u>break</u> " means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation;	Art.4 (d) of the EU Regulation	New definition added on the request of the Ad Hoc Working Group on the Revision of the AETR
	(o) " <u>daily rest period</u> " means the daily period during which a driver may freely dispose of	Art.4 (g) of the EU Regulation	New definition added on the request of the Ad Hoc Working

	<p>his time and covers a ‘regular daily rest period’ and a ‘reduced daily rest period’ :</p> <ul style="list-style-type: none"> - ‘<u>regular daily rest period</u>’ 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 nine hours, - ‘<u>reduced daily rest period</u>’ means any period of rest of at least nine hours but less than 11 hours; 		Group on the Revision of the AETR
	<p>(p) ‘<u>weekly rest period</u>’ 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’ :</p> <ul style="list-style-type: none"> - ‘<u>regular weekly rest period</u>’ means any period of rest of at least 45 hours, - ‘<u>reduced weekly rest period</u>’ means any period of rest of less than 45 hours, which may, subject to the conditions laid down in Article 8(6) of the Agreement be shortened to a minimum of 24 consecutive hours; 	Art.4 (h) of the EU Regulation	New definition added on the request of the Ad Hoc Working Group on the Revision of the AETR
	<p>(q) “<u>other work</u>” 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 ferry or a train.</p>	Art.4 (e) of the EU Regulation	<p>To be added but under a modified form.</p> <p>This definition reflects that set out in Article 7(3) of the Agreement, but specifically indicates that work for any other employer is to be taken into account.</p>
	<p>(r) “<u>driving time</u>” means the duration of driving activity recorded automatically or semi-automatically or manually in the conditions defined in this Agreement</p>	Art.4 (j) of the EU Regulation	<p>To be added but under a modified form.</p> <p>This definition simply confirms that driving recorded on the recording equipment or manually if it breaks down is to be considered as a ‘driving period’.</p>

	(s) “ <u>daily driving time</u> ” 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;	Art.4 (k) of the EU Regulation	New definition added on the request of the Ad Hoc Working Group on the Revision of the AETR
	(t) “ <u>weekly driving time</u> ” means the total accumulated driving time during a week;	Art.4 (l) of the EU Regulation	Idem
	(u) “ <u>driving period</u> ” 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.	Art.4 (q) of the EU Regulation	Idem
	(v) “ <u>multi-manning</u> ” 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;	Art.4 (o) of the EU Regulation	Idem
	(w) “ <u>transport undertaking</u> ” 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	Art.4 (p) of the EU Regulation	This definition clarifies what constitutes a transport undertaking.
<u>Article 2</u> Scope	<u>Article 2</u> Scope		
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.	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 [with the exception of the territory of the European Union.] [Not applicable in the EU	Unchanged In bold, amendment suggested by the Russian Federation but not yet adopted

<p>2. Nevertheless, (a) if, in the course of an international road transport operation one or more crew members do not leave the national territory in which they normally exercise their occupational activities, the Contracting Party for that territory shall be free not to apply to him or them the provisions of this Agreement;</p> <p>(b) Unless the Contracting Parties whose territory is used agree otherwise, this Agreement shall not apply to the international road transport performed by:</p> <p>1. Vehicles used for the carriage of goods where the permissible maximum weight of the vehicle, including any trailer or semi trailer, does not exceed 3.5 tonnes;</p>	<p>2. Nevertheless, [(a) if, in the course of an international road transport operation one or more crew members do not leave the national territory in which they normally exercise their occupational activities, the Contracting Party for that territory shall be free not to apply to him or them the provisions of this Agreement;]</p> <p>(b) unless the Contracting Parties whose territory is used agree otherwise, this Agreement shall not apply to the international road transport performed by:</p> <p>(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</p>	<p>Not applicable for transport operations inside the EU</p> <p>Equivalent to Art.2 (1) (a) of the EU Regulation</p>	<p>Deleted by the Ad hoc Working Group at its 4th session</p> <p>unchanged</p> <p>(see draft revision of Article 1(f))</p>
<p>2. 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;</p> <p>3. Vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;</p> <p>4. Vehicles with a maximum authorized speed not exceeding 30 kilometres per hour;</p> <p>5. Vehicles used by or under the control of the armed services, civil defence, fire services, and forces responsible for maintaining public order;</p>	<p>(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;</p> <p>(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;</p> <p>(d) Vehicles with a maximum authorized speed not exceeding 40 kilometres per hour;</p> <p>(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;</p>	<p>Equivalent to Art.2 (1) (b) of the EU Regulation</p> <p>Equivalent to Art.3 (a) of the EU Regulation</p> <p>Art.3 (b) of the EU Regulation</p> <p>Art.3 (c) of the EU Regulation</p>	<p>To be kept without modification</p> <p>To be kept without modification</p> <p>This limit was raised primarily to accommodate agricultural tractors which now have a maximum speed of 40kph (<i>but see Article 1(b)</i>)</p> <p>A more restrictive interpretation to avoid peripheral services, e.g. commercial removal vans etc, trying to use this exemption to avoid the rules.</p>

