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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport

(Ninety-eighth session, 27-29 October 2004)

**REPORT OF THE WORKING PARTY ON ROAD TRANSPORT
ON ITS NINETY-EIGHTH SESSION**

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

Addendum

The present document contains the set of proposals to amend the body (part one), the Annex (part two), as well as the Appendices to the Annex (part three) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) (E/ECE/811; E/ECE/TRANS/564 and Amendments 1 to 4*) adopted by SC.1 at its ninety-eighth session (see report TRANS/SC.1/375, paragraph 13). An explanatory memorandum concerning the proposals submitted can be found at the end of this document.

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* A consolidated version including Amendments 1 to 3 exists under the symbol TRANS/SC.1/1999/4.

Part one

Amendments to the body of the AETR

Replace article 10 by the following provisions:

“Article 10 - Control device

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.
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.
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.”

Replace article 13 of the AETR by the following provisions:

“Article 13 - Transitional provisions

1. All the new provisions of the present Agreement, including its Annex and Appendices 1B and 2, relating to the introduction of a digital control device, shall become mandatory for countries which are Contracting Parties to this Agreement at latest four years after the date of entry into force of the relevant amendments resulting from the procedure specified in article 21. In consequence, all vehicles covered by this Agreement, put into service for the first time after the expiry of this period, shall be equipped with a control device conforming to these new requirements. During this four-year period, Contracting Parties, which have not yet implemented these amendments in their countries, shall accept and control on their territory vehicles registered in another Contracting Party to this Agreement, which are already equipped with such a digital control device.
2. (a) The Contracting Parties shall take the necessary steps to be able to issue the driver cards referred to in the Annex to the present Agreement, as amended, at latest three months before the expiry of the four-year deadline referred to in paragraph 1. This minimum period of three months shall also be complied with in the event of the implementation by a Contracting Party of the provisions relating to the digital control device in conformity with Appendix 1B to this Annex before the expiry of the four-year deadline. Such Contracting Parties shall keep the secretariat of the Working Party on Road Transport of the Economic Commission for Europe informed of progress in the introduction of the digital control device in conformity with Appendix 1B to this Annex within its territory.

(b) Pending the issue by Contracting Parties of the cards referred to in (a), the provisions of article 14 of the Annex to this Agreement shall apply to drivers who may be required to drive vehicles fitted with a digital control device in accordance with Appendix 1B to this Annex.”

3. Any instrument of ratification or accession deposited by a State after the entry into force of the amendments referred to in paragraph 1 shall be deemed to apply to the Agreement as amended, including the deadline for implementation specified in paragraph 1.

If accession takes place less than two years before the expiry of the deadline referred to in paragraph 1, the State shall inform the depositary of the date on which the digital control device will be brought into effective use in its territory when it deposits its instrument of ratification or accession. Such State may make use of a transitional period not exceeding two years from the date of entry into force of the Agreement for the State. The depositary shall so inform all Contracting Parties.

The provisions of the preceding paragraph shall also apply in the event of the accession of a State after the expiry of the four-year deadline for implementation referred to in paragraph 1.”

Add a new paragraph 5 bis to article 21 of the AETR to read:

“5 bis. In the case of a country which becomes a Contracting Party to this Agreement between the moment of notification of a draft amendment and the moment when it is considered accepted, the secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall notify the new State Party of the draft amendment as soon as possible. The latter may inform the Secretary-General of any objection before the end of the six-month period from the date of transmission of the original amendment to all Contracting Parties.”

Add a new paragraph 4 bis to article 22 of the AETR to read:

“4 bis. In the case of a country which becomes a Party to this Agreement between the moment of notification of a draft amendment and the moment when it is considered accepted, the secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall notify the new State Party of the draft amendment as soon as possible. The latter may inform the Secretary-General of any objection before the end of the six-month period from the date of transmission of the original amendment to all Contracting Parties.”

