United Nations road safety legal instruments:

European agreement concerning the work of crews of vehicles engaged in international road transport (AETR)

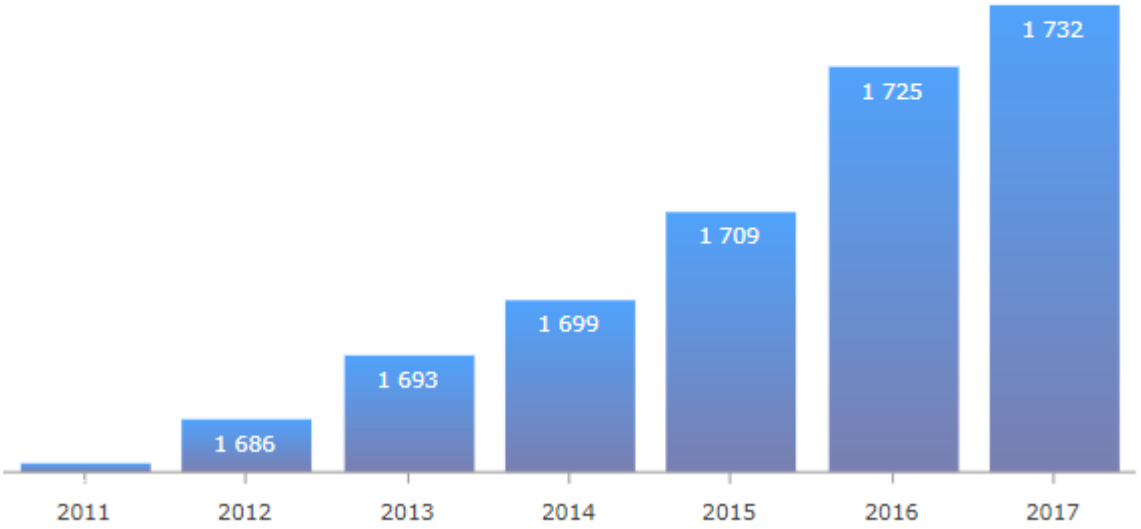
Robert Nowak
Sustainable Transport Division
Beirut, September 2017

UNECE

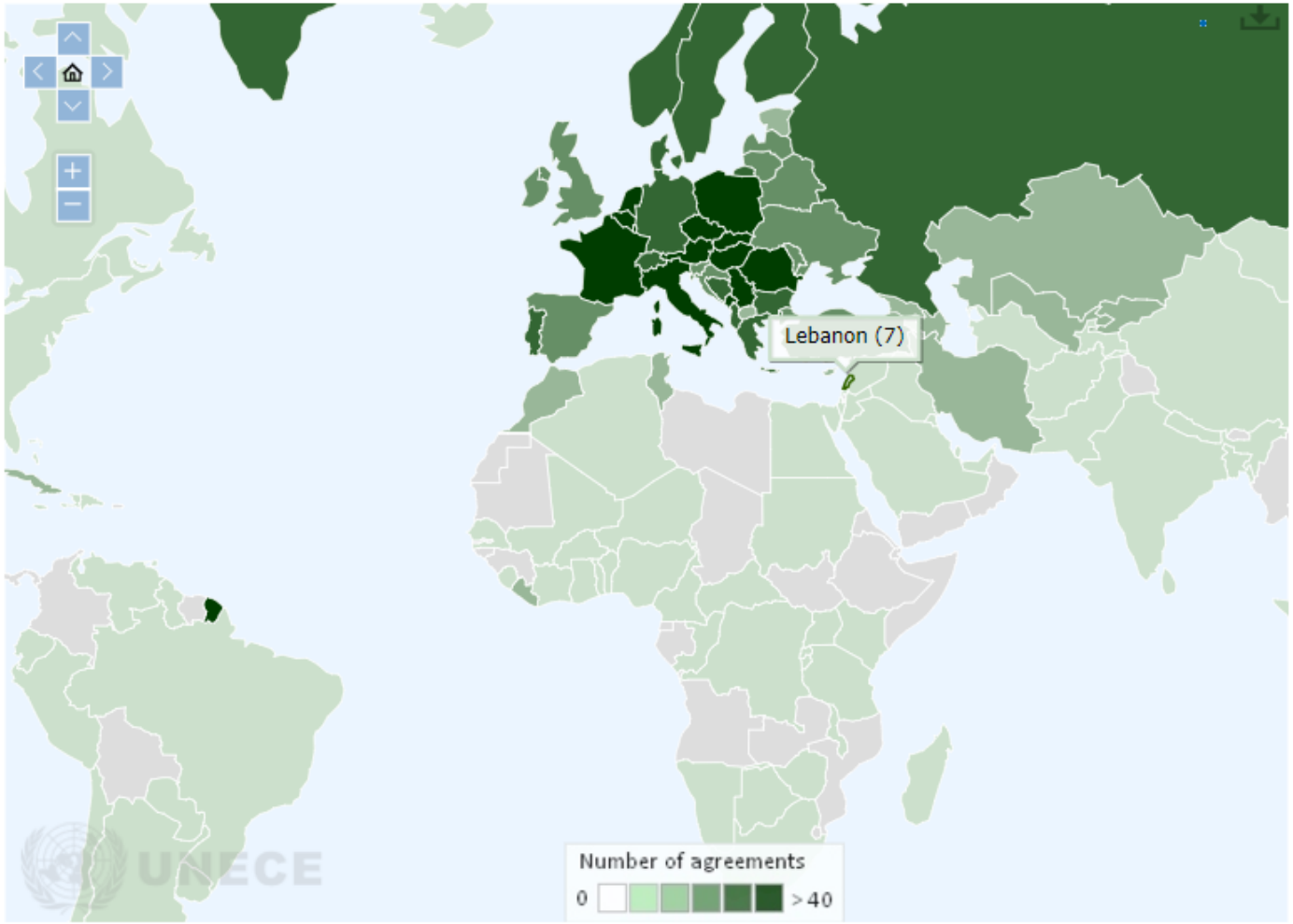
United Nations Economic Commission for Europe (UNECE)