6. Vehicles used in connection with the sewerage, flood protection, water, gas and electricity services, highway maintenance and control, refuse collection and disposal, telegraph and telephone services, carriage of postal articles, radio and television broadcasting and the detection of radio or television transmitters or receivers;		Art.13 (h) of the EU Regulation	Deleted. This exemption will only be allowed at the national level or within the framework of bilateral or multilateral agreements
7. Vehicles used in emergencies or rescue operations;	(f). Vehicles used in emergencies or rescue operations, including the non-commercial transport of humanitarian aid.	Art. 3 (d) of the EU Regulation	This clarifies an aspect of emergency/rescue operations – only in this context can this type of transport be exempt.
8. Specialized vehicles used for medical purposes;	(g) Specialized vehicles used for medical purposes;	Art.3 (e) of the EU Regulation	unchanged
9. Vehicles transporting circus and funfair equipment;		Art.13 (j) of the EU Regulation	Deleted. This exemption will only be allowed at the national level or within the framework of bilateral or multilateral agreements
10. Specialized breakdown vehicles;	(h) Specialized breakdown vehicles operating within 100 km of their base	Art.3 (f) of the EU Regulation	This is to prevent abuse of the rules by breakdown vehicles which regularly travel long distances without any road safety requirement.
11. Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;	(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;	Art.3 (g) of the EU Regulation	To be kept without modification
12. Vehicles used for non-commercial carriage of goods for personal use;	(j) Vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for non-commercial carriage of goods for personal use;	Art.3 (h) of the EU Regulation	The amendment restricts the exemption to smaller vehicles. A vocational licence should be required by drivers of larger

13. Vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed.—	(k) Commercial vehicles, which have a historic 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.	Art.13 (l) of the EU Regulation Art.3 (i) of the EU Regulation	vehicles, who normally should comply with the Agreement's provisions Deleted. This exemption will only be allowed at the national level or within the framework of bilateral or multilateral agreements New exemption added . This exemption is inserted to clarify the application of an exemption to this type of vehicle.
<u>Article 3</u> Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States	<u>Article 3</u> Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States		
1. Each Contracting Party shall apply in its territory, in respect of international road transport performed by any vehicle registered in the territory of a State which is not a Contracting Party to this Agreement, provisions not less strict than those laid down in articles 5, 6, 7, 8, 9 and 10 of this Agreement.	1. Each Contracting Party shall apply in its territory, in respect of international road transport performed by any vehicle registered in the territory of a State which is not a Contracting Party to this Agreement, provisions not less strict than those laid down in articles 5, 6, 7, 8, 9 and 10 of this Agreement.	Does not exist in the EU Regulation	To be kept
2. 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 the driver.	2. (a) However , it shall be open to any Contracting Party, in 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 on 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, by using the appropriate graphic	Does not exist in the EU Regulation	To be kept but added at the 4th session of the Ad hoc Group on the basis of the document ECE/TRANS/SC.1/AC.6/2007/1 The addition of (b) is suggested by the secretariat in order to clarify the conditions for the implementation of paragraph 2, which were previously contained

	symbols as defined in Article 12 to the Annex of this Agreement.		in Article 10, para. 1 b) of the Agreement, before the entry into force of the 2006 amendments and which were not taken up in the Annex to the Agreement.
<u>Article 4</u> General principles	<u>Article 4</u> General principles		
Each Contracting Party may apply higher minima or lower maxima than those laid down in articles 5 to 8 inclusive. Nevertheless, the provisions of this Agreement shall remain applicable to drivers, engaged in international road transport operations on vehicles registered in another Contracting or non-Contracting State.	Each Contracting Party may apply higher minima or lower maxima than those laid down in articles 5 to 8 inclusive. Nevertheless, the provisions of this Agreement shall remain applicable to drivers, engaged in international road transport operations on vehicles registered in another Contracting or non-Contracting State.	Article 11 of EU Regulation, but mention of new phrase on collective or other agreements is unnecessary	To be kept
<u>Article 5</u> Crews	<u>Article 5</u> Crews		
<p>1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:</p> <p>(a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7.5 tonnes, 18 years;</p> <p>(b) for other vehicles: 21 years, or 18 years provided that the person concerned holds a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road. Contracting Parties shall inform one another of the prevailing national minimum training levels and other relevant conditions relating to drivers engaged in international carriage of goods under this Agreement.</p>	<p>1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:</p> <p>(a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7.5 tonnes, 18 years;</p> <p>(b) for other vehicles: 21 years, or 18 years provided that the person concerned holds a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road. Contracting Parties shall inform one another of the prevailing national minimum training levels and other relevant conditions relating to drivers engaged in international carriage of goods under this Agreement.</p>	<p>Now contained in Art. 5(2) of Directive 2003/59/EC on the initial qualification and training of drivers. Slight distinction in terms of vehicles covered, depending on CPC (certificate of professional capacity) obtained.</p> <p>Art.5 of the EU Regulation refers only to driver's mates and conductors.</p>	<p>The AETR text is more precise.</p> <p>To be kept without modification</p>

