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FRENCH and RUSSIAN**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport(Ninety-seventh session, 28-30 October 2003
agenda item 5 (a))**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL
ROAD TRANSPORT AND FACILITATION OF ITS OPERATION****Draft revised Consolidated Resolution on the Facilitation of
International Road Transport (R.E.4)**

Following the special meeting dedicated to the Revision of Consolidated Resolution R.E.4 on 7 October 2002 (see document TRANS/SC.1/2002/4), the secretariat has prepared the consolidated version reproduced below, taking into account the decisions adopted by the Working Party on Road Transport. The relevant changes appear in bold.

When preparing the consolidated version, the secretariat decided to make a careful comparison between the provisions of document TRANS/SC.1/2002/4 and those already adopted by the European Union or ECMT on the same subjects. As a result of this, the secretariat suggests that improvements could be made to the existing text. It therefore proposes to add to R.E.4 new definitions taken from Community texts or ECMT resolutions, to amend or add to some provisions to bring them into line with those already in existence and to transfer part of the definitions in Chapters 2 and 3 to Chapter 1 (General provisions and principles).

Finally, in conformity with the request made by the Inland Transport Committee (ITC) at its sixty-fifth session, the secretariat has prepared a **Rev.2** of the text, presented below, in which provisions relating to access to the profession have been incorporated. The text of these provisions is inspired by Resolution ECMT/CM (2000) 10 Final – Chapter II (reproduced in document TRANS/SC.1/2000/6), but has been adapted to take account of the broader context of R.E.4 which covers also international transport of passengers.

The changes made by the secretariat appear **in bold italics**. In addition, in order to make the changes more comprehensible, the secretariat has prepared an explanatory table, which can be found in document TRANS/SC.1/2002/4/**Rev.2**/Add.1.

CONSOLIDATED RESOLUTION ON THE FACILITATION OF INTERNATIONAL ROAD TRANSPORT (R.E.4)

*The changes decided by SC.1 appear **in bold** and new proposals by the secretariat, following requests on the one hand by SC.1 and on the other hand by ITC appear in **bold italics***

The Working Party on Road Transport

Noting that, within the framework of this Consolidated Resolution, international treaties and other international legal instruments not developed under the aegis of the ECE should be taken into account, of which certain provisions are directly related to international road transport. They include in particular:

- ?? the Final Act of the Conference on Security and Co-operation in Europe (Helsinki 1975),
- ?? the 1994 Marrakech Protocol (1994 GATT and 1994 GATS) establishing the World Trade Organization,
- ?? the Consolidated Resolution concerning the rules to be applied for international freight transport by road, drawn up under the aegis of the European Conference of Ministers of Transport (ECMT, 2000),
- ?? the Consolidated Resolution on Passenger Transport drawn up under the aegis of the European Conference of Ministers of Transport (ECMT, 1995),
- ?? the Declaration “Towards a European Wide Transport Policy” adopted by the 1997 Helsinki Conference,
- ?? the Agreement on the international occasional carriage of passengers by coach or bus (Interbus Agreement) negotiated between the European Community and several countries of Central and Eastern Europe. This Agreement, signed by the European Community and 13 third countries,¹ entered into force on **1 January 2003 in respect of the first parties to ratify it.**

Noting that, for the purpose of facilitating the international transport of passengers and goods by road in Europe, a number of international instruments have been drawn up under the auspices of ECE (see list in annex 3 to this document),

Noting on the other hand that such instruments are not uniformly applied and do not cover all aspects of international road transport, some of which have been dealt with by a number of recommendations and resolutions adopted within the framework of the work of the Working Party on Road Transport,

Being aware of the need to update and rearrange certain of these recommendations and resolutions,

Desiring to secure the greatest possible simplification and harmonization of road transport regulations and procedures in Europe, with the aim of setting up a road transport

¹ Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovak Republic, Slovenia and Turkey.

regime which is coherent, flexible, simple and designed to promote coordination among the various means of transport,

Recommends States which have not yet done so to ratify or accede to the international instruments forthwith to the fullest extent, and if they are not yet in a position to ratify or accede to them nevertheless to apply the provisions of these instruments forthwith and to the fullest extent possible,

Recommends States to implement rules which conform to the recommendations of this Consolidated Resolution,

Recommends that when concluding among themselves bilateral and multilateral agreements States provide, if possible, for more liberal treatment than foreseen under this resolution, in which case the relevant provisions of this resolution should not apply.

Recommends States to promote a multimodal approach to transport **in order to limit adverse effects and respect the environment.**

* * *

CHAPTER I

REGULATION OF INTERNATIONAL ROAD TRANSPORT

Section 1 - General provisions and principles

1.1 **Introductory provisions**

Road transport shall be carried out in a way that does not interfere with the public order, security, the environment, health and morality of the host country and shall comply with the latter's legislation and international commitments in this field **and respect the environment.**

1.1.1 *Definitions*

For the purposes of this chapter:

1.1.1.1 **“Competent authorities”**² *means the authorities in a member country of the United Nations Economic Commission for Europe (UN/ECE) which are competent in the areas covered by this Resolution.*

1.1.1.2 **“Authorization”** *means a document authorizing the use of a vehicle in the territory of a given country in connection either with the international transport of passengers by road or the international transport of goods by road.*

1.1.1.3 **“Undertaking”**³ *means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal*

² Adapted from resolution ECMT/CM(2000)10/FINAL (Chap. I, para. 2).

³ Cf. Council Directive 96/26/EC, article 1, of 29 April 1996 (OJ L 124 of 23 May 1996), amended by Council Directive 98/76/EC of 1 October 1998.

personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality.