Insert a new article 22 bis to the Agreement to read:

“Article 22 bis - Procedure for the amendment of Appendix 1B

1. Appendix 1B of the Annex to the present Agreement shall be amended according to the procedure defined in the present article.
2. Any amendment proposal to the introductory articles of Appendix 1B shall be adopted by the Working Party on Road Transport of the Economic Commission for Europe by a majority of the Contracting Parties present and voting. Any amendment thus adopted will be transmitted by the secretariat of the Working Party to the Secretary-General for notification to all Contracting Parties. It shall enter into force three months after the date of notification to Contracting Parties.
3. Appendix 1B, adapted for the present Agreement from Annex IB ¹of Regulation (EEC) 3821/85 as cited in article 10 of the present Agreement, depending directly on evolutions introduced into this Annex by the European Union, any amendment made to this Annex shall be applicable to Appendix 1B under the following conditions:
 - the secretariat of the Working Party on Road Transport of the Economic Commission for Europe will officially inform the competent authorities of all Contracting Parties of the publication in the Official Journal of the European Communities of the amendments introduced to Annex IB of the Community Regulation and at the same time will communicate this information to the Secretary-General accompanied by a copy of the relevant texts.
 - these amendments shall enter directly into force for Appendix 1B three months after the date of communication to Contracting Parties of the information.
4. When a proposal to amend the Annex to the present Agreement also implies an amendment to Appendix 1B, the amendments concerning the Appendix may not enter into force before those concerning the Annex. When, in this framework, amendments to Appendix 1B are presented at the same time as amendments to the Annex, their date of entry into force shall be determined by the date resulting from application of the procedures outlined in article 21.”

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¹ As last amended by Commission Regulations (EC) No.1360/2002 of 13 June 2002 (OJ L 207 of 5 August 2002 (corrigendum OJ L 77 of 13 March 2004)) and No. 432/2004 of 5 March 2004 (OJ L 71 of 10 March 2004).

Part two

Amendments to the Annex to the AETR

Replace the Annex to the AETR by the following:

“ANNEX

Control device

GENERAL PROVISIONS

Chapter I: Type approval

Article 1

For the purposes of this Chapter, the words “control device” shall mean “control device or its components”.

Applications for the approval of a type of control device or of a model record sheet or memory card shall be submitted, accompanied by the appropriate specifications, by the manufacturer or his agent to a Contracting Party. No application in respect of any one type of control device or of any one model record sheet or memory card may be submitted to more than one Contracting Party.

Article 2

A Contracting Party shall grant its type approval to any type of control device, to any model record sheet or memory card which conforms to the requirements laid down in Appendix 1 or 1B to this Annex, provided that the Contracting Party is in a position to check that production models conform to the approved prototype.

The control device referred to in Appendix 1B may not be granted type approval until the whole system (the control device itself, driver card and electrical gearbox connections) has demonstrated its capacity to resist attempts to tamper with or alter the data on driving times. The tests necessary to establish this shall be carried out by experts familiar with up-to-date tampering techniques.

Any modifications or additions to an approved model must receive additional type approval from the Contracting Party which granted the original type approval.

Article 3

Contracting Parties shall issue to the applicant an approval mark, which shall conform to the model shown in Appendix 2, for each type of control device or model record sheet or memory card which they approve pursuant to article 2.

Article 4

The competent authorities of the Contracting Party to which the application for type approval has been submitted shall, in respect of each type of control device or model record sheet or memory card which they approve or refuse to approve, either send within one month to the authorities of the other Contracting Parties a copy of the approval certificate accompanied by copies of the relevant specifications, or, if such is the case, notify those authorities that approval has been refused; in cases of refusal they shall communicate the reasons for their decision.

Article 5

1. If a Contracting Party which has granted type approval as provided for in article 2 finds that a certain control device or record sheet or memory card bearing the type approval mark which it has issued does not conform to the prototype which it has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The measures taken may, if necessary, extend to withdrawal of the type approval.

2. A Contracting Party which has granted type approval shall withdraw such approval if the control device or record sheet or memory card which has been approved is not in conformity with this Annex or its Appendices or displays in use any general defect which makes it unsuitable for the purpose for which it is intended.

3. If a Contracting Party which has granted type approval is notified by another Contracting Party of one of the cases referred to in paragraphs 1 and 2, it shall also, after consulting the latter Contracting Party, take the steps laid down in those paragraphs, subject to paragraph 5.

4. A Contracting Party which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid until further notice the placing on the market and putting into service of the control device or record sheets or memory card. The same applies in the cases mentioned in paragraph 1 with respect to control devices or record sheets or memory cards which have been exempted from the initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Annex.

In any event, the competent authorities of the Contracting Parties shall notify one another within one month, of any withdrawal of type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Contracting Party which has granted type approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Contracting Parties concerned shall endeavour to settle the dispute.