Contracting Parties

Number of Contracting Parties to UN Legal Instruments on Transport



Number of UN Transport Conventions and Agreements per country



Lebanon (7)

UNECE

Customs Convention on Containers, of 2 December 1972

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

Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 14 November 1975

Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954

Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the importation of tourist publicity documents and material, signed in New York on 4 June 1954

Convention on Road Traffic, of 19 September 1949

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58 UN TRANSPORT AGREEMENTS/AND CONVENTIONS SERVICED BY ECE

Status at 23.08.2017

	Infrastructure networks						Road traffic and road safety											Vehicles			Other Legal Instruments Related to Road Transport										Inland navigation							Border crossing facilitation															Dangerous goods & special cargoes				
	Construction Traffic Arteries, 1950	E Road Network (AGR), 1975	E Rail Network (AGC), 1985	E Comb. Tr. Network (AGTC), 1991	Protocol Intl. Nav. to AGTC, 1997	E Intl. Water Network (AGN), 1996	Road Traffic, 1949	Road Traffic, 1968	Protocol on Road Signs & Signals, 1949	Road Signs & Signals, 1968	Suppl. 1968 Convention Road Traffic, 1971	Suppl. 1968 Conv. Road Signs & Signals, 1971	Weights and Dimensions, 1950	Suppl. 1949 Conv. and Protocol, 1950	Road Markings, 1957	Protocol Road Markings, 1973	Issue and Validity of Driving Permits (APC)	Vehicles Regulations, 1958	Techn. Inspect. Vehicles, 1997	Global Vehicles Regulations, 1998	Work of Crews Int. Road Transport (AETR), 197[illegible]	Taxation Priv. Road Vehic., 1956	Taxation Road Passenger Vehic., 1956	Taxation Road Goods Vehic., 1956	Contract Road Goods Transport (CMR), 1956	Protocol to CMR, 1978	Add'l Protocol to CMR, (e-CMR) 2008	Contract Pass. & Lugg. Rd. Transp. (CVR), 1973	Protocol to CVR, 1978	Econ. Regulat. Road Transp., 1954	Collision Intl. Nav., 1960	Registr. Intl. Nav. Vessels, 1965	Measurement Intl. Nav. Vessels, 1966	Liability Vessel Owners (CLN), 1973	Protocol to CLN, 1978	Contract Intl. Nav. Pass. & Lugg. (CVN), 1976	Protocol to CVN, 1978	Touring Facilities, 1954	Protocol Touring Facilities, 1954	Temp. Import. Priv. Road Vehicles, 1954	TIR Convention, 1959	TIR Convention, 1975	Temp. Import. Aircraft & Boats, 1956	Temp. Import. Commerc. Vehicles, 1956	Cross. Front. Pass. Bagg. Rail, 1952	Cross. Front. Goods Rail, 1952	Spare Parts Europ Wagons, 1958	Customs Container Convention, 1956	Customs Container Convention, 1972	Customs Treatment Pallets, 1960	Harmoniz. Frontier Controls Goods, 1982	Customs Pool Containers, 1994	SMGS Transit by Rail, 2006	Dang. Goods by Road (ADR), 1957	Protocol to ADR, 1993	Liabil. Dang. Goods (CRTD), 1989	Dang. Goods by Inland Waterways (ADN), 2000	Perishable Foodstuffs (ATP), 1970
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	-	53	54	55	56	57
NON-UNECE STATES (cont'd)																																																												
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Jamaica							X																															X	X	X			X					X												
Japan							X											X		X																		X	X	X	X							X												
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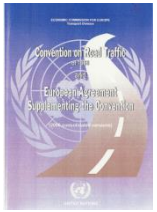
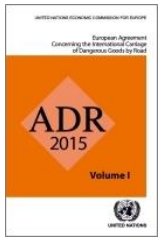
Qatar								X																																																			

Legend: X = Ratification, accession, definite signature; S = Signature;





- Traffic rules
- Signs and signals
- Dangerous goods
- Construction and periodic inspection of vehicles
- Driving times and rest periods for professional drivers
- Road infrastructure

UNECE

EUROPEAN AGREEMENT

concerning

THE WORK OF CREWS OF VEHICLES
ENGAGED IN INTERNATIONAL ROAD TRANSPORT
(AETR)

done at Geneva on 1 July 1970

ACCORD EUROPÉEN

relatif

AU TRAVAIL DES ÉQUIPAGES DES VÉHICULES
EFFECTUANT DES TRANSPORTS INTERNATIONAUX
PAR ROUTE (AETR)

en date, à Genève, du 1er juillet 1970

Being desirous of promoting the development and improvement of the international transport of passengers and goods by road,

Convinced of the need to increase the safety of road traffic, to make regulations governing certain conditions of employment in international road transport in accordance with the principles of the International Labour Organisation, and jointly to adopt certain measures to ensure the observance of those regulations,

AETR Objectives:

- To prevent professional drivers from driving excessive hours
- To reduce road accidents due to fatigue
- Uniform working conditions - to avoid distortions in competitive conditions

UNECE

Some principles:

- **Drivers: responsible of driving and rest hours**
- **Transport undertaking: responsible of application of the AETR rules**
- **Drivers' wages cannot depend on the distance driven**

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE
51 Contracting Parties
European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), of 1 July 1970 (Consolidated text dated 20 September 2010)

Article 2[8]

Scope

1. This Agreement shall apply in the territory of each Contracting Party to all international road transport performed by any vehicle registered in the territory of the said Contracting Party or in the territory of any other Contracting Party.