- 1.1.1.4 **“Carrier”** means **an undertaking which is authorized to carry passengers or goods, as required for hire or reward or on its own account in accordance with the national laws and regulations in force.**
- 1.1.1.5 **“User charge”**⁴ means the payment of a specific sum giving the right of use to a vehicle during a given period (e.g. a week, one or several months, a year, etc.) of the road infrastructures referred to in the first paragraph and situated on the territory of the country where that charge is levied. It may take the material form of a vignette.
- 1.1.1.6 **“Toll”**⁴ means payment of a specified amount for a vehicle travelling the distance between two points on one of the infrastructures referred to in the first paragraph above. The amount shall be based on the distance travelled and the type of the vehicle.
- 1.1.1.7 **“Motorway”**⁴ means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:
- (i) is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
 - (ii) does not cross at grade with any road, railway or tramway, track, or footpath;
 - (iii) is specifically designated as a motorway.
- 1.1.1.8 **“Vehicle hired”**⁵ means any vehicle which, for remuneration and for a given period, is held by an undertaking that engages in the carriage of goods by road for hire or reward or for its own account by virtue of a hiring or leasing contract with the undertaking that owns the vehicle.

1.2 Applicable principles

- 1.2.1 The regimes referred to in paragraphs 3.2 and 4.2 below should be implemented, without prejudice to the international commitments made, in accordance with the following:
- 1.2.1.1 States should apply the principle of non-discrimination by refraining from making distinctions based on the nationality or the place of business of the carrier and the origin or destination of the vehicles, particularly in respect of tax provisions, inspections and sanctions.

⁴ Cf. Directive 1999/62/EC, article 2 of the European Parliament and of the Council of 17 June 1999 (OJ L 187 of 5 July 1999).

⁵ Cf. resolution ECMT/CM(2000)10/FINAL (Chap. I, para. 2).

- 1.2.1.2 **A State grants facilities on its territory to foreign carriers, *if* its own carriers *benefit* from equivalent facilities when they travel on the territory of countries *where these carriers are established*.**
- 1.2.1.3 States reserve the right to withhold certain provisions contained in this Consolidated Resolution from carriers licensed in other States which do not apply the principle of reciprocity.
- 1.2.1.4 States should ensure that carriers conform to the laws and regulations of a technical or administrative character in force on the territory where the transport operation is carried out, in particular laws and regulations governing transport and road traffic and multilateral and bilateral agreements.
- 1.2.1.5. In order to reduce border waiting times for formalities and checks, States shall endeavour to:
- ?? Provide installations, if possible on a joint basis, regularly taking into account developments in traffic and checking requirements;
 - ?? Ensure an adequate number of border personnel in relation to traffic requirements and the necessary training and resources to carry out their tasks;
 - ?? Harmonize the opening times of border-crossing points and the activities of control authorities;
 - ?? Carry out checks with minimum delays and promote, together with the authorities of neighbouring countries, coordinated checking procedures;
 - ?? Give the competent authorities of other States advance notice of any new requirements concerning border checks.
 - ?? ***Reduce waiting times where delays at borders have been identified, with the overall objective of not exceeding one hour, and set targets for reducing peak waiting times.***⁶
- 1.2.1.6 **States should, within the context of existing rules and procedures, regularly examine the possibility of facilitating the granting of visas for professional drivers and study the possibility of:**⁷
- ?? **Simplifying formalities and limiting the number and the type of written documents which are required,**
 - ?? **Reducing the time necessary to obtain a visa for professional drivers,**
 - ?? **Issuing multiple-entry visas of a validity of one year.**

⁶ Based on Resolution ECMT/CM(99)3/FINAL.

⁷ Cf. resolution ECMT/CM/(98)9/FINAL.

(Addition proposed by the Russian Federation at the ninety-sixth session of SC.1:

“Accept the submission by recognized transport associations of applications for visas by professional drivers.”)

1.2.1.7 Tolls or user charges (*cf. paragraphs 1.1.1.5 and 1.1.1.6*) may be levied for expenses incurred by a country for road construction, maintenance **and development**. **These tolls and user charges should *in general* be imposed only for the highest category of road from the technical point of view (for example, motorways, dual carriageways with similar characteristics or, where no such network exists, roads used for the international and interregional carriage of goods (“E” type roads) and, where applicable, for the use of bridges, tunnels and roads over mountain passes. Except in the case of the use of the last-mentioned infrastructures, tolls and user charges may not both be imposed at the same time for a single road section.**

1.2.1.7.1 **Any such charges established by domestic legislation or by bilateral or multilateral agreement shall be commensurate with the actual costs caused by road traffic. Rates shall be differentiated in terms of the costs to which road vehicles give rise.**

1.2.1.7.2 **The weighted average tolls shall be related to the costs of constructing, operating and developing the infrastructure network concerned.**

(Addition proposed by the Russian Federation at the ninety-sixth session of SC.1:

“States may, on the basis of a bilateral or multilateral agreement and subject to reciprocity, exempt carriers from the payment of duties for the use of roads belonging to the State.”)

1.2.1.8 Each State, circumstances permitting, shall apply, to any of its laws and regulations or international agreements any necessary amendments to harmonize them with the principles defined above, and shall refrain from decreeing further laws or entering into further agreements which would be contrary to these principles.

1.2.1.9 With respect to tolls, user charges, regulations and formalities in connection with transit and bilateral traffic, and without prejudice to the principles defined in paragraphs 1.2.1.1, 1.2.1.2, 1.2.1.3 and 1.2.1.12, each State shall accord to road vehicles and their crews registered in the territory of any other Government having accepted the principles set out above, treatment no less favourable than the treatment accorded to traffic to or from any third country.