Article 6

1. An applicant for type approval of a model record sheet shall state on his application the type or types of control device on which the sheet in question is designed to be used and shall provide a suitable device of such type or types for the purpose of testing the sheet.

2. The competent authorities of each Contracting Party shall indicate on the approval certificate for the model record sheet the type or types of control device on which that model sheet may be used.

Article 7

No Contracting Party may refuse to register any vehicle fitted with a control device, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such device, if the control device bears the approval mark referred to in article 3 and the installation plaque referred to in article 9.

Article 8

All decisions pursuant to this Annex refusing or withdrawing approval of a type of control device or model record sheet or memory card shall specify in detail the reasons on which they are based. A decision shall be communicated to the party concerned, who shall at the same time be informed of the remedies available to him under the laws of the Contracting Party and of the time limits for the exercise of such remedies.

CHAPTER II - INSTALLATION AND INSPECTION

Article 9

1. The control device may be installed or repaired only by fitters or workshops approved by the competent authorities of Contracting Parties for that purpose after the latter, should they so desire, have heard the views of the manufacturers concerned.

The period of administrative validity of approved workshop and fitter cards shall not exceed one year.

If a card issued to an approved workshop or fitter is to be extended, is damaged, malfunctions, is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect.

Where a new card is issued to replace an old one, the new card shall bear the same "workshop" information number, but the index shall be increased by one. The authority issuing the card shall maintain a register of lost, stolen or defective cards.

Contracting Parties shall take any measure necessary to prevent the cards distributed to approved fitters and workshops from being falsified.

2. The approved fitter or workshop shall place a special mark on the seals which it affixes and, in addition, shall enter for a control device in conformity with Appendix 1B, the electronic security data for carrying out, in particular, the authentication checks. The competent authorities

of each Contracting Party shall maintain a register of the marks and electronic security data used and of approved workshop and fitter cards issued.

3. The competent authorities of the Contracting Parties shall send each other their lists of approved fitters and workshops and the cards issued to them and also copies of the marks and of the necessary information relating to the electronic security data used.

4. For the purpose of certifying that installation of the control device took place in accordance with the requirements of this Annex an installation plaque affixed as provided in Appendix 1 or 1B shall be used.

5. Seals may be removed by fitters or workshops approved by the competent authorities in accordance with the provisions of paragraph 1 of this article or in the circumstances described in Appendix 1 or 1B of this Annex.

CHAPTER III - USE OF EQUIPMENT

Article 10

The employer and drivers shall ensure the correct functioning and proper use of, on the one hand, the control device and, on the other, the driver card where a driver is required to drive a vehicle fitted with a control device in conformity with Appendix 1B.

Article 11

1. The employer shall issue a sufficient number of record sheets to drivers of vehicles fitted with the control device in conformity with Appendix 1, bearing in mind the fact that these sheets are personal in character, the length of the period of service, and the possible obligation to replace sheets which are damaged, or have been taken by an authorized inspecting officer. The employer shall issue to drivers only sheets of an approved model suitable for use in the control device installed in the vehicle.

Where the vehicle is fitted with a control device in conformity with Appendix 1B, the employer and the driver shall ensure that, taking into account the length of the period of service, the printing on request referred to in Appendix 1B can be carried out correctly in the event of an inspection.

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.

3. The driver card as defined in Appendix 1B shall be issued, at the request of the driver, by the competent authority of the Contracting Party where the driver has his normal residence.

A Contracting Party may require any driver subject to the provisions of the Agreement and normally resident on its territory to hold a driver card.

(a) For the purposes of this Agreement 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Contracting Parties shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Contracting Party in order to carry out a fixed-term assignment.

(b) Drivers shall give proof of their place of normal residence by any appropriate means, such as their identity card or any other valid document.

(c) Where the competent authorities of the Contracting Party issuing the driver card have doubts as to the validity of a statement as to normal residence made in accordance with point (b), or for the purpose of certain specific controls, they may request any additional information or evidence.

(d) The competent authority of the issuing Contracting Party shall, as far as this can be done, ensure that the applicant does not already hold a valid driver card.

4. (a) The competent authority of the Contracting Party shall personalize the driver card in accordance with the provisions of Appendix 1B.

The period of administrative validity of the driver card shall not exceed five years.

The driver may hold one valid driver card only. The driver is authorized to use only his own personalized driver card. The driver shall not use a driver card which is defective or which has expired.

When a driver card is issued replacing an old one, the new card shall bear the same driver card issue number but the index shall be increased by one. The issuing authority shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.