<p>2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years.</p> <p>Any driver engaged in the carriage of passengers on journeys beyond a 50 kilometre radius from the place where the vehicle is normally based must also fulfil one of the following conditions:</p> <p>(a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3.5 tonnes;</p> <p>(b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys within a 50 kilometre radius from the place where the vehicle is normally based, or other types of passenger services not subject to this Agreement provided the competent authority considers that he has by so doing acquired the necessary experience;</p> <p>(c) he must hold a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road.</p>	<p>2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years.</p> <p>Any driver engaged in the carriage of passengers on journeys beyond a 50 kilometre radius from the place where the vehicle is normally based must also fulfil one of the following conditions:</p> <p>(a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3.5 tonnes;</p> <p>(b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys within a 50 kilometre radius from the place where the vehicle is normally based, or other types of passenger services not subject to this Agreement provided the competent authority considers that he has by so doing acquired the necessary experience;</p> <p>(c) he must hold a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road.</p>	<p>Now contained in Art. 5(3) of Directive 2003/59/EC on the initial qualification and training of drivers – experience is no longer a determining factor, while CPC type determines the minimum age needed.</p>	<p>To be kept without modification</p>
<p><u>Article 6</u> Driving periods</p>	<p><u>Article 6</u> Driving periods</p>		
<p>1. The driving period between any two daily rest periods or between a daily rest period and a weekly rest period, hereinafter called "daily driving period", shall not exceed nine hours. It may be extended twice in any one week to ten hours.</p> <p>A driver must, after no more than six daily driving periods, take a weekly rest period as defined in article 8 (3).</p> <p>The weekly rest period may be postponed until the end of the sixth day if the total driving time over the six days does not exceed the maximum corresponding to six daily driving</p>	<p>1. The daily driving time, as defined in article 1 (s) of this Agreement, shall not exceed nine hours. It may be extended to at most 10 hours not more than twice during the week.</p> <p>2. The weekly driving time, as defined in article 1 (t) of this Agreement, shall not exceed 56 hours.</p>	<p>Art. 6.1 of the EU Regulation</p> <p>Art. 6.2 of the EU Regulation</p>	<p>Formulation based on the EU Regulation</p> <p>Formulation based on the EU Regulation</p> <p>This clarifies the maximum weekly</p>

<p>periods.</p> <p>———— In the case of the international carriage of passengers, other than on regular services, the terms "six" and "sixth" in the second and third subparagraphs shall be replaced by "twelve" and "twelfth" respectively.</p>			driving time which the current text in the Agreement leaves open to interpretation.
<p>2. The total period of driving in any one fortnight shall not exceed ninety hours.</p>	<p>3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours</p> <p>4. Driving periods shall include all driving on the territory of Contracting and non-Contracting Parties.</p> <p>5. A driver shall record as other work any time spent, as described in article 1 (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 12.3 (c) of the Annex to this Agreement. This record shall be entered either manually on a record sheet, a printout or by use of the manual input facilities on the recording equipment.</p>	<p>Art. 6.3 of the EU Regulation</p> <p>Art. 6.4 of the EU Regulation</p> <p>Art. 6.5 of the EU Regulation</p>	<p>Formulation based on the EU Regulation</p> <p>This paragraph clarifies that driving does not stop or start when a border is crossed.</p> <p>This paragraph deals with the issue of ‘mixed scope’ driving and ensures for road safety reasons that the other activities undertaken by the driver are not counted as ‘rest’.</p>
<p><u>Article 7</u> Breaks</p>	<p><u>Article 7</u> Breaks</p>		
<p>1 After four-and-a-half hours' driving, the driver shall observe a break of at least forty-five minutes, unless he begins a rest period.</p>	<p>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</p>	<p>Art. 7 of the EU Regulation</p>	<p>The provision is aligned with the text of the EU Regulation</p>
<p>2. This break may be replaced by breaks of at least fifteen 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.</p>	<p>2. This break, as defined in article 1 (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.</p>	<p>Art. 7 of the EU Regulation</p>	<p>This addresses the anomaly whereby a driver may drive for almost 9 hours with only a 15 minute break. For road safety and practical reasons this is insufficient recuperation time. The amendment allows a 30 minute minimum break.</p>
<p>3. During these breaks, the driver may not carry out any other work. For the purposes of this</p>	<p>3. During these breaks, the driver may not carry out any driving or any other work.</p>	<p>This provision exists under the form of a</p>	<p>This provision is deleted given that it corresponds to the definition of</p>