1.2.1.10 Governments having in their country a system of authorizations for bilateral road transport should if possible issue, on request **of the competent authorities**, an authorization to the carriers of any country other than those with which they have concluded bilateral or multilateral agreements **as long as the principle of reciprocity is respected**.

1.2.1.11 Without prejudice to other provisions of these principles, freedom of transit **shall/should** be granted on major international traffic routes (E-roads in Europe,

similar roads on other continents). Traffic should not be banned or subjected to such measures as transit duties, taxes (*other than road taxes or duties for the use of transport infrastructures*) or quotas.

- 1.2.1.12 States should grant vehicles carrying passengers or perishable foodstuffs or vehicles under cover of a customs transit document, priority over other vehicles performing **commercial** transport operations, when crossing a border.
- 1.2.1.13 States should harmonize their requirements regarding the permissible maximum weight or dimensions for vehicles involved in international road transport and subject non-standard vehicles to a special authorization.

(Addition proposed by the Russian Federation at the ninety-sixth session of SC.1:

“Norms and standards for the weights and dimensions applied by States in respect of their domestic carriers should also be applicable to carriers from other States engaged in an international road transport operation.”)

- 1.2.1.14 Any State may, provided that no distinction is made between the road vehicles of countries having accepted these principles and that such rights are not abused, exercise the following rights:
- ?? Temporarily suspend, on specific sections of major international traffic routes on its territory, the right of transit of road vehicles, provided that such suspension be indispensable to the safeguarding of the country’s public order, security or public health;
 - ?? Temporarily introduce, on specific sections of major international traffic routes on its territory, any traffic diversions as necessary to road construction and maintenance or dictated by exceptional circumstances resulting from the road traffic situation;
 - ?? Decide on an appropriate timing or specific route to be followed by oversized or overweight transport operations and by vehicles carrying dangerous goods;
- 1.2.1.15 States should*** ensure favourable conditions for transit on the sections of major international traffic routes on ***their*** territory and, in particular, eliminate any bottlenecks on these roads and at the State borders they cross and facilitate transit traffic flows with other special measures.
- 1.2.1.15.1*** In countries where periods of traffic restriction have been introduced, the competent authorities of these countries shall endeavour to harmonize these periods with those introduced in neighbouring countries and shall inform the other countries of any changes relating to such periods within a reasonable length of time.
- 1.2.1.16 No provision contained in the principles set out above shall preclude the right of States forming a customs or other union or an economic area to adopt other rules or specific rules to govern, within the area under consideration, reciprocal road transport, cabotage, traffic with third countries and transit traffic.

Section 2 – Access to the profession⁸

2.1 Generalities

For the purposes of the present chapter, “profession of international road transport operator” is understood to mean the activity of any enterprise carrying out the following:

- *the international transport of goods on the account of others by means of a single vehicle or a collection of coupled vehicles; or,*
- *the international transport of passengers, offered to the public or to certain categories of users in return for remuneration paid by the person transported or by the transport organizer, by means of motor vehicles intended, by virtue of their construction and how they are equipped to transport more than nine persons (including the driver) and assigned for this use.*

2.1.1 To engage in the activity of international road transport operator [...], transport undertakings must first be licensed to operate by the competent authority of the country in which they are established.

2.1.2 Road transport undertakings that submit an application to engage in the activity of international road transport [...] shall provide evidence and demonstrate throughout the whole period of their activity that:

- a) they are of good repute;
- b) they have adequate financial standing;
- c) they meet the requirements for professional competence.

Where the applicant is a natural person and does not satisfy requirement c), the competent authorities may nevertheless permit him to engage in the occupation of international road transport operator [...] provided that he designates to the said authorities another person, satisfying requirements a) and c) above, who will effectively and continuously manage the transport operations of the undertaking on an on-going basis.

Where the applicant is not a natural person, requirements a) and c) shall be met by the person or persons who will effectively manage the transport operations of the undertaking on an on-going basis.

⁸ Based on resolution ECMT/CM(2000)10/FINAL (Chap. II)

2.1.3 The "good repute" requirement shall be considered to have been met if the natural person or persons who are deemed to satisfy it under paragraph **2.1.2**:

- have not been convicted of serious criminal offences, including offences of a commercial nature;
- have not been declared unfit to pursue the occupation of transport operator;
- have not been convicted of serious breaches of labour law, transport legislation, and in particular rules governing, driver's driving time and rest periods, or of legislation governing road traffic, vehicle safety and environment protection in particular.

The "good repute" requirement shall also be considered to be met if the person or persons in question have been rehabilitated.

2.1.4 The "financial standing" requirement shall consist of having available sufficient resources to ensure that the undertaking is properly set up and managed.

In assessing financial standing, the competent authority shall consider: an undertaking's annual accounts; if applicable, its available funds, including bank deposits and overdraft and borrowing capacity; assets, including goods that the undertaking could pledge as security; expenses, including the purchase price or initial installment for the purchase of vehicles; premises; facilities; equipment; and working capital.

An undertaking should have no less than the minimum required within the European Union in capital and reserves per vehicle used ^{9/}. In case a *UNECE* member country, not belonging to the European Union, is not able to implement such minima, it should communicate to the Secretariat, within 3 months following the adoption of the present Resolution, the time periods necessary for it to implement them gradually. These periods should in any case not exceed [5] years.

The competent authority may accept or require, as proof, confirmation or assurance provided by a bank or other duly qualified establishment. Such confirmation or assurance may be provided in the form of a bank guarantee, if appropriate as collateral or a surety, or by any other similar means.

