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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Road Transport (SC.1)

Ad Hoc Working Group on the  
Revision of AETR  
Third session, 22-24 May 2006

**REPORT ON THE THIRD SESSION OF THE AD HOC WORKING GROUP  
ON THE REVISION OF THE EUROPEAN AGREEMENT CONCERNING  
THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL  
ROAD TRANSPORT (AETR)**

**ATTENDANCE**

1. The Ad Hoc Working Group on the Revision of AETR held its third session in Geneva from 22 to 24 May 2006. Representatives of the following ECE member States participated: Belarus, Czech Republic, Luxembourg, Netherlands, Romania, Russian Federation, Sweden, Turkey, Ukraine and United Kingdom.
2. The European Commission, the International Road Transport Union (IRU) and the Confederation of Organizations in Road Transport Enforcement (CORTE) were also represented. Siemens AG Corporation took part as an observer.

**ADOPTION OF THE AGENDA**

Documentation: TRANS/SC.1/AC.6/4

3. The agenda was adopted without modification.

## **ELECTION OF CHAIR**

4. The Ad Hoc Working Group elected Mr. José Piscitelli (Luxembourg) as chair of the session.

## **STATUS OF ACCESSION TO AETR AND PRIOR AMENDMENTS**

Documentation: TRANS/SC.1/AC.6/2006/1/Add.1

5. The secretariat informed the Ad Hoc Working Group that there were 44 Contracting Parties to AETR following the accession on 3 February 2006 of Ukraine, which would take effect on 2 August 2006.

6. The Ad Hoc Working Group was also informed that the group of amendments (TRANS/SC.1/375/Add.1) relating to the digital tachograph would enter into force on 16 June 2006. Participants were reminded that that date would serve as the starting point for the four-year transitional period granted to countries not members of the European Union for the installation of the device.

## **RELEVANT DECISIONS OF THE WORKING PARTY ON ROAD TRANSPORT (SC.1) AND THE INLAND TRANSPORT COMMITTEE (ITC)**

Documentation: TRANS/SC.1/377

7. The Working Group was informed of the relevant decisions taken by the Working Party on Road Transport (SC.1) at its ninety-ninth session (October 2005) and by the Inland Transport Committee (ITC) at its sixty-eighth session (7-9 February 2006). In particular, it was informed of the adoption by ITC of a resolution requesting the AETR Contracting Parties that were not members of the European Union to show flexibility in dealing with vehicles from the European Union already fitted with digital tachographs, by, in anticipation, taking the measures necessary to accept and inspect such vehicles on their territory.

## **MOSCOW SEMINAR ON THE DIGITAL TACHOGRAPH**

8. The secretariat informed the Ad Hoc Working Group about the seminar held in Moscow on 2 and 3 March 2006 on the introduction of the digital tachograph. The Group was pleased to learn that the seminar had been a success. It had brought together some 150 people, and had made it possible to hold a constructive discussion. The Group once again thanked the Project on Monitoring the Implementation of the Digital Tachograph (MIDT) and Siemens Corporation for funding the seminar, and the Ministry of Transport of the Russian Federation for the logistical support that it had provided. The representative of the Russian Federation thanked the secretariat for organizing the seminar, which had made it possible to clarify a number of questions related to implementation of the digital tachograph.

## **INFORMATION FROM THE EUROPEAN COMMISSION ON THE NEW RULES FOR DRIVING TIMES AND REST PERIODS AND MONITORING OF THEIR APPLICATION**

9. The representative of the European Commission set out the reasons behind the amendments made by the European Union to driving times and rest periods and to monitoring of their application, and presented the main points of the provisions adopted (Regulation No. 561/2006 and Directive No. 2006/22 of 16 March 2006 - OJ L 102 of 11 April 2006). The provisions in question, which were intended to simplify, clarify, update and facilitate the application of the rules, were the fruit of five years of discussions in the Council of the European Union and the European Parliament. They were to enter into force on 11 April 2007, except for certain provisions applicable as of 1 May 2006 relating to digital tachographs, which must from then on be fitted in heavy vehicles entering into circulation for the first time. The European Parliament, before endorsing those new provisions, had asked AETR to bring its provisions into line with them so as to avoid incoherence between the European Union and the AETR countries in the rules applicable to road transport. That request had been reaffirmed in a statement by the European Commission and the member States, published in the Official Journal of the European Union at the end of the two texts referred to above.