article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as "other work".	3. For the purposes of this article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as "other work", as defined in article 1 (q) of this Agreement, {and will be able to be qualified as a "break".}	definition (see Art. 4 (d) "break" in the EU Regulation).	"break" which appears in Article 1 (n). Only the last sentence of the paragraph is kept and is completed The brackets have been deleted
4. The breaks observed under this article may not be regarded as daily rest periods.		This precision does not exist in the EU Regulation	To be kept without modification. <u><i>This provision could be deleted if the addition proposed in paragraph 3 (between brackets) is accepted.</i></u>
<u>Article 8</u> Rest periods	<u>Article 8</u> Rest periods		
<p>1. In each period of twenty-four hours, the driver shall have a daily rest period of at least eleven consecutive hours, which may be reduced to a minimum of nine consecutive hours not more than three times in any one week, on condition that an equivalent period of rest be granted as compensation before the end of the following week.</p> <p>On days when the rest is not reduced in accordance with the first subparagraph, it may be taken in two or three separate periods during the twenty-four hour period, one of which must be of at least eight consecutive hours. In this case the minimum length of the rest shall be increased to twelve hours.</p> <p>2. During each period of thirty hours when a vehicle is manned by at least two drivers, each driver shall have a rest period of not less than eight consecutive hours.</p> <p>3. In the course of each week, one of the rest periods referred to in paragraphs 1 and 2 shall be extended by way of weekly rest, to a total of</p>	<p>1. A driver shall take daily and weekly rest periods as defined in article 1 (o) and (p).</p> <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.</p> <p>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, as defined in Article 1 (v), must have taken a new daily rest period of at least nine hours.</p> <p>4. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.</p>	Art. 8 of the EU Regulation	<p>To avoid bad or different interpretations, the Ad Hoc Working Group considered that it was preferable to align this article with the corresponding provisions of the EU Regulation.</p> <p><u><i>Purpose of the modification:</i></u> To simplify the provisions and facilitate enforcement, compensation for reduced daily rest has been removed. By way of recompense the minimum <i>length</i> of daily rest (see 'split daily rest' provision in next paragraph) is raised from 8 hours to 9 hours, and splitting can only be into two periods, not three. Splitting daily rest still means that a minimum of 12 hours rest is required.</p> <p><u><i>This clarifies a general rule that was more vaguely put in Article 6(1) second and third paragraphs. It also now applies to all transport operations, including occasional</i></u></p>

<p>forty-five consecutive hours. This rest period may be reduced to a minimum of thirty- six consecutive hours if taken at the place where the vehicle is normally based or where the driver is based, or to a minimum of twenty-four consecutive hours if taken elsewhere. Each reduction shall be compensated by an equivalent rest taken <u>en bloc</u> before the end of the third week following the week in question. A weekly rest period which begins in one week and continues into the following week may be attached to either of these weeks.</p> <p>4. In the case of the carriage of passengers to which article 6 (1), fourth subparagraph, applies, the weekly rest period may be postponed until the week following that in respect of which the rest is due and added on to that second week's weekly rest.</p> <p>5. In the case of the carriage of passengers to which article 6 (1), fourth subparagraph, applies, the weekly rest period may be postponed until the week following that in respect of which the rest is due and added on to that second week's weekly rest.</p> <p>6. Any rest taken as compensation for the reduction of the daily and/or weekly rest periods must be attached to another rest of at least eight hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.</p> <p>7. The daily rest period may be taken in a vehicle, as long as it is fitted with a bunk and is stationary.</p>	<p>(see note 1)</p> <p>5. A driver may have at most three reduced daily rest periods between any two weekly rest periods.</p> <p>[6. <i>In any two consecutive weeks a driver shall take at least:</i></p> <ul style="list-style-type: none"> - <i>two regular weekly rest periods, or</i> - <i>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 at one time before the end of the third week following the week in question.</i> <p><i>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.]</i></p> <p>(see note 2)</p> <p><u>“6.a)</u> In any two consecutive weeks a driver shall take at least:</p> <ul style="list-style-type: none"> - two regular weekly rest periods, 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 as a whole before the end of the third week following the week in question. <p>A weekly rest period shall start no later than at the end of six 24-hour periods starting from the end of the previous weekly rest period.</p> <p><u>6.(b)</u> By way of derogation from paragraph 6 (a), drivers who are engaged in multi-manning for at least two consecutive weeks and who are not staying two full consecutive weeks in the European Economic Area and Switzerland, shall take during any two consecutive weeks at</p>	<p><u>passenger transport [...]</u></p> <p>Note 1: The RF proposes to keep the old text of article 8.5 <i>(see the text in the left column)</i> but this proposal needs further discussion.</p> <p><i>For the secretariat, keeping such a provision would be in contradiction with what is indicated in underlined italics above.</i></p> <p><i>But, if accepted, its wording should be modified. The secretariat would then propose the following:: In the case of the international carriage of passengers, other than on regular services, the weekly rest period may be postponed until the week following that in respect of which the rest is due and added on to the second week's weekly rest.”</i></p> <p>To simplify the provisions and facilitate enforcement, 24 hours may also be a reduced rest period at the operational base or the driver's home – in any case the new tachograph cannot record whether a driver is away from base or not.</p> <p>Note 2: See document ECE/TRANS/SC.1/AC.6/2007/1 and informal document N°1 of 4th meeting of the AETR Ad Hoc Group.</p> <p>The new text is still under discussion.</p>
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	<p>least:</p> <ul style="list-style-type: none"> - two regular weekly rest periods, or - one regular weekly rest period and one reduced weekly rest period of at least 24 hours or - two reduced weekly rest periods of at least 24 hours. <p>However, each reduction shall be compensated by an equivalent period of rest taken as a whole before the end of the third week following the week in question.</p> <p>A weekly rest period shall start no later than at the end of six 24-hour periods starting from the end of the previous weekly rest period.</p> <p>7. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours [...].</p> <p>8. Where a driver chooses to do this, daily rest periods and reduced weekly rest periods 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.</p> <p>9. A weekly rest period that falls in two weeks may be counted in either week, but not in both.</p>		<p>See document ECE/TRANS/SC.1/AC.6/2007/1 See also document ECE/TRANS/SC.1/AC.6/8 (para.24) for the French and Russian versions.</p> <p>This change recognises increased use of on-board sleeping facilities for extended periods away from the driver's base. However it leaves the decision up to the driver. There is a recognition that sleeping facilities should be available for every driver on board. [...]</p>
	<p>Article 8 bis (New) Derogations to Article 8</p>		
<p>8. Notwithstanding the provisions in paragraph 1 above where a driver engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided the following conditions are fulfilled:</p>	<p>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:</p>	<p>Art. 9.1 of the EU Regulation</p>	<p>To avoid bad or different interpretations, the text proposed follows as much as possible the corresponding provisions of the EU Regulation.</p> <p>In recognition that a driver may</p>

