# Prevailing Legal Instrument Applicable to Road Transport Operations Survey Results (as of 17 January 2013)

UNECE AETR Expert Group

25 February 2013

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International Road Transport Union

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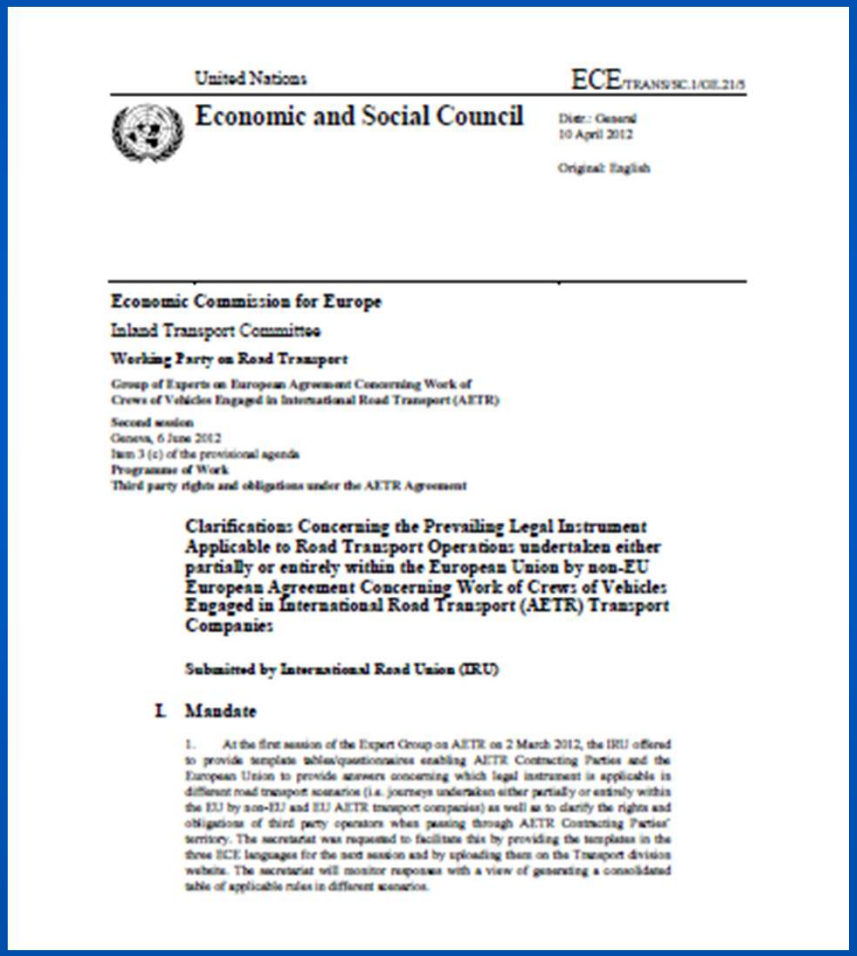
# Survey on Prevailing Legal Instrument Applicable to Transport Operators

- **Clarification on the legal status urgently needed to establish legal certainty**
- **Clarify the rights and obligations of third party operators when passing AETR CP territory**



United Nations ECE/TRANS/SC.1/GE.21/5

Economic and Social Council

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**Economic Commission for Europe**

Inland Transport Committee

**Working Party on Road Transport**

Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR)

Second session
Geneva, 6 June 2012
Item 3 (c) of the provisional agenda
Programme of Work
Third party rights and obligations under the AETR Agreement

**Clarification: Concerning the Prevailing Legal Instrument Applicable to Road Transport Operations undertaken either partially or entirely within the European Union by non-EU European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR) Transport Companies**

**Submitted by International Road Union (IRU)**

**I. Mandate**

1. At the first session of the Expert Group on AETR on 2 March 2012, the IRU offered to provide template tables/questionnaires enabling AETR Contracting Parties and the European Union to provide answers concerning which legal instrument is applicable in different road transport scenarios (i.e. journeys undertaken either partially or entirely within the EU by non-EU and EU AETR transport companies) as well as to clarify the rights and obligations of third party operators when passing through AETR Contracting Parties' territory. The secretariat was requested to facilitate this by providing the templates in the three ECE languages for the next session and by uploading them on the Transport division website. The secretariat will monitor responses with a view of generating a consolidated table of applicable rules in different scenarios.