If the driver card is damaged, malfunctions or is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect.

In the event of a request for the renewal of a card whose expiry date is approaching, the authority shall supply a new card before the expiry date provided that the request was sent to it within the time limits laid down in the fourth subparagraph of article 12 (1).

(b) Driver cards shall be issued only to applicants who are subject to the provisions of the Agreement.

(c) The driver card shall be personal. It may not, during its official period of validity, be withdrawn or suspended for whatever reason unless the competent authority of a Contracting Party finds that the card has been falsified, or the driver is using a card of which he is not the holder, or that the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Contracting Party other than the Contracting Party of issue, the former shall return the card to the authorities of the Contracting Party which issued it and shall indicate the reasons for returning it.

(d) Driver cards issued by Contracting Parties shall be mutually recognized.

Where the holder of a valid driver card issued by a Contracting Party has established his normal place of residence in another Contracting Party, he may ask for his card to be exchanged for an equivalent driver card; it shall be the responsibility of the Contracting Party which carries out the exchange to verify if necessary whether the card produced is actually still valid.

Contracting Parties carrying out an exchange shall return the old card to the authorities of the Contracting Party of issue and indicate the reasons for so doing.

(e) Where a Contracting Party replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or renewal, shall be registered in that Contracting Party.

(f) Contracting Parties shall take all the necessary measures to prevent any possibility of driver cards being falsified.

5. Contracting Parties shall ensure that data needed to monitor compliance with the present Agreement which are recorded and stored by the control device in conformity with Appendix 1B to this Annex can be stored for 365 days after the date of their recording and that they can be made available under conditions that guarantee the security and accuracy of the data.

Contracting Parties shall take any measures necessary to ensure that the resale or decommissioning of a control device cannot detract, in particular, from the satisfactory application of this paragraph.

Article 12

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.

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.

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.

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.

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.

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.

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.

3. Drivers shall:

- ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle,
- operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

(a) under the sign  or ¹ driving time;

(b) under the sign  or ¹ all other periods of work;

(c) under the sign  or ¹ other periods of availability, namely:

- waiting time, i.e. the period during which drivers need remain at their posts only for the purpose of answering any calls to start or resume driving or to carry out other work,
- time spent beside the driver while the vehicle is in motion,
- time spent on a bunk while the vehicle is in motion;

¹ Symbols used for the digital tachograph.

(d) under the sign  or **H**¹ breaks in work and daily rest periods.

4. Each Contracting Party may permit all the periods referred to in paragraph 3, second indent (b) and (c) to be recorded under the sign  on the record sheets used on vehicles registered in its territory.

5. Each crew member concerned shall enter the following information on his record sheet:

- (a) on beginning to use the sheet - his surname and first name;
- (b) the date and place where use of the sheet begins and the date and place where such use ends;
- (c) the registration number of each vehicle to which he is assigned, both at the start of the first journey recorded on the sheet and then, in the event of a change of vehicle, during use of the sheet;
- (d) the odometer reading:
 - at the start of the first journey recorded on the sheet,
 - at the end of the last journey recorded on the sheet,
 - in the event of a change of vehicle during a working day (reading on the vehicle to which he was assigned and reading on the vehicle to which he is assigned);
- (e) if relevant, the time of any change of vehicle.

5 bis. The driver shall enter in the control device in conformity with Appendix 1B the symbols of the countries in which he begins and ends his daily work period.

The above data entries shall be activated by the driver, and may be entirely manual or automatic if the control device is linked to a satellite tracking system.

6. The control device defined in Appendix 1 shall be so designed that it is possible for an authorized inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without permanently deforming, damaging or soiling the sheet.

The device shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

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:

- 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,
- the driver card if he holds one, and
- 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.

(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:

- 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.

(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).

8. It shall be forbidden to falsify, suppress or destroy data recorded on the record sheet, stored in the control device or on the driver card, or print-outs from the control device as defined in Appendix 1B. The same applies to any manipulation of the control device, record sheet or driver card which may result in data and/or printed information being falsified, suppressed or destroyed. No device which could be used to carry out the manipulations mentioned shall be present on the vehicle.

Article 13

1. In the event of breakdown or faulty operation of the control device, the employer shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the break-down or of the discovery of defective operation, the repair shall be carried out en route.

Measures taken by the Contracting Parties may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been put right as provided in the foregoing subparagraphs.