<p>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, the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations, during both portions of the rest period the driver must be able to have access to a bunk or couchette.</p> <p>The daily rest period, interrupted in this way, shall be increased by two hours.</p>	<ul style="list-style-type: none"> - 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, - the period between the two 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. <p>During all the portions of the daily rest period the driver shall have access to a bunk or couchette.</p>		<p>have to get on and off the ferry/train, the daily rest may be split into three. However the maximum of one hour to do these operations remains.</p> <p>The additional compensatory hours have not been included</p> <p>To be deleted</p>
	<p>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 ferry or train and has access to suitable sleeping facilities</p>	Art. 9.2 of the EU Regulation	<p>To be added</p> <p>This paragraph clarifies that to count as a rest period or break, the driver must have access to sleeping facilities on board a ferry/train, whenever he goes to pick up a lorry/coach/bus or comes back from doing so.</p>
	<p>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, 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".</p>	Art. 9.3	<p>To be added</p> <p>This clarifies the scenario of driving to pick up a vehicle and complements the issue set out in Article 6(4)(new).</p>
<p><u>Article 9</u> Exceptions</p>	<p><u>Article 9</u> Exceptions</p>		
<p>Provided that road safety is not thereby jeopardized and to enable him to reach a suitable stopping place, the driver may depart from the provisions of this Agreement to the extent necessary to ensure the safety of persons, of the</p>	<p>Provided that road safety is not thereby jeopardized and to enable him to reach a suitable stopping place, the driver may depart from the provisions of this Agreement to the extent necessary to ensure the safety of persons, of the</p>	Art. 12 of the EU Regulation	<p>This clarification ensures for the driver's own records and to facilitate enforcement that the</p>

vehicle or of its load. The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet of the control device or in his duty roster.	vehicle or of its load. 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 <u>at the latest on arrival at a suitable stopping place.</u>		reason for exceeding the hours is clearly marked at an early stage. It also takes account of the digital tachograph.
<u>Article 10 (such as amended)</u> Control device	<u>Article 10 (such as amended)</u> Control device		
<p>1. The Contracting Parties shall prescribe the installation and use on vehicles registered in their territory of a control device according to the requirements of this Agreement and the Annex and Appendices thereto.</p> <p>2. The control device within the sense of this Agreement shall, as regards construction, installation, use and testing, comply with the requirements of this Agreement and the Annex and Appendices thereto.</p> <p>3. A control device conforming to Council Regulation (EEC) No. 3821/85 of 20 December 1985 as regards construction, installation, use and testing shall be considered as conforming to the requirements of this Agreement and the Annex and Appendices thereto.”</p>		The control device is defined in Regulation 3821/85	No modification to be introduced
<u>Article 11</u> Supervision by the undertaking	<u>Article 11</u> Supervision by the undertaking		
1) The undertaking shall so organize road transport operations that crew members are able to comply with the provisions of this Agreement.	1. The undertaking shall so organize road transport operations and properly instruct crew members so that they are able to comply with the provisions of this Agreement.	Art. 10.2 of the EU Regulation	This highlights the specific duty of the undertaking to instruct its crew appropriately.
2) It shall make a regular check of driving periods, hours of other work and rest periods by referring to all documents at its disposal such as the individual control books. Should it discover any breach of this Agreement it	2. It shall make a regular check of driving periods, hours of other work and rest periods by referring to all documents at its disposal such as the individual control books. Should it discover any breach of this Agreement it	Not specified in the EU Regulation	To be kept

