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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

For several years, the Working Party on Road Transport (SC.1) has been working on the revision of the AETR with the aim of aligning its provisions with those adopted by the European Union.

A first amendment concerning Article 12 of the AETR was adopted by SC.1 at its 93rd session (TRANS/SC.1/365, para. 28) on the basis of proposals made by the delegate of France. The final text is reproduced in TRANS/SC.1/AC.6/2002/1/Add.1.

Another series of amendments under examination aim to introduce the digital tachograph into the AETR. Although these amendments are dependent on decisions taken at the EU level, SC.1 has, without awaiting the finalization of the EU work, undertaken an examination of the modifications which would be required to introduce this device into the AETR. These modifications concern the Articles to the Agreement, its Annex and Appendix 2 and propose a new Appendix 1B to the Annex. To carry out this work, SC.1 established an Ad hoc Working Group on the AETR which met first in March 1999. This Group formulated a series of amendment proposals (TRANS/SC.1/AC.6/2) to which further modifications were added by the representatives of the European Commission and France (TRANS/SC.1/2000/16). On the basis of that last version, the secretariat is proposing some further improvements or modifications which are indicated in the present document in bold underlined italic text. The attention of delegates is also drawn to two separate documents presented by the secretariat (TRANS/SC.1/AC.6/2002/2 and TRANS/SC.1/AC.6/2002/3) which contain additional proposals.

**PROVISIONS IN THE AETR WHICH REQUIRE MODIFICATION TO INTRODUCE
THE DIGITAL TACHOGRAPH**

(**in bold**, modifications already made to existing text)
(**in underlined bold italics**, new proposed modifications)

I. Articles in the AETR to be modified

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] **four years after *the date of entry into force of the amendment on the introduction of the digital tachograph*** shall be equipped with a control device conforming to the requirements of this Agreement **as amended** and of the Annex and Appendices 1B and 2.

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”]

In the light of the proposal to insert a new Article 22 bis, the secretariat considers that the modification of this Article is no longer necessary.

Article 22 bis

For the new Article which would establish a special procedure for amending Appendix 1B, refer to TRANS/SC.1/AC.6/2002/2).

II. Annex - control device

Replace this annex with the following text:

“GENERAL PROVISIONS

Chapter 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 or 1B**, provided that the Contracting Party is in a position to check that production models conform to the approved prototype.

Approval of the system referred to in Appendix 1B may only be granted to the control device 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, to the models shown in Appendix 2 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 4.

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.

5. 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.

6. 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 ***of the present Annex.***

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.

Chapter 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] security data [permitting] for carrying out, in particular, authentication checks.** The competent authorities of the Contracting Parties shall maintain a register of the marks **and electronic [safety] security 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] security 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 or 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 Annex.

Chapter 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 1B, 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 1B, 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 1B 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] usually 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] is living.

However, the normal residence of a person whose occupational ties are in a different place [other than] from his personal ties and who consequently lives in turn in different places situated in two or more Contracting Parties, [is] shall be considered to be the place [where he has] of his personal ties, provided that he returns regularly to that place. This last condition [is not required] need not be met 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] by any appropriate means, such as their identity card or any other valid document.

(c) Where the competent authorities of the Contracting Party issuing the driver card have doubts as to the validity of the declaration of normal residence made in accordance with paragraph (b), or for the purpose of certain specific [checks] controls, 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] be more than 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] of receiving 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 12, paragraph 1, third subparagraph of the present annex.

(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] falsified, or 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 being falsified.

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 Annex 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] security and accuracy.

Contracting Parties shall take all necessary measures to ensure that [operations for] the resale or decommissioning of control devices cannot detract, in particular, 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] no later than fifteen working days before the expiry date of the card.

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 **by using the appropriate graphic symbol**.

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 the official time in the country of registration of the vehicle;**

?? **shall activate the switch [devices] mechanisms 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] Each crew member 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 1B 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 device defined in Appendix 1 shall be so designed that it is possible for an authorized inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without permanently deforming, damaging or soiling the sheet.

The control devices 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 1B relating to the periods of 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 1B, he [shall] must 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 displayed or printed [out 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] non-compliance with a provision such as those contained in article 12, paragraphs 2 and 3.

8. It shall be forbidden to falsify, suppress [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 vehicle is unable to return to the premises within [return to the headquarters of the undertaking can only take place after] a period of [more than a] one week [as] calculated from the day of the breakdown or the observed malfunctioning, the repair shall be effected [during the journey] en route.

The Contracting Parties may [provide for] give the competent authorities power 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, by using the appropriate graphic symbol, 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 must be reported in [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 its premises [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.”

III. Annex – Appendix 1B

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

Refer to the proposal contained in TRANS/SC.1/AC.6/2002/3

IV. Annex - Appendix 2

1. The title of Appendix 2 is modified as follows:

APPROVAL MARK AND CERTIFICATES

2. Add the following countries to the list in paragraph 1 of chapter I “Approval mark”:

“-	<u>Hungary</u>	<u>7</u>
-	Switzerland	14
-	Finland	17
-	Liechtenstein	33
-	Bulgaria	34
-	Kazakhstan	35
-	Lithuania	36
-	<u>Turkey</u>	<u>37</u>
-	Turkmenistan	38
-	Azerbaijan	39
-	<u>The former Yugoslav Republic of Macedonia</u>	<u>40</u>
-	Andorra	41
-	Uzbekistan	44”

3. The title of Chapter II “Approval certificate” is modified as follows:

“Approval certificate for products in accordance with Appendix 1”

4. A new chapter III to be added to Appendix 2 entitled **“Approval certificate for products in accordance with Appendix 1B”** appears below:

III. APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH APPENDIX IB

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

APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH APPENDIX IB

Name of the competent administration

Communication concerning (1):

? Approval

? Withdrawal of an approval

? Of a control device model

? Of a control device component (2)

? Of a driver card

? Of a workshop card

? Of a company card

? Of an inspector's card

Approval No.

1. Manufacturing or commercial mark.....

2. Name of model.....

3. Name of manufacturer.....

4. Address of manufacturer.....

5 Submitted for approval on.....

6. Test laboratory or laboratories.....

7. Date and No. of reports.....

8. Date of approval.....

9. Date of withdrawal of approval.....

10. Model(s) of component(s) of control device with which the component is intended to be used.....

11. Place.....

12. Date.....

13. Descriptive documents annexed.....

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

.....

(Signature)

1. Tick the relevant boxes

2. Specify the component concerned in the communication