2.1.5 "Professional competence" should consist of possessing sufficient knowledge to engage properly and viably in the occupation of international road transport operator [...], including, as a minimum, knowledge of the following subjects:

- commercial and financial business administration;
- technical standards and operations;
- road safety;

⁹ Minima required within the European Union (Directive EC/98/76 adopted by the Council on 1.10.1998):

- 1st vehicle: 9 000 euros
- any supplementary vehicle: 5,000 euros.

- access to markets;
- elements of company law;
- elements of social and labour law;
- elements of civil law;
- elements of fiscal law.

The professional competence requirement *is* demonstrated by passing a compulsory written examination, which may be supplemented by an oral examination, organised by the Authority or Body designated for this purpose by the Member country.

In setting the level of training and stipulating the areas of knowledge required to prove professional competence, the competent authorities of *UNECE* member countries not belonging to the European Union shall, to the fullest possible extent, be inspired by and take account of the relevant *acquis communautaire*.

However, natural persons furnishing proof that before the introduction of the system, they were licensed in a member country to engage in the occupation of international road transport operator[...] shall be exempt from the requirement to furnish proof that they satisfy the provisions laid down in paragraph **2.1.2 c)**. The provision shall apply to natural persons who have managed the transport operations of an undertaking.

2.2. Withdrawal of licences to operate as an international road transport operator [...]

Member countries shall ensure that the competent authorities withdraw the licence to pursue the occupation of international road transport operator [...] if they establish that the provisions of paragraph **2.1.2 a), b) or c)** are no longer satisfied. In the case where **2.1.2 b)** is not satisfied, the undertaking will be allowed not more than one year to present a financial plan showing that financial standing will be sustainably fulfilled in the foreseeable future. In the case where **2.1.2 c)** is not satisfied, the undertaking will be allowed not more than one year for a replacement to be appointed.

Section 3 - Passenger transport

3.1 Definitions

For the purpose of this Section:

3.1.1 The expression “passenger service by road” means:

- ?? The carriage of passengers by road by means of passenger transport vehicles which by virtue of their construction and their equipment are suitable for carrying more than nine persons, including the driver, and are intended for that purpose;

?? Journeys of the above-mentioned vehicles when unladen, with a view to a carriage operation as referred to above.

- 3.1.2 A passenger service is said to be “in transit” in a particular country if it passes through that country in the course of a journey where the points of departure and destination are located in another country and if, unless otherwise authorized, no passengers are picked up or set down on the territory of the country passed through.
- 3.1.3 “Regular services”¹⁰ are services which provide for the carriage of passengers according to a given frequency and along specified routes, whereby passengers may be taken up or set down during a journey at predetermined stopping points. Regular services may be subject to the obligation to respect previously established timetables and tariffs.
- 3.1.4 “Special regular services”¹¹ are services, whatever their organizer, which provide for the carriage of specified categories of passengers to the exclusion of all other passengers, provided that such services are operated under the conditions set out in paragraph 3.1.3. Such services include:
- ?? the carriage of workers between their home and their place of work;
 - ?? the carriage of children and young people to and from their educational establishment.
- The fact that a special regular service may vary according to users’ needs does not affect its classification as a regular service.
- 3.1.5 “Shuttle services”¹² are services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination. Each group consisting of the passengers who made the outward journey, shall be carried back to the place of departure on a later journey by the same transport operator. The places of departure and destination *shall* mean respectively *the place where the journey begins and the place where the journey ends*, and, in each case, the surrounding localities within a radius of 50 kilometres.
- Shuttle services shall meet the following conditions:
- ?? In the course of shuttle services, no passenger may be taken up or set down during the journey.
 - ?? The first return journey and the last outward journey of a series of shuttles are made unladen.

¹⁰ Cf. article 3, paragraph 3 of the Interbus Agreement.

¹¹ Cf. article 3, paragraph 4 of the Interbus Agreement.

¹² Cf. article 3, paragraph 5 of the Interbus Agreement.

However, the classification of a transport operation as a shuttle service is not affected by the fact that, with the agreement of the competent authority in the countries concerned:

- ?? Passengers make the return journey with another group or another carrier;
- ?? Passengers are taken up or set down along the way;
- ?? The first outward journey and the last return journey of the series of shuttles are made unladen.

3.1.6 “Occasional international services”¹³ are services on the territory of at least two States falling neither within the definition of a regular service, including special regular services, nor within that of a shuttle service. Such services may operate with some degree of frequency without ceasing to be occasional services. They include the following types of service:

- ?? “Closed-door tours” are services whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them back to their place of departure, *located on the territory of the country in which the carrier is established.*
- ?? “Outward laden, return unladen services” are services in which passengers are carried during the outward journey and the vehicles return empty except for the crew. *The place of departure is located on the territory of the country in which the carrier is established.*

3.1.6.1 “Other services” are services which according to the preceding definitions are neither closed-door tours, nor trips comprising the laden outward and unladen return journey. They include in particular some services where the outward journey is made unladen and the return laden.

~~2.1.7 — The term “carrier” means any physical or legal person who is authorized in conformity with the applicable national laws and regulations to perform the carriage of passengers.~~

3.1.87 “Own-account transport operations”¹⁴ are taken to mean transport operations carried out by *an undertaking* for non-profit-making and non-commercial purposes, provided that:

- ?? the transport activity is only an ancillary activity for that *undertaking*,
- ?? the vehicles used are the property of that *undertaking*, or were bought by them on credit, or were made available to them under a long-term leasing contract and are driven by *a member of the undertaking*;

¹³ Cf. article 3, paragraph 2 and article 6, paragraphs 1 to 3 of the Interbus Agreement.