shall take prompt action to end it and to avoid its repetition, for example by changing hours of work and routes.	shall take prompt action to end it and to avoid its repetition, for example by changing hours of work and routes.		
3) Payments to wage-earning drivers, even in the form of bonuses or wage supplements, related to distances travelled and/or the amount of goods carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety.	3. Payments to wage-earning drivers, even in the form of bonuses or wage supplements, related to distances travelled and/or the amount of goods carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety <u>or encourage breaches of this Agreement.</u>	Art. 10.1 of the EU Regulation	This additional phrase clarifies exactly why such payments are to be banned
	4. A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on 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.	Art. 10.3 of the EU Regulation	To be added This presumption of liability placed on the employer will ensure that greater care is taken when drawing up and altering time schedules. A defence mechanism for employers is included.
	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.	Art. 10.4 of the EU Regulation	This paragraph is to sensitise the entire transport chain to the need to ensure that unreasonable time schedules which would run counter to this Agreement are not put in place.

<p align="center">Article 12</p> <p>Measures of enforcement of the Agreement</p>	<p align="center">Article 12</p> <p>Measures of enforcement of the Agreement</p>		
<p>1) Each Contracting Party shall adopt all appropriate measures to ensure observance of the provisions of this Agreement, in particular by an adequate level of roadside checks and checks performed on the premises of undertakings annually covering a large and representative proportion of drivers, undertakings and vehicles of all transport categories coming within the scope of this Agreement.</p> <p>(a) The competent administrations of the Contracting Parties shall organize the checks so that:</p> <ul style="list-style-type: none"> - 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; - At least 15% of the total number of working days checked shall be checked on the roadside and at least 25% on the premises of undertakings; <p>(b) The elements of roadside checks shall include:</p> <ul style="list-style-type: none"> – Daily driving periods, interruptions and daily rest periods and if there are evident irregularities, the record sheets of 	<p>(a) The competent administrations of the Contracting Parties shall organize the checks so that:</p> <ul style="list-style-type: none"> - 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; this percentage will increase to at least 2% from 1st January 2010 and to at least 3% from 1st January 2012; - At least 15% of the total number of working days checked shall be checked on the roadside and at least 25% on the premises of undertakings; from 1st 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 at the premises of undertakings. <p>(b) The elements of roadside checks shall include:</p> <ul style="list-style-type: none"> (i) Daily and weekly driving periods, interruptions and daily and weekly rest periods; (ii) the record sheets of the preceding 	<p>New EU Directive</p>	<p>Within the EU, Member States have agreed to raise the minimum level of checks to 2% of days worked by 2008 and to 3% by 2010. This 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.</p> <p>A higher percentage of checks at the premises is required as it is here that all the parameters can be checked over a longer timeframe.</p> <p>The arrival of the digital tachograph will allow a longer time period to be checked at the roadside and consequently weekly rest periods can also be checked.</p>

<p>the preceding days which shall be on board the vehicle;</p> <ul style="list-style-type: none"> – The last weekly rest period, if appropriate – The correct functioning of the control device. <p>These checks shall be carried out without discrimination of vehicles and drivers, whether resident or not.</p> <p>(c) The elements of checks on the premises of undertakings shall include, apart from the elements subject to roadside checks, in addition to compliance with Article 10, paragraph 3:</p> <ul style="list-style-type: none"> – Weekly rest periods and driving periods between these rest periods; – Two-weekly limits on hours of driving – Compensation for daily and weekly rest periods reduced in accordance with Article 8, paragraphs 1 and 3; – Use of recording sheets and/or the organization of drivers' working time 	<p>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 printouts when required;</p> <p>(iii) The correct functioning of the control device.</p> <p>These checks shall be carried out without discrimination of vehicles, undertakings and drivers whether resident or not, and regardless of the origin or destination of the journey or type of tachograph.</p> <p>(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, <u>paragraph 2 of the Annex:</u></p> <ul style="list-style-type: none"> – Weekly rest periods and driving periods between these rest periods; – Two-weekly limits on hours of driving; – Compensation for daily and weekly rest periods reduced in accordance with Article 8, paragraph 6 ; – Use of recording sheets and/or vehicle unit and driver card data and printouts and/or the organization of drivers' working time. 		<p>To be deleted</p> <p>To be kept</p> <p>To ensure that enforcement is fair, and seen to be fair, additional criteria concerning non-discrimination have been added.</p> <p>[...]</p> <p>To be kept</p> <p>To be kept</p> <p>Compensation for daily rest has been withdrawn.</p> <p>This addition takes account of the digital tachograph.</p>
<p>2) Within the framework of mutual assistance, the competent authorities of the Contracting</p>			