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.

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.

3. If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Contracting Party in which he has his normal residence. Theft of the driver card shall be the subject of a formal declaration to the competent authorities of the State where the theft occurred.

Loss of the driver card must be reported in a formal declaration to the competent authorities of the Contracting Party that issued it and to the competent authorities of the Contracting Party of normal residence where they are different.

The driver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to its premises, provided he can prove the impossibility of producing or using the card during this period.

Where the authorities of the Contracting Party in which the driver has his normal residence are different from those which issued his card and where the latter are requested to renew, replace or exchange the driver card, they shall inform the authorities which issued the old card of the precise reasons for its renewal, replacement or exchange.

Article 14

1. Pursuant to article 13, paragraph 2 (b) of the Agreement, drivers who are driving a vehicle registered in a Contracting Party and to whom the competent authorities have not yet been able to issue the driver cards and who, during the transitional period referred to in paragraph 1 of this article, drive in international traffic with a vehicle fitted with a digital control device in accordance with Appendix 1B to the Annex, must be able to produce, whenever an inspecting officer so requests, the printouts and/or the record sheets for the current week and, in any event, the printout and/or record sheet for the last day on which he drove during the previous week.

2. Paragraph 1 does not apply to drivers of vehicles registered in a country where it is obligatory to use a driver card. However, drivers shall produce printouts whenever an inspecting officer so requests.

3. The printouts referred to in paragraph 1 shall be marked with the details that enable the drivers to be identified (name and number of the driving licence), including their signature.”

* * *

Part three

Amendments concerning the Appendices to the Annex to the AETR

After Appendix 1 to the Annex, include a new Appendix 1B, to read:

“APPENDIX 1B

Requirements for the construction, testing, installation and inspection of the digital control device used in road transport

Article 1. Preamble

1. As this Appendix is an adaptation of Annex IB of Council Regulation (EEC) No. 3821/85 of 20 December 1985 concerning recording equipment in the field of road transport¹, the content of this Annex is not reproduced in the AETR because of its size and its very technical character. For the complete official text and its subsequent amendments, Contracting Parties shall refer to the *Official Journal* of the European Union.

The content of the present Appendix 1B is therefore limited to an introduction citing the references to the relevant texts of the European Union and of the Official Journals in which they were published and highlighting, by means of cross references, the particular points where that Annex has had to be adapted to the context of the AETR.

2. In order to facilitate consultation of that Annex with the adaptations made to take into account the AETR and to allow an overall view of the text, a consolidated version of this Appendix will be elaborated by the secretariat of the United Nations Economic Commission for Europe. However, this version will not have any legal force. This version, elaborated in the official languages of the UNECE, will be updated as necessary.

Article 2. Introductory provisions to Appendix 1B

1. In accordance with paragraph 1 of article 1 above, Contracting Parties are invited, in order to consult Annex IB, to refer to Commission Regulations No. 1360/2002 of 13 June 2002 and No. 432/2004 of 5 March 2004 (see footnote below for the dates of their publication in the Official Journal of the European Union), adapting for the seventh and eighth times to technical progress Council Regulation (EEC) No. 3821/85 concerning recording equipment in the field of road transport.

¹ As amended by Council Regulation (EC) No. 2135/98 of 24 September 1998 (OJ L 274 of 9 October 1998) as well as by Commission Regulations (EC) No. 1360/2002 of 13 June 2002 (OJ L 207 of 5 August 2002 (corrigendum OJ L 77 of 13 March 2004)) and No. 432/2004 of 5 March 2004 (OJ L 71 of 10 March 2004).

2. For the purposes of Appendix 1B:

2.1 The terms in the left column below shall be replaced by the corresponding terms in the right column:

Terms used in Annex IB		Terms used in the AETR
Member States	Replaced by	Contracting Parties
MS		CP
Annex (IB)		Appendix (1B)
Appendix		Sub-appendix
Regulation		Agreement or AETR
Community		UNECE
Recording equipment (<i>English version only</i>)		Control device (<i>English version only</i>)

2.2 References made to legal texts in the left column below shall be replaced by those in the right column:

Legal texts of the European Community		Legal texts of the United Nations Economic Commission for Europe
Council Regulation (EEC) No. 3821/85	Replaced by	AETR
Council Directive No. 92/23/EEC		ECE Regulation 54
Commission Directive No. 95/54/EC adapting to technical progress Council Directive 72/245/EEC		ECE Regulation 10

2.3 A list of texts or provisions for which an ECE equivalent does not exist or for which more information is necessary appears below. These texts or information are only quoted for reference.