2. Nevertheless, unless the Contracting Parties whose territory is used agree otherwise, this Agreement shall not apply to international road transport performed by:

(a) Vehicles used for the carriage of goods where the permissible maximum mass of the vehicle, including any trailer or semi-trailer, does not exceed 3.5 tonnes;

(b) Vehicles used for the carriage of passengers which, by virtue of their construction and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose;

(c) Vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;

(d) Vehicles with a maximum authorized speed not exceeding 40 kilometres per hour;

(e) Vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;

(f) Vehicles used in emergencies or rescue operations, including the non-commercial transport of humanitarian aid;

(g) Specialized vehicles used for medical purposes;

(h) Specialized breakdown vehicles operating within 100 kilometres of their base;

(i) Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;

(j) Vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for

[8] Modified successively by amendments 2 and 6

1. This Agreement shall apply in the territory of each Contracting Party to all international road transport performed by any vehicle registered in the territory of the said Contracting Party or in the territory of any other Contracting Party.

2. … this Agreement shall not apply to international road transport performed by:

a) Vehicles used for the carriage of goods where the permissible maximum mass of the vehicle, including any trailer or semi-trailer, does not exceed 3.5 tonnes;

(b) Vehicles used for the carriage of passengers which, by virtue of their construction and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose;

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1. Driving time – 9 hours a day

2. Driving time – 56 hours a week

3. Driving time – 90 hours per two weeks

Article 6[12]

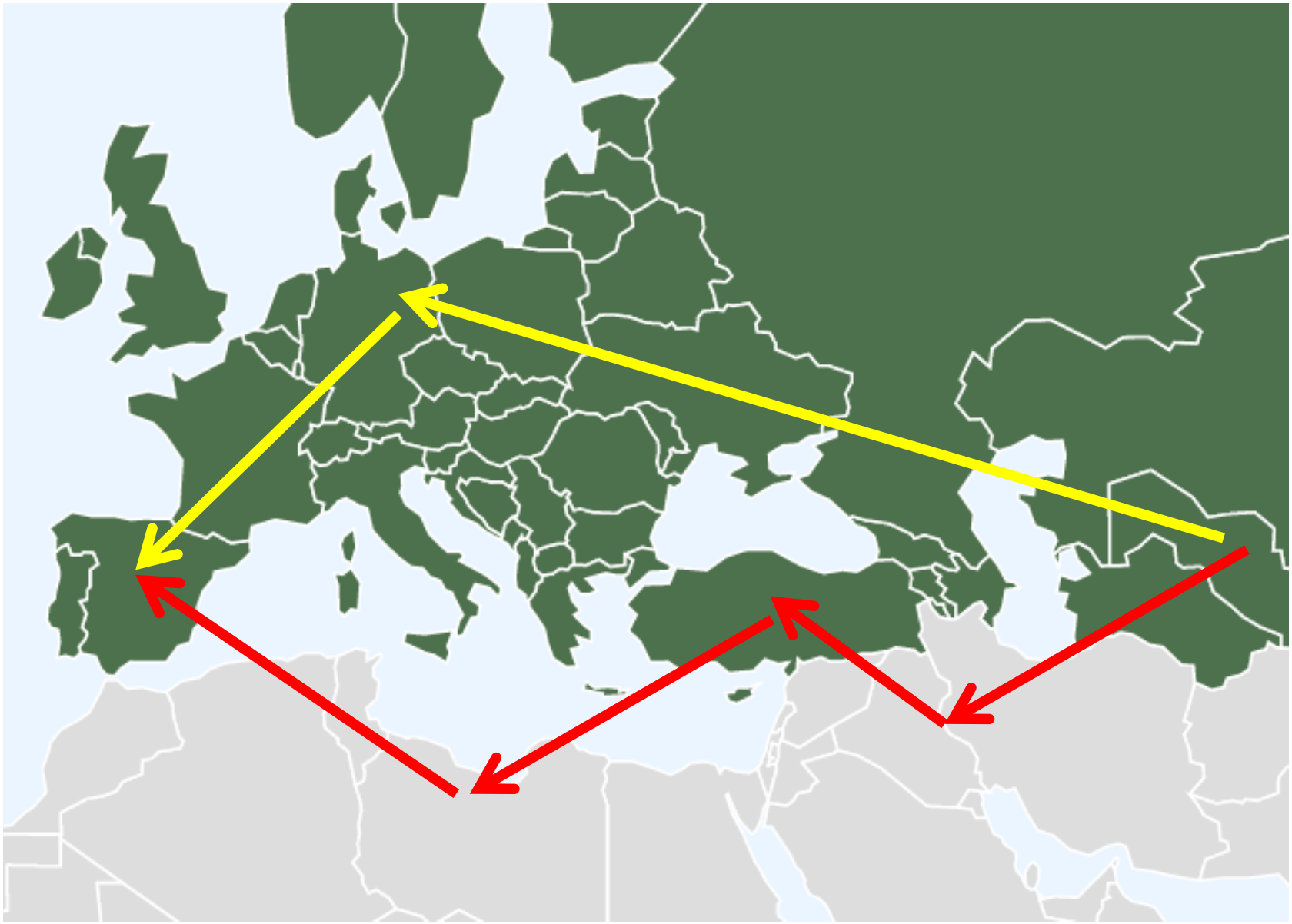
Driving periods

1. The daily driving time, as defined in article 1, paragraph (s), of this Agreement, shall not exceed 9 hours. It may be extended to at most 10 hours not more than twice during the week.