### **CONSIDERATION OF PROPOSED AMENDMENTS TO AETR**

Documentation: ECE/TRANS/SC.1/AC.6/2006/1, TRANS/SC.1/2001/2

#### **A. For document ECE/TRANS/SC.1/AC.6/2006/1**

10. The Ad Hoc Working Group considered point by point the proposed amendments contained in the table prepared by the secretariat with the European Commission (ECE/TRANS/SC.1/AC.6/2006/1). Comments were made on the following points.

11. Article 1 (Definitions) of the body of AETR:

- Paragraph (b) (automobile): Delete the term “mechanical” from the Russian version. The Netherlands delegation pointed out that the definition of an “automobile vehicle” in European Union Regulation No. 561/2006 did not exclude agricultural tractors. The secretariat pointed out that the proposed definition had been based on the one contained in the Vienna Convention on Road Traffic, and that it was important to maintain coherence among documents drawn up by ECE. It was pointed out that agricultural tractors were indirectly excluded by the European Union Regulation’s exceptions, as vehicles whose maximum speed did not exceed 40 km/h were excluded from the scope of the Regulation.

- Paragraph (f) (permissible maximum weight): The replacement of the word “weight” with “mass” gave rise to some discussion. “Mass” was now the word used in European Union texts, and also in the 1958 agreement and the 1998 global agreement.<sup>1</sup> Some delegations favoured the use of the word “weight”. The Ad Hoc Working Group therefore left it for SC.1 to decide the matter.
- Paragraph (i) (regular services): The delegation of the Netherlands pointed out that the definition of “regular services” did not cover all forms of carriage of passengers. The secretariat said that the definition introduced in AETR in 1992 was itself based on Regulation (CEE) No. 684/92 of 16 March 1992, as mentioned in article 4, paragraph (n), of Regulation 561/2006.
- Paragraph (n) (other work): The definition contained errors that required correction. The beginning of the second sentence should read: “It does not include waiting **time** and time **not** devoted to ... .”
- Paragraph (o): In the French version, replace the word “*période*” with the word “*durée*”.

In addition, there was a request to add to article 1 of AETR the definitions of “break” (art. 4 (d)), “daily rest period” (art. 4 (g)), “weekly rest period” (art. 4 (h)), “daily driving time” (art. 4 (k)), “weekly driving time” (art. 4 (l)), “multi-manning” (art. 4 (o)) and “driving period” (art. 4 (q)) as they appeared in the European Union Regulation.

12. Regarding the notion of “break”, it was agreed that availability could be considered as a break.

13. Article 2 (Scope):

- Paragraph 2 (a): The delegations of the Russian Federation and Ukraine considered that there was a contradiction between the wording of the paragraph, which reads “the Contracting Party for that territory **shall be free not to** apply ... the provisions of this Agreement” and article 11.4 (new), which makes the transport undertaking liable for infringements committed on the territory of a Contracting Party or a Non-Contracting Party. They therefore proposed replacing “shall be free not to” with “shall”.  
*Secretariat’s comment: If this proposal is accepted, it will then be necessary either to delete paragraph 2 (a), which is an exception to the rule set out in article 2.1, or to cast it differently so that it applies generally.* Other delegations underscored the

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<sup>1</sup> Agreement of 1958 concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which Can Be Fitted and/or Be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions. Agreement of 1998 concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which Can Be Fitted and/or Be Used on Wheeled Vehicles.

difficulty in applying the AETR rules to a country that was not an AETR Contracting Party. The secretariat referred in that connection to the rule in article 3.1 of AETR, which, for vehicles from a State that was not a Contracting Party to the Agreement, limited the application of AETR to the national territory of the Contracting Parties in question.

- Paragraph 2 (b) (exceptions): To ensure coherence with the provisions of article 13 of the European Union Regulation, which allows certain exceptions to be granted only at the national level or in agreement with another member State, it was decided to delete the exceptions provided in paragraphs 6, 9 and 13 of article 2.2 (b), which could thus be granted only at the national level, or as part of bilateral or multilateral agreements.

14. Article 3: There was a request to supplement paragraph 2 of article 3, so as to specify the time from which daily record sheets should be filled in by the driver of a vehicle from a non-AETR country. The representative of Sweden offered to submit a proposal to that effect.

15. Article 6 (Driving periods): To avoid any conflict of interpretation between AETR and the European Union Regulation, the secretariat was asked to revise the current wording of AETR so that it corresponded as closely as possible with the wording of article 6 of the European Union Regulation.