2.3.1 The limit for setting the speed limitation device, as defined in I (Definitions), bb) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 92/6/EEC of 10 February 1992 (OJ, No. L57, 02/03/1992).

2.3.2 The measurement of distances, as defined in I (Definitions), u) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 97/27/EC of 22 July 1997, as last amended (OJ, No. L 233, 25/08/1997).

2.3.3 Vehicle identification, as defined in I (Definitions), nn) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 76/114/EEC of 18 December 1975 (OJ, No. L 24, 30/01/1976).

- 2.3.4 The provisions on security shall conform with the provisions laid out in Council Recommendation No. 95/144/EC of 7 April 1995, on common information technology security evaluation criteria (ITSEC) (OJ, No. L 93, 26/04/1995).
- 2.3.5 The protection of individuals with regard to the processing of personal data and the free movement of such data conform to the provisions of Council Directive No. 95/46/EC of 24 October 1995, as last amended (OJ, No. L 281, 23/11/1995).
- 2.4 Other provisions to be changed or deleted:
- 2.4.1 The content of requirement 172 is deleted and replaced by 'Reserved'.
- 2.4.2 Requirement 174 is changed as follows:
- 'the distinguishing sign of the Contracting Party issuing the card. The distinguishing signs of non EU Contracting Parties are those drawn up in accordance with the 1968 Vienna Convention on Road Traffic or the 1949 Geneva Convention on Road Traffic'.
- 2.4.3 The reference to the EU flag with the letters 'MS' meaning 'Member State' in requirement 178 is replaced by the letters 'CP' meaning 'Contracting Party', the flag of the non EU Contracting Party being optional.
- 2.4.4 Requirement 181 is changed as follows:
- 'After consulting the UN/ECE secretariat, Contracting Parties may add colours or markings, such as security features, without prejudice to the other provisions of this Appendix'.
- 2.4.5 Requirement 278 is changed as follows:
- 'Interoperability tests are carried out by a single competent body'.
- 2.4.6 Requirements 291 to 295 are deleted and replaced by 'Reserved'.
- 2.4.7 In Appendix 9/Sub-appendix 9 of the AETR (Type approval - List of minimum required tests), 1, 1-1, the introductory sentence is modified as follows:
- 'The type approval procedure for the recording equipment (or component) or tachograph card is based on:' "

The title of Appendix 2 is modified as follows:

“APPROVAL MARK AND CERTIFICATES”

The list of countries in paragraph 1 of Chapter I of Appendix 2 “Approval mark” is completed and modified as following:

“Hungary	7
Switzerland	14
Finland	17
Liechtenstein	33
Bulgaria	34
Kazakhstan	35
Lithuania	36
Turkey	37
Turkmenistan	38
Azerbaijan	39
The former Yugoslav Republic of Macedonia	40
Andorra	41
Uzbekistan	44
Cyprus	49
Malta	50
'Yugoslavia	10' <i>is replaced by</i>
'Serbia and Montenegro	10' ”

The title of Chapter II “APPROVAL CERTIFICATE” of Appendix 2 is modified as follows:

**“II. APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH
APPENDIX 1”**

The following new section III is added to Appendix 2:

“III. APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH
APPENDIX 1B

Once the Contracting Party has effected an approval it issues the applicant with an approval certificate, drawn up in accordance with the model below. Contracting Parties use copies of this document in order to communicate to other Contracting Parties approvals granted or any withdrawals.

APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH APPENDIX 1B

Name of the competent administration

Communication concerning (1):

- Approval
- Withdrawal of an approval
 - Of a control device model
 - Of a control device component (2)
 - Of a driver card
 - Of a workshop card
 - Of a company card
 - Of an inspector’s card

Approval No.

1. Manufacturing or commercial mark.....
2. Name of model.....
3. Name of manufacturer.....
4. Address of manufacturer.....
5. Submitted for approval on.....
6. Test laboratory or laboratories.....
7. Date and No. of reports.....
8. Date of approval.....
9. Date of withdrawal of approval.....
10. Model(s) of component(s) of control device with which the component is intended to be used.....
11. Place.....
12. Date.....
13. Descriptive documents annexed.....