¹⁴ Cf. article 2, paragraph 4 of Council Regulation (EEC) No. 684/92, amended by Council Regulation (EC) No. 11/98 of 11 December 1997.

They may be subject to the obtaining of an authorization or certificate issued by the competent authorities of the country where the transport operation takes place, if the latter does not meet the conditions defined in 3.2.3 below.

3.2 **Regime applicable**

3.2.1 **Regular services**

3.2.1.1 Regular and special regular services as defined in paragraphs 3.1.3 and 3.1.4 above shall, as the case may be, be operated under a regular service authorization or under a special regular service authorization (hereinafter called "authorization").

3.2.1.2 Decisions on an application **by a carrier** to introduce a regular service, to vary the conditions subject to which a service is operated, or to renew an authorization are to be made by the competent authorities of the countries concerned.

3.2.1.3 The competent authorities of the country to which the application is made **by the carrier** should endeavour to grant or deny the authorization as rapidly as possible taking into account however the checks which the authorities may consider necessary.

3.2.1.4 Every authorization shall specify the following (*The information indicated by * should be annexed to the authorization*):

?? The route of the service, giving in particular frontier-crossing points, stopping points where passengers are taken up or set down and, in the case of special regular services, the category of persons accepted for carriage and their destinations;

?? The period of operation of the services;

?? The frequency of services;

?? Timetables; (*)

?? The name of the transport operators involved in the regular services; (*)

?? Special conditions (if any). (*)

3.2.1.5 States should attach to the authorizations they grant for regular services a validity of not less than three years, or, if their legislation does not allow them to issue authorizations valid for a period other than one year, to consider the possibility of so acting that the carriers may be assured of having their authorizations renewed at least twice, on the understanding that whatever the term of the authorization there shall be no impediment to the cancellation of an authorization if the conditions under which it was granted are not being fulfilled. The dates of entry into force or expiry of authorizations when issued by more than one country should be harmonized.

3.2.1.6 While the authorization is valid for that portion of the itinerary which lies in the territory of the country issuing the authorization, States should, whenever possible, make bilateral or multilateral arrangements providing for authorizations issued by the countries of origin to cover also countries passed through in transit.

3.2.1.7 When, in the context of a regular service for the carriage of passengers, the authorities of the countries of departure and destination are prepared to issue the necessary authorizations, the authorities of the countries passed through where passengers are not taken up or set down, should also, on presentation of an application indicating the route, the frequency and the timetables, grant the necessary transit authorizations.

3.2.2 Shuttle services

3.2.2.1 Shuttle services as defined in paragraph 3.1.5 above shall be operated under a shuttle service authorization (hereinafter called “authorization”). Provision of accommodation may be required as a condition for the issue of the authorization.

3.2.2.2 Applications for such authorizations must be addressed to the competent authorities of the countries in whose territories the carrier intends to effect the carriage.

3.2.2.3 The competent authority receiving the application shall grant or deny the authorization if possible within 30 days.

3.2.2.4 Each authorization shall specify the following (*The information indicated by (*) should be annexed to the authorization*):

- ?? The form of shuttle service;
- ?? The route of the service, giving in particular the place of departure, place of destination, stopping points, and frontier-crossing points;
- ?? The duration of validity of the authorization;
- ?? The timetables; (*)
- ?? The number and dates of the journeys; (*)
- ?? The name of the transport operators involved in the shuttle services; (*)
- ?? Any exemptions or facilities granted under the provisions of paragraphs 3.1.5 and 3.2.2.5; (*)

3.2.2.5 The following facilities shall also be available:

- ?? The holder of an authorization shall be permitted, exceptionally, to accept on any return journey some of the passengers who made the outward journey with another group.
- ?? The holder of an authorization may be authorized to take up passengers during the outward journey, on the territory of the country of departure of the service, and to set down passengers on the return journey, on the territory of the country of destination of the service.
- ?? In the case of passengers coming from third countries and formed into groups at an airport or in a port on arrival by vessel, and travelling under a contract concluded before their arrival in the country where they are to be taken up, it shall be possible to make the first outward journey and the last return journey of a shuttle series unladen, subject to a special authorization issued by the competent authorities of the countries concerned.

3.2.3 Occasional international services

3.2.3.1 *Unless the competent authorities of the countries concerned so authorize, no passenger may be taken up or set down in the course of the journey during occasional international services.*

*Unless the competent authorities of the countries concerned decide otherwise, the following provisions do not apply to own-account occasional international services.*¹⁵

3.2.3.2 Closed-door tours (see paragraph 3.1.6 above).

*This category of occasional international transport operation should be exempt from authorization on the territory of countries other than that in which the carrier is established.*¹⁶

3.2.3.3 Outward laden, return unladen services (see paragraph 3.1.6).

*This category of occasional international transport operation should be exempt from authorization on the territory of countries other than that in which the carrier is established.*¹⁷

3.2.3.4 Outward unladen, return laden services (see paragraph 3.1.6.1).

*This category of occasional international transport operation should be exempt from authorization on the territory of countries other than that in which the carrier is established” provided that, for the return journey, all the passengers are taken up in the same place and that one of the following conditions is met.*¹⁸

- (a) The passengers constitute groups formed in the territory of a country other than that in which the *carrier is established* or that in which they are taken up, under contracts of carriage concluded before their arrival in that territory, and are carried into the territory of the country in which the *carrier is established*;
- (b) The passengers have previously been brought by the same carrier, in the circumstances provided for in the provisions concerning services comprising the outward journey laden and the return journey unladen (para. 2.1.6) into the territory of the country where they are taken up again, and are carried into the territory of the country in which the *carrier is established*;
- (c) The passengers have been invited to travel into the territory of another country, the cost of transport being borne by the person issuing the invitation. Such

¹⁵ Cf. article 1, paragraph 4 of the Interbus Agreement.

