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Working Party on Road Transport

Ad Hoc Working Group on the
Revision of the AETR

REPORT 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)

(8-9 March 1999)

ATTENDANCE

1. 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) met on 8 and 9 March 1999 under the chairmanship of Mrs. M.-N. Poirier (France). Experts from the following countries took part: Belgium; France; Germany; Hungary; Latvia; Netherlands; Norway; Portugal; Russian Federation. A representative of the European Commission also took part. The following non-governmental organization was represented: International Road Transport Union (IRU).

ADOPTION OF THE AGENDA

Document: TRANS/SC.1/AC.6/1

2. The Ad Hoc Working Group adopted the provisional agenda prepared by the secretariat.

STATUS OF ACCESSION TO AND REVISION OF THE AETR

Documents: E/ECE/811; E/ECE/TRANS/564 and Amends.1-3; TRANS/SC.1/361

3. The Ad hoc Working Group was informed that Latvia, Uzbekistan and Finland had recently acceded to the AETR and that the Contracting Parties currently numbered 37.

4. The Ad hoc Working Group was also informed that the Working Party on Road Transport (SC.1) at its ninety-first session (October 1997) had adopted a proposal for the revision of the AETR by an informal group on the checking of the daily record sheets (Article 12). This text had been discussed at the sixtieth session of the Inland Transport Committee which had passed it on to SC.1 for further discussion. At the ninety-second session of SC.1 (October 1998) it was decided that the checking of 2% of the daily record sheets was not realistic and that the draft revision should set an objective of 1% in accordance with practice in the European Union. The representative of France submitted an amended proposal for the revision of the text of Article 12 (TRANS/SC.1/361, annex 2).

5. The Ad hoc Working Group was informed that, in addition to the proposal for revision referred to in paragraph 4, SC.1 at its ninety-first session had also considered a document submitted by the representative of Germany (TRANS/SC.1/1998/12) containing a proposal to set up within the ECE secretariat a neutral control authority responsible for supervising compliance with procedures for checking the record sheets of drivers. The Working Group had requested the secretariat to contact the European Commission on the subject so as to coordinate the transmission of reports between ECE and the European Commission and to extend to Contracting Parties to the AETR which were not EU members the same reporting procedure as applied to countries members of the European Union, namely, the submission of reports every two years.

6. The Working Group had also decided at the ninety-second session of SC.1 to request the Inland Transport Committee to approve the convening of an Ad hoc Working Group on the revision of the AETR (8-9 March 1999) to draft amendments to the AETR in order to introduce the new digital tachograph in accordance with Council Regulation (EEC) No. 3821/85.

DECISIONS OF THE INLAND TRANSPORT COMMITTEE RELATED TO THE AETR

7. The Ad hoc Working Group was informed that the Inland Transport Committee at its sixty-first session (8-11 February 1999) had taken note of the adoption by the European Community on 24 September 1998 of an amendment to Regulation No. 3821/85 introducing the use of the new digital tachograph in the European Union. In stressing the importance of this decision, the Committee noted that the secretariat had written to Contracting Parties to the AETR which were not members of the European Union on the subject of the recognition in their countries of the new digital tachograph used by vehicles registered in the EU but no reservations had been received.

8. The Inland Transport Committee had further approved the convening of an Ad hoc Working Group on the revision of the AETR with the following mandate: (i) to ensure that the text of the revised AETR regarding the checking of daily record sheets was compatible with the European Directive; and (ii) to propose draft amendments to the AETR intended to introduce the use of the new digital tachograph (in accordance with Council Regulation (EEC) No. 3821/85) and to define the necessary transitional periods for its application.

INTRODUCTION IN THE AETR OF PROVISIONS ON CHECKS

9. Before dealing with the question of the introduction in the AETR of the new digital tachograph, the Ad hoc Working Group considered a new draft text on checks of daily record sheets (amending TRANS/SC.1/363, annex 2), prepared by the representative of France with the intention of bringing these provisions and the text of Article 12 into line with Directive 88/599/EEC of 23 November 1988.

10. Regarding the monitoring of compliance with the checks required (a minimum of 1% of the days worked by drivers), the Ad hoc Working Group recommended, insofar as the AETR only concerned international transport operations, that the questionnaire (extending to Contracting Parties to the AETR which were not EU members the same procedure as applied to countries members of EU) to be submitted every two years should request countries to specify the proportion of transport operations monitored in international traffic and, if appropriate, in domestic traffic.