<p>Parties shall regularly send one another all available information concerning:</p> <ul style="list-style-type: none"> – Breaches of this Agreement committed by non-residents and any penalties imposed for such breaches; – Penalties imposed by a Contracting Party on its residents for such breaches committed on the territory of other Contracting Parties. <p>In case of serious breaches, such information shall include the penalty imposed.</p>			Not to be changed
<p>3) If the findings of a roadside check on the driver of a vehicle registered in the territory of another Contracting Party provide grounds to believe that infringements have been committed which cannot be detected during the check due to lack of necessary data, the competent authorities of the Contracting Party concerned shall assist each other to clarify the situation. In cases where, to this end, the competent Contracting Party carries out a check at the premises of the undertaking, the results of this check shall be communicated to the other Party concerned.</p>			Not to be changed
<p>4) Contracting Parties shall work in cooperation with each other in the organization of concerted roadside checks.</p>			Not to be changed
<p>5) The United Nations Economic Commission for Europe shall issue a report every two years on the application by Contracting Parties of paragraph 1 of the present article</p>			Not to be changed
	<p>6. A Contracting Party shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Agreement detected on its territory and for which a penalty has not already been imposed, even where that infringement has</p>	<p>Article 19.2 of the EU Regulation</p>	<p>This provision ensures that Contracting Parties empower their enforcement staff to enforce the rules no matter where the offence detected was committed. An interim measure is put in place to</p>

	<p>been committed on the territory of another Contracting Party or of a non-Contracting Party.</p> <p>By way of exception, where an infringement is detected:</p> <ul style="list-style-type: none"> — which was not committed on the territory of the Contracting Party concerned, and — which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Contracting Party or a non-Contracting Party, <p>a Contracting Party may, until 1 January [2011], instead of imposing a penalty, notify the facts of the infringement to the competent authority in the Contracting Party or non-Contracting Party where the undertaking is established or where the driver has his place of employment.</p> <p>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 on the territory of another Contracting Party or of a non-Contracting Party.</p> <p>6.(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 on the territory of another Contracting Party or of a non-Contracting Party.</p> <p>By way of exception, when an infringement is detected which has been committed by an</p>	<p>allow the continued transmission of data on offences detected between Contracting Parties. Enforcement agencies should be obliged to provide proof that a sanction has been given. Proportionate sanctions should be in place for breaches of the Agreement, which could cover the whole transport chain.</p> <p>Note: Proposal submitted by the EC but needs further discussion. See document ECE/TRANS/SC.1/AC.6/2007/1 See also document ECE/TRANS/SC.1/AC.6/8 (para.26)</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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, sub-contractors and driver employment agencies.</p>		
	<p><u>Article 12 bis</u> (New)</p> <p>Model standardized forms</p>		
	<p>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 <i>ter</i>.</p> <p>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.</p> <p>3. Contracting Parties may supplement these</p>		<p>New text (see ECE/TRANS/SC.1/AC.6/8, para. 29)</p> <p>Still under discussion</p>

	<p>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, they shall appear on the form totally separated from data defined for international traffic.</p> <p>4. These forms shall be accepted at any roadside check carried out on the territory of Contracting Parties to this Agreement, including on the territory of the European Union where equivalent forms would be used in accordance with the Community legislation. In parallel, the forms introduced into European Union legislation pertaining to the driving and rest periods of professional drivers shall be recognized as valid on the territory of non-EU Member Contracting Parties to this Agreement.</p>		
	<p><u>Article 13 bis</u> (New)</p> <p>Transitional provisions</p>		
	<p>The provisions referred to at the end of paragraphs 7 (a) and (b) of Article 12 of the Annex to this Agreement shall apply 3 months after this amendment has entered into force.</p>		<p>New text (see ECE/TRANS/SC.1/AC.6/8, para. 27)</p>
	<p><u>Article 22 ter</u> (New)</p> <p>Procedure for amending Appendix 3</p>		
	<p>1. Appendix 3 of the Annex to this Agreement shall be amended in accordance with the following procedure.</p> <p>2. Any proposal to introduce into Appendix 3 model standardized forms</p>		<p>New text (see ECE/TRANS/SC.1/2006/7)</p>

	<p>according to Article 12 <i>bis</i> 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.</p> <p>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.</p> <p>3. Any model form thus adopted may be used immediately after the date of communication to Contracting Parties to this Agreement of the information.</p>		
<p>THE <i>OTHER ARTICLES</i> of the AETR REMAIN UNCHANGED</p>			

ANNEX to the AETR Control Device: General Provisions	ANNEX to the AETR Revisions arising from the new EU Regulation and Directive <i>The new modifications appear in bold</i>	Corresponding article in the new EU regulation	Comments
Article 11	Article 11		
2. The undertaking shall keep the record sheets in good order for at least a year after their use and shall give copies to the drivers concerned who request them. The sheets shall be produced or handed over at the request of any authorized inspecting officer.	<p>2. (a) The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with Article 12(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 authorised inspecting officer.</p> <p>2 (b) An undertaking which uses vehicles that are fitted with the control device complying with Appendix 1B of the Annex and that fall within the scope of this Agreement, shall:</p> <p>(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;</p> <p>(ii) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least twelve months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking;</p>	<p>Art.26 3 of the EU Regulation</p> <p>Art.10.5 of the EU Regulation</p>	<p>The additional phrases take account of the digital tachograph</p> <p>To be added</p> <p>This provision places an obligation on the transport undertaking to download data in a timely way so that it can be adequately checked on the premises and to keep it for at least 12 months – this is the time period for all other records to be kept.</p>