¹⁶ Cf. article 6, paragraph 1 of the Interbus Agreement.

¹⁷ Cf. article 6, paragraph 2 of the Interbus Agreement.

¹⁸ Cf. article 6, paragraph 3 of the Interbus Agreement.

passengers shall constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the country *in which the carrier is established*;

3.2.3.5 Other services where entry is unladen (see para. 3.1.6.1)

Where none of the conditions laid down in (a), (b) and (c) of paragraph 3.2.3.4 are met, these other services may be made subject to transport authorization in the territory of the country concerned.

Section 4 - Goods transport

4.1 Definitions

For the purpose of this section:

~~3.1.1 “Carrier” means any physical or legal person who carries goods by road for hire or reward or on his own account in accordance with the national laws and regulations of the country where he is established.~~

4.1.1 “Goods transport by road” means transport involving the use of vehicles for the carriage of goods by road.

4.1.2 “International goods transport by road”¹⁹ *means the runs by a vehicle, either loaded or unloaded:*

1. *with the points of departure and destination in two different member countries, with or without transit through one or more member or non-member countries;*
2. *departing from a member country to a destination in a non-member country or vice versa, with or without transit through one or more member or non-member countries;*
3. *between non-member countries and involving transit through the territory of one or more member countries.*

4.1.3 “Vehicle”²⁰ means a motor vehicle registered in a country, or a combination of coupled vehicles in which at least the motor vehicle is registered in a country, intended for the carriage of goods. The vehicle can either be the property of a carrier or can be put at its disposal through a hiring or **leasing** contract.

~~3.1.4 “Authorization” means a document authorizing the use of a vehicle in the territory of a given country in connection with the international transport of goods by road.~~

4.1.4 “Quota” means the maximum number of authorizations available admitting vehicles from one country to another country within a specified period.

¹⁹ Cf. resolution ECMT/CM(2000)10/FINAL (Chap. I, para. 2).

²⁰ Based on resolution ECMT/CM(2000)10/FINAL (Chap. I, para. 2).

- 4.1.5 “Transit” means transport of goods by road through a country which is neither the country of loading nor of unloading of the goods.
- 4.1.6 “Cabotage” means a road transport operation of goods loaded at a point in a given country and unloaded at another point in the same country by a vehicle registered in another country.
- 4.1.7 “Third country traffic” means the transport of goods loaded in a country and unloaded in a second country by a vehicle registered in a country other than that in which the transport originates or terminates.
- 4.1.8 “Transport on own account”²¹ means the carriage of goods which are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking. The purpose of the transport must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements. The motor vehicles used for such carriage must be driven by *members* of the undertaking and must be owned by the undertaking or put at its disposal through a hiring or leasing contract. The transport must be an ancillary activity of the undertaking.

4.2 Regime applicable

- 4.2.1 States should consider progressively relaxing limitations imposed by authorization systems.
- 4.2.2 Unless the transport operation is cabotage as defined in paragraph 4.1.6, the following types of international goods transport by road, including when in transit, should not be subject to an authorization.²² Should this be the case, however, such authorization should be issued rapidly and not on a quota basis.
- (1) The transport of goods by motor vehicles whose Total Permissible Laden Weight (TPLW), including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailers, does not exceed 3.5 tonnes;
 - (2) The transport of goods on an occasional basis, to or from airports, in cases where services are diverted;
 - (3) The transport of vehicles which are damaged or have broken down and the movement of breakdown repair vehicles;
 - (4) Unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country and also the return run, after repair, of the vehicle that had broken down;

²¹ Cf. resolution ECMT/CM(2000)10/FINAL (Chap. I, para. 2).

²² Cf. resolution ECMT/CM(2000)10/FINAL (Chap. III, para. 2)

- (5) Transport of livestock in vehicles purpose-built or permanently converted for the transport of livestock and recognized as such by the competent authorities of the countries;
- (6) Transport of spare parts and provisions for ocean-going ships and aircraft;
- (7) Transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and humanitarian needs;
- (8) Transport for non-commercial purposes of works and objects of art for fairs and exhibitions;
- (9) Transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fetes, and those intended for radio recordings, or for film or television production;
- (10) The transport of goods on own account;
- (11) Funeral transport;
- (12) Postal transport carried out as a public service.

4.2.3 Transport performed in the context of “third country traffic” as defined in paragraph 4.1.7 above should be permitted if it is carried out under cover of a special authorization issued by the competent authorities of the countries concerned.

4.2.4 International household removal transport operations by road by carriers having special staff and equipment should not be subject to a quota. If an authorization is required, the Government should issue it speedily and without quantitative restrictions.

4.2.5 In principle, cabotage as defined in paragraph 4.1.6 above is prohibited; it may, however, be permitted if it is carried out under cover of a special authorization issued by the competent authorities of the countries concerned. States should consider under which conditions progressive liberalization of cabotage could be introduced.

4.2.6 When international carriage is by means of *a coupled combination of vehicles*, consisting of a tractor and trailer or semi-trailer, *the permit is obtained from the competent authority in the country in which the tractor is registered. This permit covers the coupled combination of vehicles, even if the trailer or the semi-trailer is not registered in the name of the holder of the permit, or is registered in another member country.*²³

4.2.7 *Transport of goods of abnormal weight or dimensions is subject to special authorizations from the competent authorities of the countries where the transport is carried out.*²⁴

4.2.8 *Removals carried out by undertakings with special staff and equipment for this purpose are not subject to quotas, but are subject to special authorization.*²⁴

²³ Cf. resolution ECMT/CM(2000)10/FINAL (Chap. III, para. 3.1)

²⁴ Cf. resolution ECMT/CM(2000)10/FINAL (Chap. III, para. 3.2)

- 4.2.9 States should, in agreements on international goods transport by road, continue the practice of delegating to the country of registration of the vehicle the power to issue authorizations for their account, where they are required.