11. The Ad hoc Working Group adopted the revised text of Article 12 prepared by France (see annex I to this report).

INTRODUCTION IN THE AETR OF THE NEW DIGITAL TACHOGRAPH

Document: Council Regulation No. 2135/98 (EC) of 24 September 1998 amending Regulation No. 3821/85 (EEC) (English and French only)

12. In order to be able to introduce the installation and use of the new digital tachograph in the AETR as set out in Council Regulation No. 2135/98 (EC) of 24 September 1998, the Ad hoc Working Group considered the proposed amendment drafted by an informal group constituted during the session (Belgium, France and the European Commission), on the Annex to the AETR concerning the control device and Articles 10, 13 and 22 of the basic text. In order to ensure that the Annex to the AETR was consistent with the Community's Regulation, the informal group proposed an equivalent structure to that of Annex IB of the Regulation by introducing two new Appendices 1b and 2b in the Annex to the AETR.

13. The Ad hoc Working Group adopted the proposed amendments to Articles 10, 13 and 22 (see annex II to this report), and accepted the proposal by the informal group to transfer all the technical/operational paragraphs of Article 10 to the Annex. In addition, the Working Group decided to reformulate the remaining provisions of Article 10 (i.e. paragraph 1 (a)) and to specify that "the Agreement" also included its Annex and its Appendices. As regards the transitional periods required for the application of the new digital tachograph (Article 13), the Ad hoc Working Group suggested

five years, but considered that as this was a political matter it devolved on SC.1 at its ninety-third session to take a decision on the subject and to associate with it more representatives of the Contracting Parties to the AETR which were not members of the European Union.

14. The Ad hoc Working Group adopted the text of the new Annex to the AETR on the control device (see annex III to this report) comprising provisions on approval, installation and inspection, and provisions for use including operational aspects relating to use during transitional periods when the two types of control device would coexist. The Working Group decided that Appendix 1b (on conditions for the construction, testing, installation and inspection of the digital tachograph) and Appendix 2b (on the approval mark and certificate of the digital tachograph) would be drafted and added to the Agreement.

15. Since the technical specifications of Annex IB to Regulation 3821/85 defining the digital tachograph had not been completely finalized by the European Commission, the Ad hoc Working Group proposed that the Contracting Parties to the AETR which were not EU members should await their final publication in the Official Journal of the European Communities before formally adopting the draft amendments on the digital tachograph, but also proposed that SC.1 should already take a decision on the amendments contained in the attached annexes.

16. In this context and for practical reasons, the Ad hoc Working Group recommended that the Working Party on Road Transport should consider the possibility of including a reference to Annex IB of 3821/85 in the AETR instead of reproducing it in its entirety. It also recommended that Council Regulation No. 2135/98 (EC) of 24 September 1998 should be issued in Russian and that a consolidated version of the Agreement in the three working languages should be available for the ninety-third session of SC.1.

17. The Ad hoc Working Group took note of the different forms of amending the AETR depending on the section of the Agreement in question:

(a) A proposal for an amendment concerning the Agreement and the Annex (not including the Appendix) is considered to have been accepted if no State enters an objection to the said proposal during a period of six months (Article 21);

(b) For the Appendices, draft amendments may be adopted by a majority vote in SC.1.

18. In view of the fact that a single country could compromise all the efforts made to ensure the development of the AETR, the Ad hoc Working Group proposed that where draft amendments to the basic text of the Agreement and its Annex were concerned (apart from the use of the procedure set out in Article 21, paragraph 8), the number of countries required to oppose them should be three, following the example of the Agreement on the International Carriage of Perishable Foodstuffs. The corresponding draft amendment can be found in annex IV to this report.

19. The Ad hoc Working Group noted that a number of new countries had acceded to the AETR and that new distinguishing numbers had been assigned. It therefore proposed an amendment to the Annex - Appendix 2, chapter 1 (see annex V to this report).

OTHER BUSINESS

20. The Ad hoc Working Group did not have time to consider the other questions relating to this agenda item.

ADOPTION OF DECISIONS

21. The Ad hoc Working Group adopted its decisions on the basis of a draft prepared by the secretariat. It entrusted the secretariat with the preparation of the final version of the report.

Annex I

(Checks)

(Note: The additions made to annex 2 of TRANS/SC.1/363 will appear in bold print while the additions made below will appear in italics.)

Article 12 - Measures of enforcement of the Agreement

1. Replace paragraph 1 by the following text:

"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.*

[The competent administrations of the Contracting Parties shall keep one another informed of the general measures adopted for this purpose.]