	For the purposes of this subparagraph "downloaded" shall be interpreted in accordance with the definition laid down in Appendix IB, Chapter I, point (s).		
Annex of the AETR Article 12	Annex of the AETR Article 12		
<p>1. Drivers shall not use dirty or damaged record sheets or driver card. The sheets or driver card shall be adequately protected on this account.</p> <p>In case of damage to a sheet or driver card bearing recordings, drivers shall attach the damaged sheet or driver card to a spare sheet or a temporary sheet used to replace it.</p> <p>If the driver card is damaged, malfunctions or is lost or stolen, the driver shall apply within seven calendar days for its replacement to the competent authorities of the Contracting Party in which he has his normal residence.</p> <p>Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Contracting Party in which he has his normal residence not later than 15 working days before the expiry date of the card.</p>	<p>1. Drivers shall not use dirty or damaged record sheets or driver card. The sheets or driver card shall be adequately protected on this account.</p> <p>In case of damage to a sheet or driver card bearing recordings, drivers shall attach the damaged sheet or driver card to a spare sheet or a appropriate sheet used to replace it.</p> <p>If the driver card is damaged, malfunctions or is lost or stolen, the driver shall apply within seven calendar days for its replacement to the competent authorities of the Contracting Party in which he has his normal residence.</p> <p>Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Contracting Party in which he has his normal residence not later than 15 working days before the expiry date of the card.</p>		Small formal corrections
<p>2. 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.</p>	<p>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.</p>	Art.26 4 of the EU Regulation	These insertions update this provision to take account of the digital tachograph.

<p>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 be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet.</p> <p>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.</p>	<p>Where there is more than one driver on board the vehicle fitted with the control device in conformity with Appendix 1B, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.</p> <p>(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:</p> <p>(i) if the vehicle is fitted with the control device in conformity with Appendix 1, be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or,</p> <p>(ii) if the vehicle is fitted with the control device in conformity with Appendix 1B, be entered onto the driver card using the manual entry facility provided in the recording equipment.</p> <p>(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.</p>		
<p>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:</p> <ul style="list-style-type: none"> - the record sheets for the current week and, in any event, the sheet for the last day on which he drove during the previous week, 	<p>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:</p> <ul style="list-style-type: none"> (i) the record sheets for the current week and those used by the driver in the previous 15 calendar days, 	<p>Art.26 4 of the EU Regulation</p>	<p>These insertions update this provision to take account of the new EU provisions concerning driving and rest times and the digital tachograph.</p>

<p>- the driver card if he holds one, and</p> <p>- print-outs from the control device defined in Appendix 1B relating to the periods of time indicated in paragraph 3, second indent, (a), (b), (c) and (d) if he drove a vehicle fitted with such a control device during the period referred to in the first indent of this paragraph.</p> <p>(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:</p> <ul style="list-style-type: none"> - the driver card of which he is the holder and, - the record sheets corresponding to the same period as the one referred to in the first indent of subparagraph (a) during which he drove a vehicle fitted with a control device in conformity with Appendix 1. <p>(c) An authorized inspecting officer may check compliance with the Agreement by analysis of the record sheets, of the displayed or printed data which have been recorded by the control device or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in article 13 (2) and (3).</p>	<p>(ii) the driver card if he holds one, and</p> <p>(iii) any manual record and printout made during the current week and the previous 15 calendar days as required under this Agreement.</p> <p>From the date of application defined in Article 13 <u>bis</u> of this Agreement, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 calendar days.</p> <p>(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:</p> <ul style="list-style-type: none"> (i) the driver card of which he is holder; (ii) any manual record and printout made during the current week and the previous 15 days calendar 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. <p>From the date of application defined in Article 13 <u>bis</u> of this Agreement, the time periods referred to under (ii) shall cover the current day and the previous 28 calendar days.</p>		<p>[...]</p> <p>[...]</p> <p>Not to be changed</p>
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<p>Annex of the AETR Article 13</p>	<p>Annex of the AETR Article 13</p>		
<p>2. While the device is unserviceable or malfunctioning, drivers shall mark on the record sheet or sheets, or on a temporary 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.</p> <p>If a driver card is damaged, malfunctions or is lost or stolen, the driver shall, at the end of his journey, print out the information relating to the periods of time recorded by the control device and mark on that document the details that enable him to be identified (name and number of his driving licence or name and number of his driver card), including his signature.</p>	<p>2. (a) While the device is unserviceable or malfunctioning, drivers 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.</p> <p>(b) Where a driver card is damaged, malfunctions, is lost or stolen, or is not in the possession of the driver, the driver shall:</p> <p>(i) at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that printout:</p> <ul style="list-style-type: none"> - 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 paragraph 3, second indent (b), (c) and (d) of article 12. <p>(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.</p>	<p>Art.26 4 of the EU Regulation</p>	<p>This series of paragraphs clarifies several situations in connection with the digital tachograph to ensure that a full record is in place for enforcement officers to check</p>