2. The weekly driving time, as defined in article 1, paragraph (t), of this Agreement, shall not exceed 56 hours.

3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.

4. Driving periods shall include all driving in the territory of Contracting and non-Contracting Parties.



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Article 7[13]

Breaks

Break of 45 min after 4.5hrs driving

1. After a driving period of four and a half hours, a driver shall take an uninterrupted break of not less than 45 minutes, unless he begins a rest period.

2. This break, as defined in article 1, paragraph (n), of this Agreement, may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the driving period or immediately after this period in such a way as to comply with the provisions of paragraph 1.

3. For the purposes of this article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferryboat or a train shall not be regarded as 'other work', as defined in article 1, paragraph (q), of this Agreement, and will be able to be qualified as a "break".

4. The breaks observed under this article may not be regarded as daily rest periods.

Article 8[14]

Rest periods

Rest periods: daily and weekly

1. A driver shall take daily and weekly rest periods as defined in article 1, paragraphs (o) and (p).

(n)[7] "Break" means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation;

(o) "Daily rest period" means the daily period during which a driver may freely dispose of his time and covers a 'regular daily rest period' and a 'reduced daily rest period':

Reg. daily rest: 11 hrs

(i) "Regular daily rest period" means any period of rest of at least 11 hours. Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least 9 hours;

(ii) "Reduced daily rest period" means any period of rest of at least 9 hours but less than 11 hours;

(p) "Weekly rest period" means the weekly period during which a driver may freely dispose of his time and covers a 'regular weekly rest period' and a 'reduced weekly rest period':

Reg. weekly rest: 45 hrs

(i) "Regular weekly rest period" means any period of rest of at least 45 hours;

(ii) "Reduced weekly rest period" means any period of rest of less than 45 hours, which may, subject to the conditions laid down in article 8, paragraph (6), of the Agreement be shortened to a minimum of 24 consecutive hours;

(q) "Other work" means all working activities except driving, including any work for the same or another employer, within or outside of the transport sector. It does not include waiting time and time not devoted to driving spent in a vehicle in motion, a ferryboat or a train;

Article 10[17]

Control device

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. 3821/85 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.

Appendix 1[40]

Requirements for construction, testing, installation and inspection

I. Definitions

In this appendix

(a) "control device" means equipment intended for installation in road vehicles to show and record automatically or semi-automatically details of the movement of those vehicles and of certain working periods of their drivers;

(b) "record sheet" means a sheet designed to accept and retain recorded data, to be placed in the control device and on which the marking devices of the latter inscribe a continuous record of the information to be recorded;

(c) "constant of the control device" means the numerical characteristic giving the value of the input signal required to show and record a distance travelled of 1 kilometre; this constant must be expressed either in revolutions per kilometre (k = ... rev/km), or in impulses per kilometre (k = ... imp/km);

(d) "characteristic coefficient of the vehicle" means the numerical characteristic giving the value of the output signal emitted by the part of the vehicle linking it with the control device (gearbox output shaft or axle) while the vehicle travels a distance of one measured kilometre under normal test conditions (see chapter VI, paragraph 4 of this appendix). The characteristic coefficient is expressed either in revolutions per kilometre (W = rev/km) or in impulses per kilometre (W = ... imp/km);

(e) "effective circumference of wheel tyres" means the average of the distances travelled by the several wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of these distances must be made under normal test conditions (see chapter VI, paragraph 4 of this appendix) and is expressed in the form: l = ... mm.

II. General characteristics and functions of control device

The control device must be able to record the following:

1. distance travelled by the vehicle;
2. speed of the vehicle;
3. driving time;
4. other periods of work or of availability;
5. breaks from work and daily rest periods;
6. opening of the case containing the record sheet;
7. for electronic control device which is device operating by signals transmitted electrically from the distance and speed sensor, any interruption exceeding 100 milliseconds in the power supply of the recording equipment (except lighting), in the power supply of the distance and speed sensor and any interruption in the signal lead to the distance and speed sensor.

For vehicles used by two drivers the control device must be capable of recording

APPENDIX 1B[41]

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

Article 1

Preamble

1. As this Appendix is an adaptation of Annex IB of Council Regulation (EEC) No. 3821/85 of 20 December 1985 concerning recording equipment in the field of road transport [1], the content of this Annex is not reproduced in the AETR because of its size and its very technical character. For the complete official text and its subsequent amendments, Contracting Parties shall refer to the *Official Journal* of the European Union.

The content of the present Appendix 1B is therefore limited to an introduction citing the references to the relevant texts of the European Union and of the Official Journals in which they were published and highlighting, by means of cross references, the particular points where that Annex has had to be adapted to the context of the AETR.

2. In order to facilitate consultation of that Annex with the adaptations made to take into account the AETR and to allow an overall view of the text, a consolidated version of this Appendix will be elaborated by the secretariat of the United Nations Economic Commission for Europe. However, this version will not have any legal force. This version, elaborated in the official languages of the UNECE, will be updated as necessary.