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

- **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;**

(b) The elements of roadside checks shall include:

- *daily driving periods, interruptions and daily rest periods and, if there are evident irregularities, the record sheets of the preceding days which shall be on board the vehicle;*
- *the last weekly rest period, if appropriate;*
- *the correct functioning of the control device.*

These checks shall be carried out without discrimination of vehicles and drivers, whether resident or not.

(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:

- *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 9, paragraphs 1 and 3;*
- *use of recording sheets and/or the organization of drivers' working time."*

2. Replace the first subparagraph of paragraph 3 by the following text:

"3. Within the framework of (---) mutual assistance, the competent authorities of the Contracting Parties shall regularly send one another all available information concerning: (the following is included as a reminder)

- 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.

In case of serious breaches, such information shall include the penalty imposed."

3. Add the following new paragraphs 5 and 6:

"5. Contracting Parties shall work in cooperation with each other in the organization of concerted roadside checks.

6. The UN/ECE shall issue a report every two years on the application by Contracting Parties of paragraph 1 of the present article."

Annex II

(introduction of the new digital tachograph)

Article 10

Amend the text to read (technical/operational paragraphs are transferred to the Annex):

"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. 3851/85 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.**"

Article 13 - Transitional provisions

Replace by the following text:

"1. Vehicles brought into circulation for the first time more than five years after the date when this amendment was adopted shall be equipped with a control device conforming to the requirements of this Agreement and of the Annex and Appendices 1b and 2b.

2. The Contracting Parties shall take the necessary measures so as to be able to issue driver cards not later than three months prior to the date given in paragraph 1 of this article."

Article 22

In paragraphs 1 and 2 delete "1 and 2".

Annex III

(new annex on the control device)

Annex - control device

Replace this annex with the following text:

"GENERAL PROVISIONS

I - Type Approval

Article 1

For the purposes of this chapter, the term 'control device' means 'control device or its components'.

Applications for the approval of a type of control device or of a model record sheet **or smart 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 of any one smart card** may be submitted to more than one Contracting Party.

Article 2

A Contracting Party shall grant its approval to any type of control device or to any model record sheet **or to any smart card** which conforms to the requirements laid down in **Appendices 1 and 1b**, provided that the Contracting Party is in a position to check that production models conform to the approved prototype.

The security of the system shall conform to the technical requirements set out in Appendix 1b. This appendix shall stipulate that the control device may only be granted approval if the system as a whole (the control device itself, the smart card and electrical connections to the gearbox) has demonstrated its capacity to resist attempts to tamper with or alter data concerning driving times. The necessary tests in this regard shall be carried out by experts familiar with the latest 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, depending on the case, to the model shown in appendices 2 and 2b for each type of control device or model record sheet **or smart 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 smart 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 the type approval as provided for in article 2 finds that certain control devices or record sheets **or smart cards** bearing the type approval mark which it has issued do 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 the type approval shall withdraw such approval if the control device or record sheet **or smart 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 the 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 devices or record sheets **or smart cards**. The same applies in the cases mentioned in paragraph 1 with respect to control devices or record sheets **or smart cards** which have been exempted from the initial verification, if the manufacturer, after due warning, does not bring the device 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 the 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 the 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 the 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 suitable equipment 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 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 smart 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 Parties and of the time-limits for the exercise of such remedies.

II - Installation and inspection

Article 9

1. The control device may be installed or repaired 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.

2. The duration of the administrative validity of the cards of approved workshops or fitters shall not exceed one year.

If the card issued to approved workshops and fitters is renewed, 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.

When a new replacement card is issued it shall carry the same "workshop" information number but the index number shall be increased by one. The authority issuing the card shall keep a register of lost, stolen or defective cards.

The Contracting Parties shall take all necessary measures to avoid any risk of forgery of the cards distributed to approved fitters and workshops.

3. The approved fitter or workshop shall place a special mark on the seals which it affixes, **and in addition, for control devices conforming to Appendix 1b shall introduce electronic safety data permitting, in particular, authentication checks.** The competent authorities of the Contracting Parties shall maintain a register of the marks **and electronic safety data used and of approved workshop and fitter cards issued.**

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

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 Appendices 1 and 1b shall be used.

4. **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 Appendices 1 and 1b of this Agreement.**

III - Provisions for use

Article 10

The employer and drivers shall be responsible for seeing that the control device **on the one hand and the driver card on the other hand, in the event of the driver being required to drive a vehicle equipped with a control device conforming to Appendix 1, function and are used correctly.**

Article 11

1. The employer shall issue a sufficient number of record sheets to drivers of vehicles equipped with a control device conforming to 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 device installed on the vehicle.