Section 5 - Information

- 5.1 States should transmit to the ECE secretariat, for circulation to other countries, information on any changes in their national laws and regulations which may have an influence on the international carriage of goods by road.
- 5.2 States or responsible international organizations as appropriate should communicate to the ECE secretariat, for circulation to other countries, the text of bilateral or multilateral agreements concerning road transport concluded amongst themselves.
- 5.3 Competent national administrations should make available in good time to interested trade organizations relevant information concerning the documentation and procedures required for operators engaged in international road transport, requesting these organizations to ensure that their members are made fully aware of the need for complete and accurate documentation and for compliance with regulations and procedures.

CHAPTER II

MATTERS CONCERNING ROAD VEHICLES

Section 1 - Insurance

States should request and facilitate the conclusion of agreements embodying the principles appearing in annex 1 by insurers who cover the third party risks of motorists entering countries in which insurance against such risks is compulsory.

Section 2 - Registration certificates for hired vehicles

1. In order to facilitate international road transport of vehicles carrying passengers and goods, States should permit the issue of excerpts from or certified copies of the registration certificates of vehicles under long-term hire or leasing arrangements used in international transport, as indicated in annex 2.
2. For the same purpose, States should accept excerpts, copies or photocopies to replace the original certificate of registration, issued to vehicles under long-term hire or leasing arrangements and registered abroad, in accordance with the criteria defined in annex 2.

Annex 1

The International Motor Insurance Card system - (the “Green Card System”)

1. In each country, the Government officially recognizes a single organization established by authorized insurers as its national insurers’ bureau. Only insurers authorized for the transaction of third party motor liability insurance can be members of the Bureau of that country and thereby be authorized to issue certificates, mentioned in article 3 below. All such insurers shall join the bureau and all shall share in its financing, so that the bureau is in a position to meet its financial obligations.
2. The Bureaux, set up in accordance with paragraph 1 above, shall join and support the international body, known as the “Council of Bureaux”. The Council of Bureaux is the managing organization of the International Motor Insurance Card System, (the “Green Card System”), under the aegis of the Working Party on Road Transport of the Economic Commission for Europe. The Council provides facilities for the administration of the agreements between Bureaux and for the consideration of matters of mutual interest for participating Bureaux.
3. The Bureau shall provide its member insurers with certificates of insurance, the “International Motor Insurance Card” (Green Card), valid for one or more countries, or authorize its member insurers to print their own certificates for issue by them to their insurers in respect of any motor vehicles insured by them against third party risks. In either case these shall conform to one of the models referred to in Appendices 1 to 4 to this annex.
4. A Green Card valid for the country or countries visited certifies the existence of insurance cover in respect of third party liabilities, arising from road accidents caused by a visiting motorist, for which insurance is compulsory.
5. The acceptance of a Green Card by the insured authorizes the Bureau, under the authority of which it was provided and the Bureaux of any countries to which such power is delegated to accept service of legal proceedings in respect of any relevant claim.
6. When a claim is made against a person holding a Green Card, the Bureau of the country in which the accident occurred, acting under the authority referred to in paragraph 5 above, shall accept service of proceedings against that person. That Bureau shall handle and if necessary settle the claim on behalf of the Bureau which provided the Green Card.
7. However, insofar as the law permits, agreements shall be concluded by the Bureaux to permit an insurer authorized to carry out its activities in the country in which the accident occurred to handle claims against its own policyholders.
8. The Bureau of the country in which the accident occurred shall have regard, on request, to the conditions and limitations contained in the Policy of Insurance insofar as these are permitted under the law on compulsory third party motor insurance of that country.

9. Agreements between Bureaux shall provide for reimbursement in full of claims paid and for payment of any charges and fees that may be agreed.

10. Wherever possible, participating Governments shall aim at eliminating the inspection of Green Cards at their frontiers by the conclusion by their respective Bureaux of specific agreements for that purpose. The Multilateral Guarantee Agreement, or a successor agreement drawn up by the Council of Bureaux, or similar agreements concluded bilaterally between Bureaux are examples of such agreements.

11. In each country the Government of which has adopted this Recommendation, Green Cards established in conformity with any of the models referred to in paragraph 3 above shall be accepted, without any formality or cost, as evidence of insurance complying with the compulsory third party motor insurance law of that country as regards vehicles in respect of which such Green Cards have been issued.

12. Persons arriving with a motor vehicle, but without a valid Green Card of the approved type, in a country where insurance is compulsory or in a country the Bureau of which is not a Signatory of the Multilateral Guarantee Agreement (or a successor agreement drawn up by the Council of Bureaux or of a similar Agreement concluded between that Bureau and the Bureau of the “sending” country) may be required to:

- ?? take out a frontier insurance or, insofar as the law of the visited country permits,
- ?? take out a regular motor insurance policy for that country, or
- ?? contribute to a guarantee scheme for the victims of accidents.

13. In countries where insurance is not compulsory in respect of the category of the vehicle of the visiting motorist, production of evidence of insurance shall not be required.

14. The Green Card shall conform in colour, content and layout to the models referred to in paragraph 3 above. The dimensions of the Green Card may be varied, provided that the format is not changed, but the overall size of the document shall not be larger than A4. The Green Card shall be made out in the language of the Bureau of issue and its title shall also be given in English and French. All data on the Green Card shall be recorded in the Latin alphabet with the option, if desired, to additionally record the same data in other alphabets.