Article 2

Introductory provisions to Appendix 1B

1. In accordance with paragraph 1 of article 1 above, Contracting Parties are invited, in order to consult Annex IB, to refer to Commission Regulations No. 1360/2002 of 13 June 2002 and No. 432/2004 of 5 March 2004 (*see footnote below for the dates of their publication in the Official Journal of the European Union), adapting for the seventh and eighth times to technical progress Council Regulation (EEC) No. 3821/85 concerning recording equipment in the field of road transport.

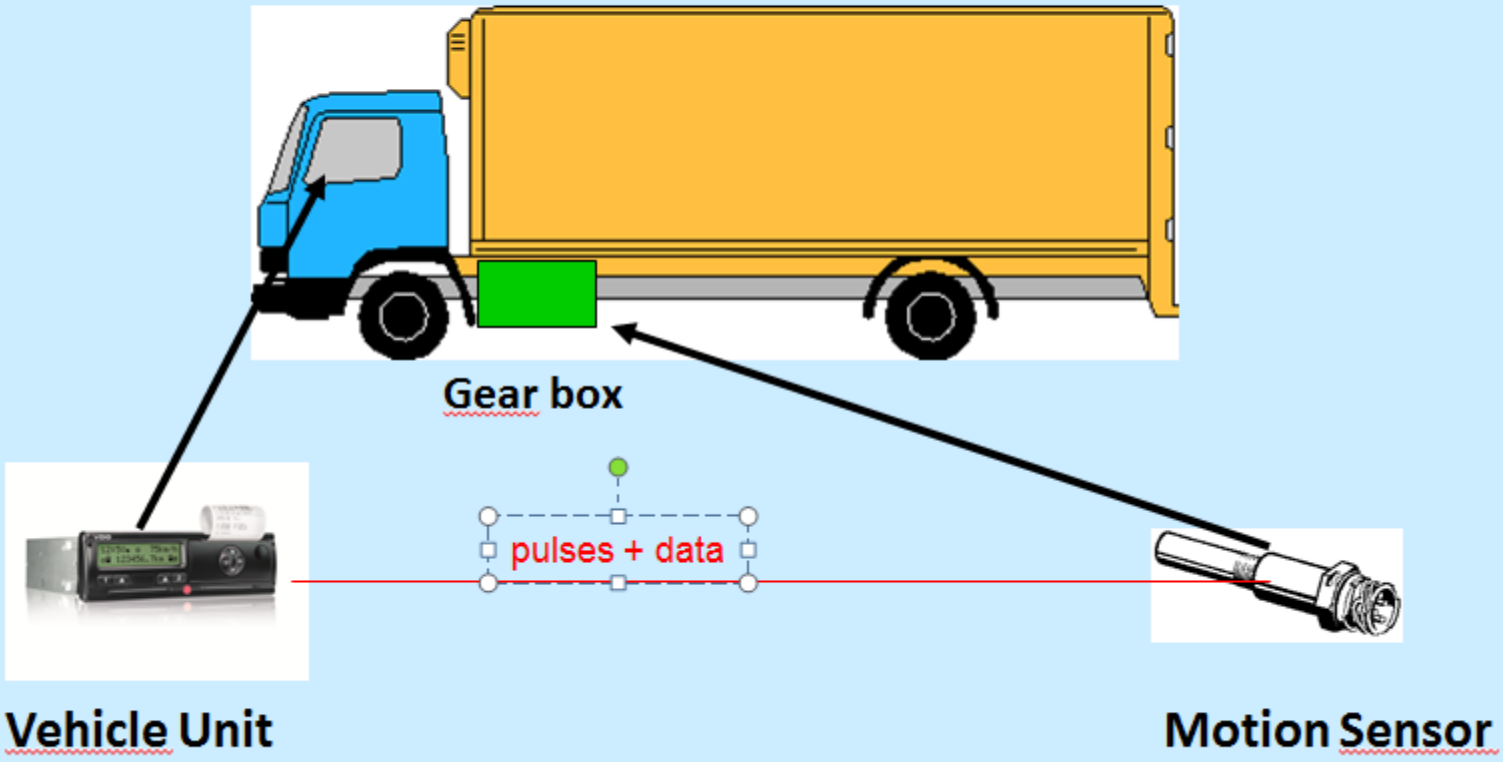
2. For the purposes of Appendix 1B:

2.1 The terms in the left column below shall be replaced by the corresponding terms in the right column:

[1] Introduced by amendment 5.

[2] As amended by Council Regulation (EC) No. 2135/98 of 24 September 1998 (OJ L 274 of 9 October 1998) as well as by Commission Regulations (EC) No. 1360/2002 of 13 June 2002 (OJ L 207 of 5 August 2002 (corrigendum OJ L 77 of 13 March 2004)) and No. 432/2004 of 5 March 2004 (OJ L 71 of 10 March 2004).

Digital Tachograph



MS sealed to gearbox
MS and VU paired
Data between MS and VU encrypted

Source: G. Baranger

Vehicle unit:

- Memory of the vehicle (365 days)
- Output: printer, display, connector
- Two card slots

Source: G. Baranger

Tachograph cards:

- White – driver
- Yellow – company
- Red – workshop
- Blue – controller

- Memory: 28 days driver activities

Source: G. Baranger

CARTE DE CONDUCTEUR
CARTE D'ENTREPRISE
CARTE D'ATELIER
CARTE DE CONTRÔLEUR
TEST

Roadside and on premises checks

Article 12[19]

Measures of enforcement of the Agreement

1. Each Contracting Party shall adopt all appropriate measures to ensure observance of the provisions of this Agreement, in particular by an adequate level of roadside checks and checks performed on the premises of undertakings annually covering a large and representative proportion of drivers, undertakings and vehicles of all transport categories coming within the scope of this Agreement.