If the vehicle is equipped with a control device conforming to Appendix 1, the employer and the driver shall ensure that, bearing in mind the length of the period of service, the printout on request referred to in Appendix 1 can be carried out correctly in the event of an inspection.

2. The undertaking shall keep in good order the record sheets for at least a year after use and shall give a copy to interested drivers who so request. The sheets shall be produced or handed over at the request of inspecting officers.

3. The driver card referred to in Appendix 1b shall be issued, at the driver's request, by the competent authority of the Contracting Party in which he has his normal residence.

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

(a) For the purposes of this Agreement, 'normal residence' means the place where a person habitually lives, i.e. for at least one hundred and eighty-five days in each calendar year, because of personal or occupational ties, or in the case of a person with no occupational ties, because of personal ties, which show close links between the person and the place where he lives.

However, the normal residence of a person whose occupational ties are in a place other than his personal ties and who consequently lives in turn in different places situated in two or more Contracting Parties, is considered to be the place where he has personal ties, provided that he returns regularly to that place. This condition is not required when the person is living in the territory of a Contracting Party in order to perform a fixed-term assignment.

(b) Drivers shall give proof of their place of normal residence, using any 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 the declaration of normal residence made in accordance with paragraph (b), or for the purpose of certain specific checks, they may request additional information or evidence.

(d) The competent authorities of the Contracting Party issuing the card shall ensure, as far as possible, 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 administrative validity of the driver card shall not exceed five years.

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

When a new card is issued to the driver to replace the old card it shall have the same driver card serial number but the index shall be increased by one. The authority issuing the card shall keep a register of issued, stolen, lost or defective cards for a period at least equivalent to their period of validity.

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

In the event of a request for the renewal of a card of which the validity is about to expire, the authority shall supply a new card before the date of expiry provided that the request was submitted within the deadline referred to in article 15, paragraph 1, second subparagraph.

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

(c) The driver card shall be personal. It may not, during the period of its administrative validity, be withdrawn or suspended for any reason whatever, unless the competent authority of a Contracting Party observes that the card has been forged, that the driver is using a card of which he is not the holder or that the card has been obtained on the basis of false statements and/or falsified documents. If the above-mentioned measures of suspension or withdrawal are taken by a Contracting Party other than the Contracting Party which issued the card, the former shall send the card to the authorities of the Contracting Party which issued it giving the reasons for its return.

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

When the holder of a valid driver card issued by a Contracting Party has established his normal residence in another Contracting Party, he may request the exchange of his card for an equivalent driver card; it shall be the responsibility of the Contracting Party making the exchange to verify, if necessary, whether the card submitted is still valid.

Contracting Parties performing an exchange shall return the old card to the authorities of the Contracting Party which issued it, giving reasons for its return.

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

(f) Contracting Parties shall take all necessary measures to avoid any risk of forging of driver cards.

5. Contracting Parties shall ensure that the data required to check compliance with this Agreement recorded and stored by control devices in accordance with Appendix 1b of this Agreement shall be stored for not less than three hundred and sixty-five days after the date on which they were recorded and can be made available under conditions guaranteeing their safety and accuracy.

Contracting Parties shall take all necessary measures to ensure that operations for the resale or decommissioning of control devices cannot detract from the proper implementation of this paragraph.

Article 12

1. Drivers shall not use dirty or damaged record sheets **or driver cards**. The sheets **or driver cards** shall be adequately protected on this account.

In case of damage to a sheet bearing recordings, **or a driver card**, drivers shall attach the damaged sheet **or the damaged driver card** to the spare sheet **or the temporary sheet** used to replace it.

When drivers wish to renew their driver card, they shall apply to the competent authorities of the Contracting Party in which they have their normal residence, at latest fifteen working days before the expiry date of the card.

If a sheet bearing recordings or a driver card is damaged, drivers shall attach the damaged sheet or driver card to the spare sheet or the temporary sheet used to replace it.

If the driver card is damaged or malfunctions or is lost or stolen, drivers shall apply within seven calendar days for its replacement to the competent authorities of the Contracting Party in which they have their normal residence.

2. Drivers shall use the record sheets **or the driver card** every day on which they are driving, starting from the moment when they take over the vehicle. The record sheet **or the 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 device fitted to the vehicle, the periods of time **indicated in paragraph 3, second indent, (b), (c) and (d) of this article** shall be entered on the sheet, either manually, by automatic recording or by 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) of this article** is recorded on the record sheet of the driver who is actually driving.