15. Governments of other countries in which compulsory third party motor insurance law is in force and who intend to adopt this Recommendation shall notify the Secretariat of the Working Party that:

- ?? the authorized motor insurers have established, or intend to establish, a Green Card Bureau with the authority to issue Green Cards to their insureds travelling abroad.
- ?? the Green Card Bureau is, or will be, equipped to handle third party claims covered by the Green Cards of visiting motorists.

?? the Green Card Bureau has the means to fulfil its financial obligations.

?? they will accept Green Cards as evidence that visiting motorists are insured to the extent required by the compulsory third party motor insurance law in that country.

16. Adoption of this Recommendation implies that Governments shall place no obstacle in the way of the export of currency to meet the international obligations incurred under the Agreements of the Green Card System. Governments shall provide the Economic Commission for Europe with a written undertaking in this respect.

17. The secretariat shall inform the Governments of all countries concerned and the Council of Bureaux at the earliest possible moment of the notifications received in accordance with paragraphs 15 and 16 above.

18. Any change to the Green Card System or to the format of the Green Card, which may be considered by a participating Government or by the Council of Bureaux to be necessary in the light of experience, shall be brought to the notice of the secretariat. The secretariat shall refer the proposed change to the Working Party for a decision.

APPENDICES 1 TO 4

Models of the International Motor Insurance Card (Green Card)

Appendix

1. Page 1.1: Portrait format, English, Front
Page 1.2: Portrait format, English, Back.
 2. Page 2.1: Portrait format, French, Front
Page 2.2: Portrait format, French, Back.
 3. Page 3.1: Landscape format, English, Front
Page 3.2: Landscape format, English, Back.
 4. Page 4.1: Landscape format, French, Front
Page 4.2: Landscape format, French, Back.
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Annex 2

REGISTRATION CERTIFICATES FOR HIRED VEHICLES

[Former Part 1 (Temporary registration) deleted]

- ?? Countries in which the issue to persons hiring vehicles of the registration certificates relating to the vehicles hired for the carriage of passengers or goods would entail difficulties should take the necessary steps to enable excerpts from, or copies of, the registration certificate, containing at least all the particulars required under article 35, paragraph 1, of the 1968 Convention on Road Traffic, to be issued in their country by the competent authorities of these countries or by an association they have empowered for this purpose, on the understanding that:
- ?? The competent authorities, if they so wish, instead of issuing or causing to be Issued actual copies or excerpts, may certify on a photocopy of the registration certificate that the said photocopy is a true copy of the original or empower an association for this purpose;
- ?? The authority issuing the excerpt or copy or certifying the photocopy is free to decide whether or not to require the original registration certificate to be deposited.
- ?? The excerpts, copies or photocopies should be marked "Vehicle on hire. Excerpt from the registration certificate (copy, photocopy) for use by the person hiring the vehicle".
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Annex 3

**LIST OF INTERNATIONAL INSTRUMENTS DRAWN UP UNDER THE AUSPICES
OF ECE FOR THE PURPOSE OF FACILITATING THE INTERNATIONAL
TRANSPORT OF PASSENGERS AND GOODS BY ROAD IN EUROPE**

Passenger transport

Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973

Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 5 July 1978

Goods transport

Convention on the Contract for the International Carriage of Goods by Road (CMR), of 19 May 1956

Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR), of 5 July 1978

Transport of dangerous goods

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), of 30 September 1957

Protocol amending article 1 (a), article 14 (1), and article 14 (3) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR), of 28 October 1993

Transport of perishable foodstuffs

Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), of 1 September 1970

Road traffic and transport operations

Convention on Road Traffic, of 19 September 1949

Convention on Road Traffic, of 8 November 1968

Protocol on Road Signs and Signals, of 19 September 1949

Convention on Road Signs and Signals, of 8 November 1968

European Agreement supplementing the Convention on Road Traffic (1968),
of 1 May 1971

European Agreement supplementing the Convention on Road Signs and Signals (1968),
of 1 May 1971

European Agreement on Road Markings, of 13 December 1957

Protocol on Road Markings, Additional to the European Agreement supplementing the
Convention on Road Signs and Signals, of 1 March 1973

European Agreement concerning the Work of Crews of Vehicles engaged in International
Road Transport (AETR), of 1 July 1970

Agreement on Minimum Requirements for the Issue and Validity of Driving Permits
(APC), of 1 April 1975

Transport infrastructures

European Agreement on Main International Traffic Arteries (AGR),
of 15 November 1975

European Agreement on Important Combined Transport Lines and Related Installations
(AGTC), of 1 February 1991

Protocol on Combined Transport on Inland Waterways to the European Agreement on
Important International Combined Transport Lines and related Installations (AGTC),
of 17 January 1997

Road vehicles

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled
Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles
and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of
these Prescriptions, of 20 March 1958

Agreement concerning Adoption of Uniform Conditions for Periodical Technical
Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, of
13 November 1997

Agreement concerning the Establishing of Global Technical Regulations for Wheeled
Vehicles, Equipment and Parts which can be Fitted and/or be used on Wheeled Vehicles,
of 25 June 1998

Customs

Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956

Customs Convention on the International Transport of Goods under Cover of TIR Carnets, of 15 January 1959, and its revised version of 14 November 1975

International Convention on the Harmonization of Frontier Controls of Goods, of 21 October 1982

European Convention on Customs Treatment of Pallets used in International Transport, of 9 December 1960

Convention on Customs Treatment of Pool Containers used in International Transport (Container Pool Convention), of 21 January 1994