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

(i) During each calendar year, a minimum of 1% of the days worked by the drivers of vehicles to which this Agreement applies shall be checked. From 1 January 2010, this percentage will increase to at least 2%, and from 1 January 2012, to at least 3%;

(ii) At least 15% of the total number of working days checked shall be checked at the roadside and at least 25% on the premises of undertakings. From 1 January 2010, not less than 30% of the total number of working days checked shall be checked at the roadside and not less than 50% shall be checked on the premises of undertakings.

(b) The elements of roadside checks shall include:

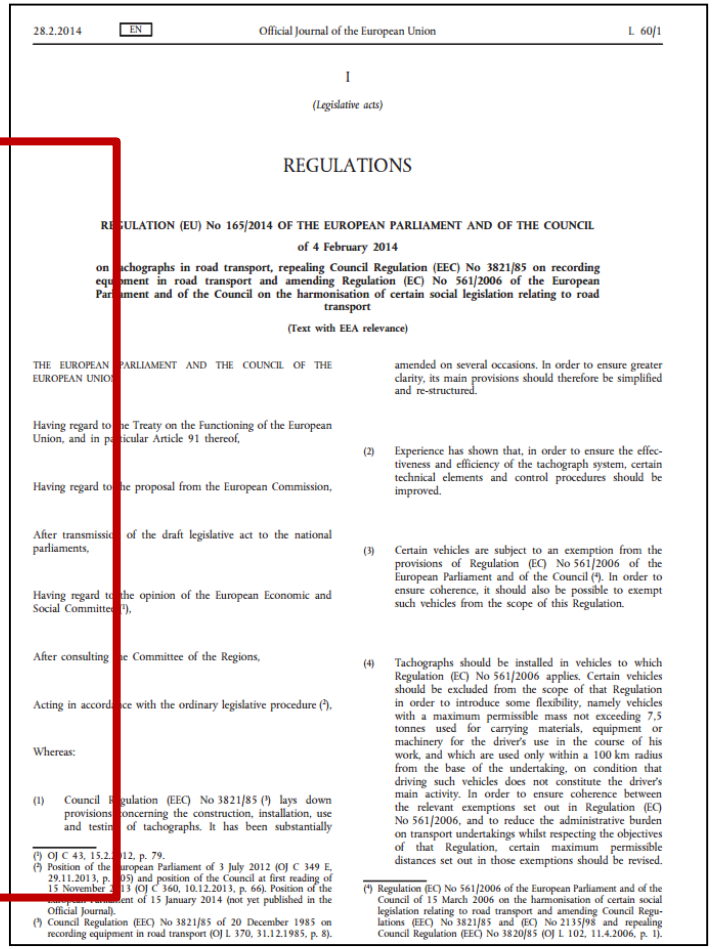
(i) Daily and weekly driving periods, interruptions and daily and weekly rest periods;

(ii) The record sheets of the preceding days, which shall be on board the vehicle, and/or the data stored for the same period on the driver card and/or in the memory of the control device and/or on the printouts, when required;

Recent developments:

Smart tachograph:

- **GPS link**
- **Remote communication with control authorities**
- **Interoperability with ITS applications**



28.2.2014 EN Official Journal of the European Union L 60/1

I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 165/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 February 2014

on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee [1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure [2],

Whereas:

(1) Council Regulation (EEC) No 3821/85 [3] lays down provisions concerning the construction, installation, use and testing of tachographs. It has been substantially amended on several occasions. In order to ensure greater clarity, its main provisions should therefore be simplified and re-structured.

(2) Experience has shown that, in order to ensure the effectiveness and efficiency of the tachograph system, certain technical elements and control procedures should be improved.

(3) Certain vehicles are subject to an exemption from the provisions of Regulation (EC) No 561/2006 of the European Parliament and of the Council [4]. In order to ensure coherence, it should also be possible to exempt such vehicles from the scope of this Regulation.

(4) Tachographs should be installed in vehicles to which Regulation (EC) No 561/2006 applies. Certain vehicles should be excluded from the scope of that Regulation in order to introduce some flexibility, namely vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of his work, and which are used only within a 100 km radius from the base of the undertaking, on condition that driving such vehicles does not constitute the driver's main activity. In order to ensure coherence between the relevant exemptions set out in Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, certain maximum permissible distances set out in those exemptions should be revised.

[1] OJ C 43, 15.2.2012, p. 79.
[2] Position of the European Parliament of 3 July 2012 (OJ C 349 E, 29.11.2013, p. 105) and position of the Council at first reading of 15 November 2013 (OJ C 360, 10.12.2013, p. 66). Position of the European Parliament of 15 January 2014 (not yet published in the Official Journal).
[3] Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8).
[4] Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

Eligibility to accede to AETR

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE
51 Contracting Parties
European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), of 1 July 1970 (Consolidated text dated 20 September 2010)

UNECE

Article 14

Final provisions

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference.

E/ECE/778/Rev.5

Terms of Reference
and
Rules of Procedure
of the
Economic Commission
for Europe

Fifth revised edition

UNITED NATIONS
New York and Geneva, 2009

http://www.unece.org/about-unece.html

8. The Commission may admit in a consultative capacity European nations not Members of the United Nations, and shall determine the conditions in which they may participate in its work, including the question of voting rights in the subsidiary bodies of the Commission.