3. Drivers:

- shall ensure that the times marked on the sheet are in accordance with official time in the country of registration of the vehicle;
- shall activate the switch devices to record separately and clearly the following periods of time:
 - (a) under the sign ... : driving time;
 - (b) under the sign ... : all other periods of work;

- (c) under the sign ... : 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;
- (d) under the sign ... : 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) of this article to be recorded under the sign ... on the record sheets used on vehicles registered in its territory.

5. The driver shall enter the following particulars on the 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 the vehicle to which he is assigned 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 to be assigned);
- (e) if relevant, the time of any change of vehicle.

5 bis. The driver shall enter in the control device in accordance with Appendix 1 the symbol of the country where he begins and that of the country where he ends his daily period of work.

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

6. The control devices defined in Appendices 1 and 1b 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 control device shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

7. When a driver drives a vehicle equipped with a control device conforming to Appendix 1, whenever requested by an authorized inspecting officer to do so, he must be able to produce:

- record sheets for the current week, and in any case for the last day of the previous week on which he drove;
- the driver card if he holds one

and

- the printouts from the control device defined in Appendix 1 relating to the time periods referred to in paragraph 3, second indent, (a), (b), (c) and (d) of this article, if the driver has driven a vehicle equipped with a control device during the period referred to in the first indent of this paragraph.

When the driver drives a vehicle equipped with a control device conforming to Appendix 1, he shall be able, whenever requested by an authorized inspecting officer to do so, to produce:

- his driver card

and

- the record sheets for the same period as that referred to in the first indent of the first paragraph, when during that period he drove a vehicle equipped with a control device conforming to Appendix 1.

An authorized inspecting officer may monitor compliance with this Agreement by analysing the record sheets, the display or printout of the data recorded by the control device or by the driver card, or, failing this, by analysing any other supporting document justifying failure to comply with a provision such as those contained in article 12, paragraphs 2 and 3.

8. It shall be forbidden to falsify, delete or destroy data recorded on the record sheet, data stored in the control device or the driver card or printouts from the control device as defined in Appendix 1b. It shall also be forbidden to tamper with the control device, the record sheet or the driver card and/or the printouts, make them inaccessible or destroy them. The vehicle may not be equipped with any device enabling the above-mentioned actions to be performed.

Article 13

1. If the control device breaks down or malfunctions, the employer shall have it repaired by an approved fitter or workshop as soon as circumstances permit.

If the return to the headquarters of the undertaking can only take place after a period of more than a week as from the day of the breakdown or the observed malfunctioning, the repair shall be effected during the journey.

The Contracting Parties may provide for the competent authorities to be empowered to prohibit the use of the vehicle when the breakdown or malfunctioning has not been repaired under the conditions set out above.

2. If the control device breaks down or malfunctions, the driver shall enter the particulars concerning the time periods, which are no longer being correctly recorded or printed out by the control device, on the record sheet or sheets or temporary sheet to be attached either to the record sheet or to the driver card, with information enabling him to be identified (name and number of his driving licence or name and number of his driver card), and shall append his signature.

If his card is lost, stolen or damaged or if it malfunctions, the driver shall, at the end of his journey, print out the particulars concerning the periods of time recorded by the control device and enter on the printed document information enabling him to be identified (name and number of his driving licence or name and number of his driver card) and shall append his signature.

3. If the card is damaged or 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 Contracting Party where the theft occurred.

Loss of the driver card shall be the subject of a formal declaration to the competent authorities of the Contracting Party which issued it and to the authorities of the Contracting Party of normal residence where they are different.

The driver may continue to drive his vehicle without a personal card for a maximum period of fifteen calendar days, or for a longer period if it is necessary to permit the vehicle to return to the headquarters of the undertaking, provided that he can justify the impossibility of producing or using his card during this period.

When the authorities of the Contracting Party in which the driver has his normal residence are different from those which issued the card and when they 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 the renewal, replacement or exchange of the card."

Annex IV

(amendment procedure)

Article 21

Amend the text of paragraph 4 of this article to read:

"4. If an objection to the proposed amendment is stated **by three or more Contracting Parties** in accordance with ...".

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Annex V

(distinguishing numbers)

Annex - Appendix 2, chapter I

APPROVAL MARK AND CERTIFICATE

Add the following countries to the list in paragraph 1:

"-	Finland	17
-	Liechtenstein	33
-	Bulgaria	34
-	Kazakhstan	35
-	Lithuania	36
-	Turkmenistan	38
-	Azerbaijan	39
-	Andorra	41
-	Uzbekistan	44"
