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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Road Transport

Ad hoc Working Group on the Revision  
of the AETR

(Second session, 11-12 April 2002,  
agenda item 6)

**Note by the secretariat**

The amendment to Article 12 of the AETR, adopted by the Working Party on Road Transport (SC.1) at its ninety-third session (paragraph 28 of the report TRANS/SC.1/365) in accordance with the proposals submitted by the delegation of France, has not yet entered into force. This amendment, the final version of which is reproduced below, is intended to reinforce monitoring of the implementation of the AETR, principally by introducing the same minimum conditions for checking procedures at the roadside and on the premises of transport undertakings as are defined in Council Directive 88/599/EEC of 23 November 1988 (Official Journal of 29 November 1988). This amendment provides for checks of at least 1 per cent of the days worked by drivers of vehicles to which the AETR applies, while not less than 15 per cent of the total number of working days checked are to be checked at the roadside and not less than 25 per cent on the premises of undertakings. It also provides for the publication of a report by UN/ECE on the implementation of the checks by the Contracting Parties.

### **Proposed amendment of Article 12 of the AETR**

**The provisions of Article 12 (Measures of enforcement of the Agreement) of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), as amended on 1 February 1991, are replaced by the following:**

“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.

(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 8, paragraphs 1 and 3;
- Use of recording sheets and/or the organization of drivers' working time.

2. Within the framework of mutual assistance, the competent authorities of the Contracting Parties shall regularly send one another all available information concerning:

- 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. If the findings of a roadside check on the driver of a vehicle registered in the territory of another Contracting Party provide grounds to believe that infringements have been committed which cannot be detected during the check due to lack of necessary data, the competent authorities of the Contracting Party concerned shall assist each other to clarify the situation. In cases where, to this end, the competent Contracting Party carries out a check at the premises of the undertaking, the results of this check shall be communicated to the other Party concerned.

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

5. The United Nations Economic Commission for Europe shall issue a report every two years on the application by Contracting Parties of paragraph 1 of the present article.”

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