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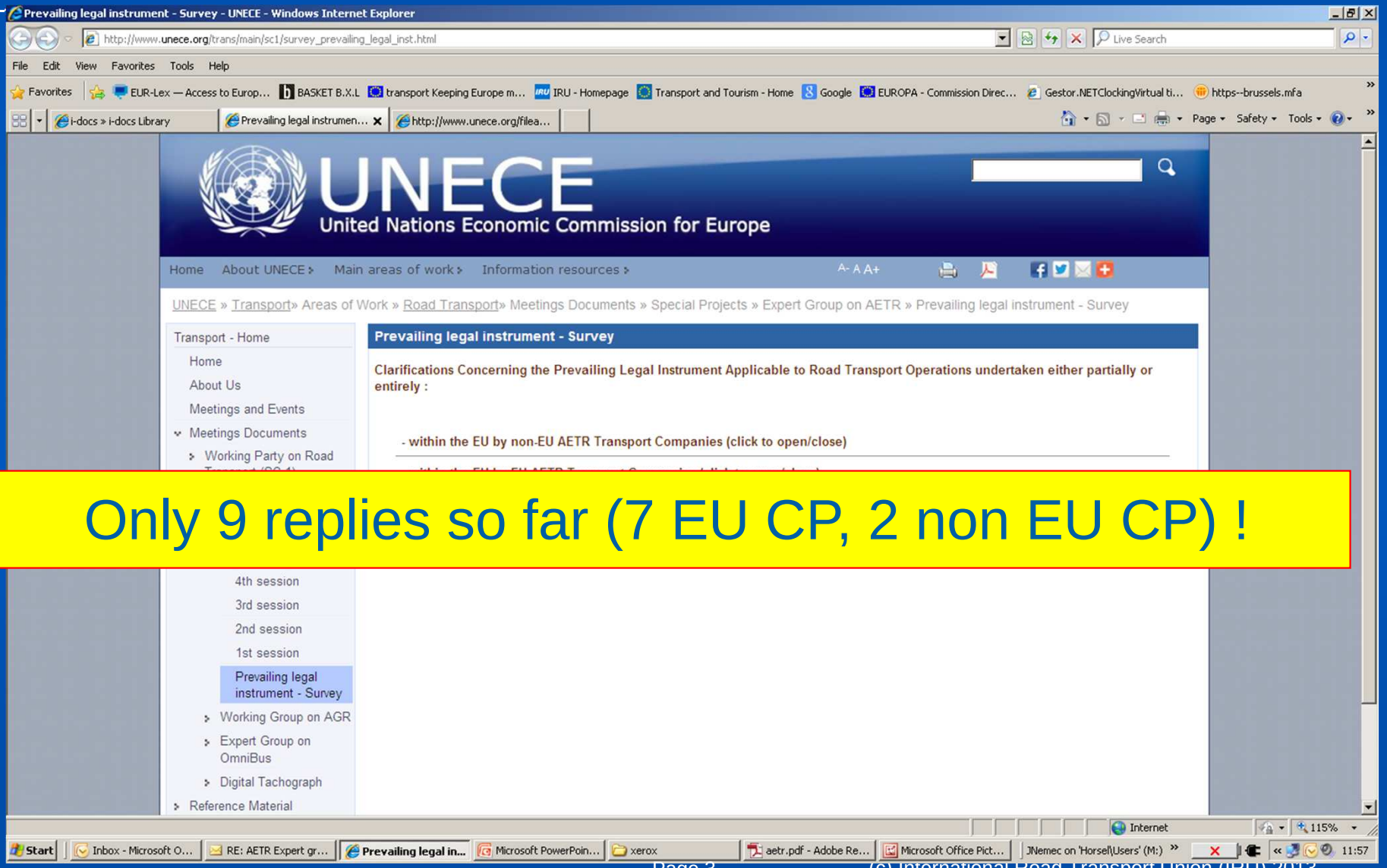
# Survey published on UNECE website