9. Cancelled

10. Cancelled

11. The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member.

12. The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council.

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[1] The Economic and Social Council decided, in resolution 232 (IX), that "it does not, for the present, require the Commission to submit interim reports to each session, in accordance with point 6 of its terms of reference".

Amended Article 14:

This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 or 11 of the Commission's terms of reference. Accessions under paragraph 11 of the Commission's terms of reference shall be limited to the following States: Algeria, Jordan, Morocco and Tunisia.

AETR system: evolution

18. European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR)

Geneva, 19 January 1962

NOT YET IN FORCE

see article 18 which reads as follows: "1. The present Agreement shall be open until 30 June 1962 for signature, and thereafter for accession, by countries members of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference. 2. The Agreement shall be ratified. 3. The instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations in the manner provided for in paragraphs 4 and 5 of this article. 4. On the expiry of two years after 30 June 1962, or at an earlier date if at least three of the countries referred to in paragraph 1 of this article so request, the Secretary-General of the United Nations shall invite the governments of the countries referred to in paragraph 1 to send representatives to a meeting to consider whether it is possible and expedient to bring the Agreement into force, having regard to whether or not the countries prepared to deposit their instruments of ratification or accession are contiguous. If at that meeting at least three countries deposit their instruments of ratification or accession, the Agreement shall enter into force between them on the one hundred and eightieth day after the deposit of the said instruments; if this condition is not fulfilled, no instrument of ratification or accession shall be deposited, a further meeting shall be convened by the Secretary-General when three of the countries referred to in paragraph 1 so request and the Agreement shall enter into force on the one hundred and eightieth day after the deposit at that meeting of at least three instruments of ratification or accession. 5. Each country which ratifies or accedes to the present Agreement after at least three countries have deposited their instruments of ratification or accession at the meeting provided for in paragraph 4 of this article shall become a Contracting Party to the Agreement on the one hundred and eightieth day after it ratification or accession.".[1]

STATUS: Signatories: 8.

TEXT: Doc. E/ECE/457-E/ECE/TRANS/527.

Participant	*Signature*	*Ratification, Accession(a)*	*Participant*	*Signature*	*Ratification, Accession(a)*
Belgium	29 May 1962		Poland[3]	17 May 1962	
France	13 Feb 1962		Sweden	19 Jun 1962	
Germany[2]	16 Mar 1962		United Kingdom of Great Britain and Northern Ireland	31 Jan 1962	
Luxembourg	1 Mar 1962				
Netherlands	12 Apr 1962				

Year	*Legislative Act or other instrument*	*Actor*
1962	Signing of the first AETR Agreement	States
1967	Negotiations for second AETR Agreement	States
1969	Council regulation 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport[10]	EEC
1970	Signing of the second AETR Agreement	States
1971	AETR Case 22/70, European Court of Justice	Commission v. Council, EEC
1976	Entry into force of the (second) AETR Agreement	States
1977	Council regulation 2829/77 of 12 December 1977 on the bringing into force of the AETR Agreement	EEC

Council regulation 543/69:

29.3.69 Official Journal of the European Communities No L 77/49

REGULATION (EEC) No 543/69 OF THE COUNCIL

of 25 March 1969

on the harmonisation of certain social legislation relating to road transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof;

Having regard to the Council Decision of 13 May 1965[1] on the harmonisation of certain provisions affecting competition in transport by rail, road and inland waterway, and in particular Section III thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[2];

Having regard to the Opinion of the Economic and Social Committee[3];

review and submit reports thereon to the Council at regular intervals so that any adaptation of the Regulation to the developments thus noted may be effected;

Whereas provision must be made for this Regulation to be applied uniformly to all carriage in vehicles circulating within the territory of Member States, whether such vehicles are registered in a Member State or in a third country;

Whereas certain transport operations may be exempted from the application of this Regulation;

Whereas it is desirable to lay down provisions concerning the minimum ages for drivers engaged in the carriage of goods or of passengers—bearing in mind here certain vocational training requirements—and concerning also the minimum age for drivers' mates and conductors;

- **Limit driving times, daily and weekly**
- **An individual control book**
- **A copy of schedule (regular services)**
- **Recognition of the need to replace the control book by mechanical recording equipment**

MODEL INDIVIDUAL CONTROL BOOK

(a) Front cover

I. IN

FOR CRE

II. Country:

III. Date book first used:

IV. Date book last used:

V. Surname, first name, date of b

VI. Issued by: (name, address, tel

Book No

(d) Example of completed daily sheet

2. Registration No(s) of vehicle(s)

1. DAILY SHEET

No

3. Day of week and date

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

4.

5.

6.

7.

7a.

8. Came on duty at (place):

9. Went off duty at (place):

10. Permissible weight of vehicle combination or articulated vehicle:

10a. Carriage of passengers. System of daily rest chosen:

11. Remarks and signature:

	Number of hours
12. *	10
13.	5¾
14.	2¾
14a.	2
15. TOTAL 13+14 +14 a Where appropriate	10½

16. Odometer: End of day: 91,430 km
Beginning of day: 91,090 km
Total distance covered 340 km

* Total duration of uninterrupted rest before coming on duty (D. R.)