16. Article 7 (Breaks): Following observations from the Russian Federation, it was proposed to keep and supplement the second new subparagraph of paragraph 3, which would read: “For the purposes of this article, the waiting time and time not devoted to driving in a vehicle in motion, a ferry or a train shall not be considered as other work, **but may be considered as a ‘break’.**” At the same time, the current paragraph 4 of AETR, which did not exist in the European Union Regulation, would be deleted. The representative of the European Commission posted a reservation concerning the proposed addition, stating that the question of whether such times could be considered as availability or a break should be submitted for the consideration of the Regulatory Committee of the European Commission, which was scheduled to meet in 2006.

17. Article 8 (Rest periods): The secretariat was requested to take up the same wording as that used in article 8 of the European Union Regulation so as to avoid divergent interpretations. Regarding the question of rest periods, the representative of the Russian Federation explained how his country interpreted the 45 hours of weekly rest. He underscored that the new European Union definition, which imposed 45 hours of weekly rest every two weeks, was more restrictive than the one currently in AETR, which would pose problems for his country owing to the long distances that Russian drivers had to cover. As no agreement was reached on that question, it was left in abeyance and would be submitted to SC.1 for discussion.

Regarding paragraph 7 of the same article, the delegation of Ukraine asked how the notion of a well-equipped bunk should be interpreted, and requested that the wording be more precise. It was pointed out that the French text, which referred to “suitable bedding for each driver” (“*d’un matériel de couchage convenable pour chaque conducteur*”), was more specific.

18. Article 11 (Supervision by the undertaking): Paragraph 4, which introduced the transport undertaking's liability for infringements committed by its drivers on the territory of another Contracting Party or of a third-party country, was the subject of extensive debate. The representatives of Belarus, the Russian Federation and Ukraine issued strong reservations on that provision, and considered that, in order to implement such a provision, it would first be necessary to draw up a harmonized system of penalties. The representative of Turkey proposed introducing a provision in AETR indicating that the text would be revised in the light of developments.

19. Article 12 (Measures of enforcement of the Agreement): Following a request from the secretariat, the delegations of Belarus, the Russian Federation and Ukraine said that the new percentages that had been proposed and the deadlines for them were acceptable for their countries. The delegation of Turkey said that it would inform the secretariat of its Government's position at a later date.

During consideration of the article, the representative of the Russian Federation asked the secretariat when it intended to send out the questionnaire on the application of the Agreement, as provided in paragraph 5. The secretariat explained that, in order to ensure coherence with the survey that the European Commission had to carry out for 2005 and 2006, the questionnaire would be sent to the AETR countries in coordination with that of the Commission and the European Conference of Ministers of Transport (ECMT). The representative of the European Commission said that for the European Union countries the deadline for submission of the next questionnaire would be 30 September 2007. The form was contained in an annex to Commission decision 93/173 of 22 February 1993 (OJ L 072 of 25 March 1993).

Article 12, paragraph 6, which introduced the principle of extraterritoriality of penalties for transport undertakings, raised strong reservations on the part of the delegations of Belarus, the Russian Federation and Ukraine, which considered that the application of such provisions would jeopardize their transport undertakings. In the light of the diverging opinions on that question, it was decided to leave that point open for discussion at the next session of SC.1. The representative of the European Commission said that it would be desirable to seek an agreement with the AETR countries that were not members of the European Union, possibly in a meeting held by the Commission.

20. Article 12, paragraph 3, second indent, (c), of the Annex (version as amended in 2004, see TRANS/SC.1/375/Add.1): The representative of the Russian Federation pointed out that the definition of waiting time was not quite the same in the French and Russian versions (which stated that drivers were not obliged to remain at their posts, unless ...) and in the English version (which read "drivers need remain at their posts only for ..."). In order to ensure that the texts would be interpreted uniformly, it was requested that the French and Russian versions be aligned with the English.

21. Article 12, paragraph 6, of the Annex: A request was made to check whether the current wording, in particular in respect of recordings relating to the nine hours preceding the time of the check, would still be relevant in the light of the proposed new provisions.