Only 9 replies so far (7 EU CP, 2 non EU CP) !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## 1. Transport operations within the EU by non EU Transport Companies

- 9 replies in total
- 7 EU CP

  AETR on operations from non EU – EU

  Reg. 561/2006 on intra EU transport
- 2 non-EU CP

  AETR applied


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## 2. Transport operations within the EU by EU Transport Companies

- **9 replies in total**
- **7 EU CP**

  **all apply AETR on operations from non EU – EU**

  **Reg. 561/2006 on intra EU transport**

  **double manning:**

  ***EU – non EU operation* - 5 apply AETR, 2 apply 561/2006**

  ***EU – EU operation* – 4 AETR, 2 561/2006, 1 depending on the situation**
- **2 non-EU CP**

  **AETR applied**


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## 3. Groupage Transport operations within the EU by non EU Transport Companies

- 9 replies in total
- 7 EU CP

  AETR applied
- 2 non-EU CP

  AETR applied


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# Minor difference in operational requirements

**4. Requirements imposed by AETR CP**

- **Manual/digital tachograph, driver card, leave form etc.**
- **9 replies in total**
- **Discrepancies in requirements**
- For example: A manual record in the form of a driver's log book or other paper based record is requested in Netherland and not requested in Poland **-> possible legal uncertainty**


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# Conclusions

- **Recalling that**

  **The aim is to have harmonised level-playing field and bring legal clarity**

- **Don't forget!**

  **Status of transport operators from Non – AETR NON-EU Members States – transporting in AETR/EU Countries needs to be clarified**

- **Your help needed!**

  **Encourage competent authorities to provide answers to the survey**


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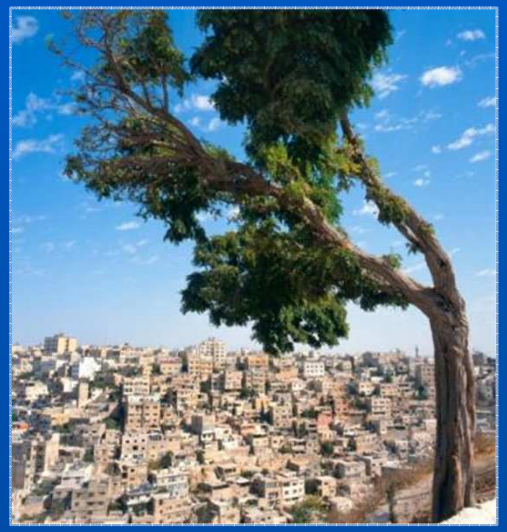
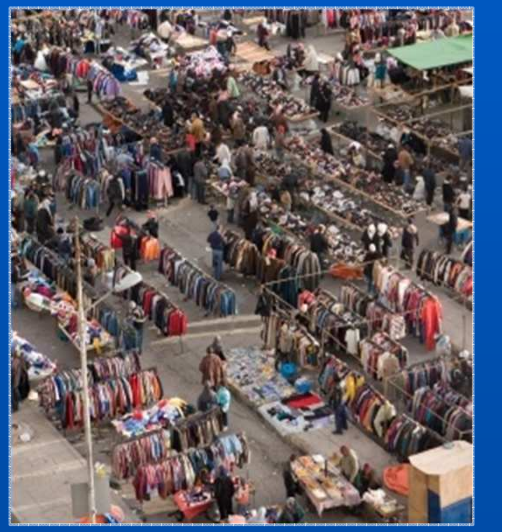
# Save the date!

7th Euro- Asian Road Transport Conference & Ministerial Meeting

IRU

Amman, 12-13 June 2013







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