Book No

376 1463

REGULATION (EEC) No 1463/70 OF THE COUNCIL

of 20 July 1970

on the introduction of recording equipmen

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof;

Having regard to Council Regulation (EEC) No 543/69[1] of 25 March 1969 on the harmonisation of certain social legislation relating to road transport, and in particular Article 16 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 16 of Regulation (EEC) No 543/69 provides for the determination of the technical characteristics of recording equipment to replace as far as possible the individual control book and for the determination at the same time of the details concerning the approval, use and testing of such equipment and the dates from which vehicles are to be fitted with such equipment;

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of time;

Whereas
vehicle's

COUNCIL REGULATION (EEC) No 2828/77

of 12 December 1977

amending Regulation (EEC) No 1463/70 on the introduction of recording equipment in road transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport [1], as last amended by Regulation (EEC) No 2827/77 [2],

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [3],

Having regard to the opinion of the Economic and Social Committee [4],

Whereas experience gained in the application of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport [5], as last amended by Regulation (EEC) No 1787/73 [6], as it applies to construction and operation indicates that some amendments should be made to this Regulation so as to render the text more precise and to take account of such experience;

Whereas technical progress necessitates rapid adaptation of the technical specifications set out in the Annexes to Regulation (EEC) No 1463/70; whereas, in order to facilitate the implementation of the measures necessary for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within a Committee for the adaptation to technical progress of Regulation (EEC) No 1463/70;

Whereas the English version of Chapter III (c) 1.2 of Annex I to Regulation (EEC) No 1463/70 should be altered so as to bring it fully into line with the other versions,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 1463/70 shall become paragraph 1 of that Article and the following paragraphs shall be added:

'2. However, after consulting the Commission, Member States may exempt from the application of this Regulation vehicles mentioned in Article 14a (2) of Regulation (EEC) No 543/69.

UNECE

Council regulation 2829/77:

- **The 1970 AETR Agreement came into force on 5 January 1976**
- **Council regulation 2829/77 of 12 December 1977 instructed EEC Contracting Parties to ratify the Agreement individually, acting on behalf of and in the interest of the Community**
- **2829/77 required the ratifying (and later acceding) EEC member States to enter a reservation excluding the application of the Convention in its entirety between EEC Member States: "Transport operations between member States of the EEC shall be regarded as national transport operations within the meaning of the AETR {…}."**
- **EU member States that had become Parties to the AETR prior to their joining the EU have been unable to enter the above reservation (e.g. Poland)**
- **The Community (now EU) maintained internally the competence to develop and enact legislation on the subject matter of the AETR Agreement, which member States were required to follow**

UNECE

COUNCIL REGULATION (EEC) No 3821/85
of 20 December 1985
on recording equipment in road transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Economic and Social Committee ([3]),

Whereas Regulation (EEC) No 1463/70 ([4]) as last amended by Regulation (EEC) No 2828/77 ([5]) introduced recording equipment in road transport;

fraudulent use; whereas to this end recording equipment should in particular be capable of providing, on separate sheets for each driver and in a sufficiently precise and easily readable form, recorded details of the various periods of time;

Whereas automatic recording of other details of a vehicle's journey, such as speed and distance covered, will contribute significantly to road safety and will encourage sensible driving of the vehicle; whereas, consequently, it appears appropriate to provide for the equipment also to record those details;

Whereas it is necessary to set Community construction and installation standards for recording equipment and to provide for an EEC approval procedure, in order to avoid throughout the territory of the Member States any impediment to the registration of vehicles fitted with such

- **Until 3821/85 recording equipment installation mandatory (with many exceptions)**
- **3821/85: few exceptions, more demanding on drivers, data collection increased, more stringent**

UNECE

Recording equipment :

1. **Control book**
2. **Mechanical device (paper discs)**
3. **Electronic device (paper discs)**

- **Flouting rules on driving times and rest periods**
- **Blatant infringements**
- **Fraud**
- **Road safety hazard; unacceptable for reasons of competition for the individual driver who respects the rules**

COUNCIL REGULATION (EC) No 2135/98

of 24 September 1998

amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75(1)(c) and (d) thereof,

Having regard to the proposal from the Commission ([1]),

Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisaton of certain social legislation relating to road transport ([5]);

(3) Whereas blatant infringements and fraud present a road safety hazard and are unacceptable for reasons of competition for the individual driver who does respect the rules;

- **A «record sheet» replaced by «record sheet or memory card»**
- **Basic provisions for digital type of recording equipment with mass memory and smart cards**
- **Mandates a committee to define technical requirements**

UNECE

COMMISSION REGULATION (EC) No 1360/2002

of 13 June 2002

adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ([1]), as last amended by Regulation (EC) No 2135/98 ([2]), and in particular Articles 17 and 18 thereof,

Whereas:

(1) The technical specifications of Annex I (B) to Regulation (EEC) No 3821/85 should be adapted to technical progress paying particular attention to the overall security of the system and to the interoperability between the recording equipment and the driver cards.

(2) The adaptation of the equipment also requires an adaptation of Annex II to Regulation (EEC) No 3821/85, which defines the marks and approval certificates.

Annex 1B – requirements for construction, testing, installation and inspection of the digital tachograph

- **<u>Final remarks:</u>**

- **Accessions to UN conventions may yield substantial benefits to Contracting Parties**
- **They must be fully and effectively implemented**
- **UNECE has neither the enforcement authority nor the financial means to verify implementation**

UNECE

Final remarks (cont'd):

- Implementation is the responsibility of Contracting Parties – dispute settlement provisions
- Within its limited resources, UNECE:

1. Promotes accession and full implementation
2. Provides technical assistance/advice
3. Monitors implementation (when appropriate)

Questions:

Robert.Nowak@unece.org

www.unece.org