14. Remarks (including the affixing of seals if required)
.....
.....

.....
(Signature)

(1) Tick the relevant boxes
(2) Specify the component concerned in the communication” ”

EXPLANATORY MEMORANDUM

INTRODUCTION

Since its creation in 1970, the AETR has been modified on four occasions in order to ensure its evolution with technical advances and its coherence with Community legislation. The last amendment made, which concerns Article 12, entered into force on 27 February 2004.

The set of amendment proposals presented in this document is intended to introduce the new device for checking more efficiently the driving times and rest periods of professional drivers, the digital tachograph. The object of these modifications is to align the AETR with legislation introduced by the European Union in this area so as on the one hand to harmonize regulations applicable to international transport by road in all countries of the UNECE, and on the other to improve road safety by the use of a device which is more effective than the currently used mechanical device.

The introduction of the digital tachograph requires modifications and supplements to the provisions in the body of the AETR (Articles 10, 13, 21, 22, 22 *bis*), as well as to its Annex and its Appendices. The relevant proposals are described in detail below.

BODY OF THE AETR

Article 10: The proposed modification removes from this Article existing provisions of a technical or operational nature and transfers them to the Annex in order to improve the readability of the provisions related to the control device and make the system more coherent. In addition, the formulation of the remaining provisions has been revised.

Article 13: Since the transitional provisions which appear at present are now obsolete, they have been replaced by new provisions defining precisely the conditions for implementing the digital tachograph by Contracting Parties. A transitional period of four years is granted. In conformity with these provisions, all new vehicles registered in Contracting Parties must be equipped with this device at the latest four years after the entry into force of the present amendments, in 2009/2010. Given that EU vehicles will already be subject to this obligation by virtue of Community legislation, the present transitional provisions apply essentially to countries outside the EU.

This Article also covers the situation of vehicles equipped with this device which are carrying out transport operations in a country which has not yet implemented the relevant provisions on its territory and clarifies the situation of drivers of vehicles equipped with a digital tachograph driving on the territory of a Contracting Party when the provisions relating to the digital tachograph are not yet in force in their own country.

Articles 21 and 22: The proposed modifications clarify the procedural points for a country which becomes a Contracting Party to the AETR during the time from the notification of an amendment proposal to the point at which the amendment is considered accepted. Article 21 concerns the

procedure for the body of the AETR and its Annex and Article 22 concerns the procedure for Appendixes 1 and 2.

Article 22 bis: This new Article defines the special procedure for amendments to Appendix 1B whose evolution is directly dependent on the amendments which may be made to Annex 1B of Community Regulation 3821/85 of 20 December 1985. It is important that this procedure is as simple as possible so that new Community provisions can be introduced into the AETR in a short period of time, to limit discrepancies between the two regulations and therefore facilitate road transport at the international level.

ANNEX TO THE AETR

The introduction of the digital tachograph requires a complete revision of the contents of the current Annex to the AETR to take into account the new device while keeping the existing provisions. This is the object of the proposed new Annex which defines the general rules of a technical nature to which the control device should conform no matter what its configuration, mechanical or digital, as well as the conditions for its use.

APPENDIX 1B

The proposal is to insert a new Appendix which introduces the purely technical conditions to which the digital tachograph has to conform as well as the different elements it is composed of. This Appendix bears the title 1B to emphasize its correspondence with Annex 1B of Community Regulation 3821/85.

Due to the very technical and voluminous character of this Annex which comprises more than 250 pages, it was decided deliberately, in the proposal made, to refer in the AETR only to the reference texts and EU Official Journals related to the Annex, while highlighting the points which need to be adapted to take into account the particular context of the AETR. This simplified solution will make it possible in the future to take into account in the AETR future modifications to Annex 1B which is likely to evolve frequently due to the innovative character of the digital tachograph. Nonetheless, in order to enhance the readability of this Annex 1B adapted to the context of the AETR, the UNECE secretariat will prepare a consolidated version of Appendix 1B, non-official in character, incorporating all the modifications listed under introductory Article 2 of this Appendix.

APPENDIX 2

The proposed amendment on the one hand updates the list of countries Contracting Parties to the AETR attributed a number allowing the identification of their approval mark (paragraph 1 of item I of Appendix 2), and on the other hand creates a specific approval certificate for products which conform to Appendix 1B (new item III of Appendix 2), since the present form, whose title has been modified, is limited to products which conform to Appendix 1 (item 2 of Appendix 2).