22. Article 12, paragraph 7 (a), of the Annex: The delegations of the Russian Federation, Belarus and Ukraine emphasized the need, to overcome language problems, to introduce harmonized forms in AETR, including at the very least a standardized numbering system for headings. To start with, this standardized numbering system should be used for accompanying letters that were prepared when it was impossible to document driving and rest times for the preceding days (owing in particular to illness, leave, etc.). In that regard, the representative of the Russian Federation mentioned that various forms had been drawn up for that purpose by members of the European Union, copies of which had been submitted to the secretariat. The representative of the European Commission said that work was under way in the European Union to draw up a standardized form and a standard infringement report, so as to ensure that drivers would not be penalized twice for a single infringement.

To facilitate the application of AETR, the secretariat proposed to prepare for the one hundredth session of SC.1 a draft introducing a new appendix to the Annex. Using a simplified procedure, the draft would add and modify the forms that would progressively be adopted by SC.1. The secretariat was also requested to prepare a draft form for the accompanying letter substantiating the driver's inactivity in the days preceding a check, if in the meantime no agreement was reached by the European Union.

In addition, the delegation of Ukraine proposed that the deadline for the application of the provisions covered by article 12 (i) and (iii), currently set for 1 January 2010, should be postponed to 1 January 2015.

23. Article 13, paragraph 2 (a), of the Annex: The French version referred to "*feuille appropriée*" ("appropriate sheet"), while the English and Russian versions referred to "a temporary sheet". It was requested that the English and Russian be brought into line with the French text. However, the concept of a "sheet to be attached" was unclear.

24. During consideration of the Annex, the group of experts referred to the informal document circulated by the Russian Federation, which among other things raised the question of the interpretation, pending the entry into force of the new, more precise provisions proposed in article 12, paragraph 7 (a), under ECE/TRANS/SC.1/AC.6/2006/1, to be given to the current wording, that read "for the last day on which he drove during the previous week". That wording figured in article 10, paragraph 1 (d), of the text contained in document TRANS/SC.1/1999/4 and had been taken up under article 12, paragraph 7 (a), in TRANS/SC.1/375/Add.1, which had most recently amended AETR. It was explained that the term "previous week" should be understood as meaning "the previous calendar week" and, consequently, for a journey between an AETR country and a European Union country, only the sheet for the last driving day in the previous calendar week needed to be provided. If, however, the AETR vehicle subsequently carried out transport in European Union territory under an ECMT or a bilateral authorization, it would then be subject, in accordance with article 2.3 of Regulation No. 561/2006, to the provisions of that Regulation (see article 26.4, indent 5, concerning paragraph 7 (a) (iii)), and the driver or drivers would thus be obliged to provide sheets for the two previous calendar weeks. It was further pointed out that the delegations, including those of countries not in the European Union, could send questions (in English) relating to driving and rest times and the provisions for checking them directly to the secretariat of the Project on Monitoring the Implementation of the Digital Tachograph (MIDT) ([secretariat@eu-digitaltachograph.org](mailto:secretariat@eu-digitaltachograph.org)).

25. In conclusion, the chair of the Ad Hoc Working Group asked the secretariat to prepare an amended version of ECE/TRANS/SC.1/AC.6/2006/1, incorporating the improvements mentioned, and to leave it for SC.1 to take decisions on the two substantive points in abeyance (45-hour weekly rest time and extraterritoriality of penalties for undertakings). The secretariat pointed out that proposals for additions or modifications must be received from delegations by 1 July 2006 so that they could be translated into the three ECE languages for the SC.1 session (17-19 October 2006).

**B. Concerning document ECE/TRANS/SC.1/AC.6/2006/2**

26. The Ad Hoc Working Group considered that the document prepared by the secretariat raised political questions that were not within its purview. It left it for SC.1 to take a position on the matter.

**OTHER ISSUES**

27. The representative of CORTE gave a PowerPoint presentation of that organization, which had been established officially in November 2004 with its headquarters in Brussels. CORTE currently had 20 members. Its aims were on the one hand to develop common interpretations in the field of road transport legislation and enforcement, and on the other hand to develop harmonized methodologies based on best practices. The presentation was followed by a discussion that focused above all on the place that CORTE could occupy as a new non-governmental organization alongside already existing organizations such as MIDT, TISPOL and EuroControl Route. Information on CORTE could be obtained at [www.corte.be](http://www.corte.be). Lastly, the CORTE representative said that the organization had begun to apply for official observer status at the United Nations.

**REPORT OF THE MEETING**

28. The present report was drawn up by the secretariat, working with the chair of the Ad Hoc Working Group. It will be submitted for adoption by SC.1 at its next session (17-19 October 2006).

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