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Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

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

Twenty-ninth session

Geneva, 13 June 2022

Item 5 of the provisional agenda

Other Business

Submitted by the secretariat

On 7 October 2021, the secretariat sent to all (52) AETR Contracting Parties a questionnaire (in English and Russian) as per Article 12 (5) which tasks the United Nations Economic Commission for Europe to issue a report on the application of Article 12 (1) on “measures of enforcement of the Agreement”. The present document summarizes the responses of eight countries replying (Andorra, Armenia, Georgia, Hungary, Portugal, Serbia, Sweden, and Switzerland). A copy of the questionnaire is also attached.

Question 1:

Two of the eight Contracting Parties stated that they have yet to adopt all appropriate measures to ensure an adequate level of roadside checks and checks performed on the premises of undertakings.

Question 2:

One of the countries (that has not adopted all appropriate measures as per Question 1) explained that its department of transport is occupied with developing new supplementary, legal provisions after the introduction of a new traffic code in that country.

Question 3:

One of the eight respondents stated that they did not check a minimum of 3 per cent of the days worked by the drivers of vehicles.

Question 4:

The four countries responding to his question provided percentages between 4 and 18 per cent (which is significantly higher than the minimum of 3 per cent in Question 3).

Question 5:

One of the eight respondents stated that “roadside checks” represented less than 30 per cent of the total number of working days checked. That country, however, explained that because of its size and location, it is almost impossible for the national road transport operators to exceed the allowed limits for driving times. With respect to the international road transport operators, they spend at least 45 minutes at the country’s border.

Question 6:

See the reply to Question 5 above

Question 7:

Three of the eight respondents stated that their “checks on the premises of undertakings” represented no less than 50 per cent of the total number of working days checked.

Question 8:

In one country, the required 50 per cent (Question 7) was not met but the goal remains to have an equal distribution of checks. Another stated that the proportion in their country stands at 34 per cent (which is quite close to 50 per cent).

Question 9:

Two countries stated that their checks covered a large and representative proportion of drivers, undertakings, and vehicles.

Question 10:

One country informed that – upon the request of a court – it carried out a few company and driver checks.

Question 11:

All seven countries responding to this question indicated that roadside checks include all elements.

Question 13:

All seven countries responding to this question indicated that the checks include all three elements.

Question 15:

All seven countries responding to this question indicated that the checks include all elements.

Question 17:

The replies provided are copied below:

- En Andorre, la Loi 4/2015, du 15 janvier, des transports routiers prévoit des contrôles routiers mais ne prévoit pas des contrôles aux entreprises. La Loi 4/2015 prévoit des infractions mineures, graves et très graves et les sanctions qui correspondent : mineures de 0 à 600 €, graves de 601 à 4.000 € et très graves de 4.001 à 12.000 €. Les infractions mineures, graves et très graves prévoient les sanctions associées au tachographe et à son utilisation par les conducteurs.
- Lei nº 7/2009 – Código do Trabalho (versão atualizada de 08.2021) - DL nº 117/2012 de 05.06 - Regula a organização do tempo de trabalho de condutores independentes em atividades de transporte rodoviário. - Lei nº 237/2007 de 19.06 - Organização do tempo de trabalho das pessoas que exercem atividades móveis de transporte (Transpõe a Diretiva nº 2002/15/CE) - DL nº 108/2009 de 15.05 - Estabelece as condições de acesso e de exercício da atividade das empresas de animação turística e dos operadores marítimo-turísticos - DL nº 193/2001 de 26.06, alterado pelo DL nº 25/2014 de 14.02 – Estabelece o Regime de acesso à atividade pronto socorro - Lei nº 45/2018 de 10.08 - Regime jurídico da atividade de transporte individual e remunerado de passageiros em veículos descaracterizados a partir de plataforma eletrónica.
- Law on working hours of crews of vehicles engaged in road transport and tachographs (The Official Gazette of the Republic of Serbia, № 96/15, 95/18) - Article 44.
- Förordning om arbetsförhållanden vid vissa internationella vägtransporter (SFS 1993:185).
- 2001. évi IX. törvény 2011. évi XLIV. Törvény.
- The Decree №407 of the Government of Georgia on the technical regulation concerning the work and rest periods of crews of vehicles engaged in the international road transport.
- Ordinance on road traffic control -> <https://www.fedlex.admin.ch/eli/cc/2007/296/fr>
Ordinance of the FEDRO on the Ordinance on Road Traffic Control -> <https://www.fedlex.admin.ch/eli/cc/2008/352/fr>.

Question 18:

- En Andorre, la Loi 4/2015, du 15 janvier, des transports routiers prévoit des contrôles routiers mais ne prévoit pas des contrôles aux entreprises. La Loi 4/2015 prévoit des infractions mineures, graves et très graves et les sanctions qui correspondent : mineures de 0 à 600 €, graves de 601 à 4.000 € et très graves de 4.001 à 12.000 €. Les infractions mineures, graves et très graves prévoient les sanctions associées au tachographe et à son utilisation par les conducteurs.
- Artº nº 548º a 566º da Lei nº 7/2009 – Código do Trabalho (versão atualizada de 08.2021).
- Fines and sanction fees imposed pursuant to the provisions of AETR and the annex to the AETR have been differentiated according to the seriousness of the infringement. Thus the fine or fee can be either 1 000 SEK, 2 000 SEK or 4 000 SEK depending on the level of seriousness (VSI= very serious infringement, SI= serious infringement, MI= minor infringement). If an undertaking does not hand over requested information needed to conduct a check at the premises (Legal basis Article 11.2 a and 11.2 b Annex to the AETR) the undertaking will be required to pay an administrative sanction fee of 20.000 SEK per vehicle used by the undertaking. If an undertaking has committed several infringements, the total amount is limited to 10 percent of the undertakings annual turnover, or 200.000 SEK, whichever comes first. Drivers may receive an administrative sanction fee, instead of a fine, if the infringement has been committed abroad. If the driver has committed several infringements, the total amount is limited to 10.000 SEK, in order to harmonize with the Swedish penalty system. For more details on sanctions fees, see the appendix of Swedish ordinance SFS 1993:185 and for details on fines, see appendix 8 of the Swedish ordinance SFS 1999:178.
- According to the Administrative Offences Code of Georgia: 1) Performing international road transportation of passengers or goods in violation of the rules of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) – shall carry a fine of GEL 500. 2) Operating a business performing the international road transportation of passengers or goods in violation of the rules of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) – shall carry a fine not to exceed GEL 5 000.
- The list of fines imposed pursuant to the provisions of Article 12(1) can be found in the Ordinance on Fines -> <https://www.fedlex.admin.ch/eli/cc/2019/93/fr>.

AETR Questionnaire

You have received this questionnaire because your country is a Contracting Party to the "European Agreement Concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR Agreement)".

This questionnaire is undertaken as per AETR Article 12 (5) which tasks the United Nations Economic Commission for Europe to issue a report on the application of Article 12 (1) on "measures of enforcement of the Agreement".

Reference period 1 January 2017 to 31 December 2018

All questions relate to 2017-2018 and should be responded by the competent entity, administration, département, or ministry in your country.

For more information, contact Mr. Robert Nowak, Economic Commission for Europe, Robert.Nowak@un.org

...

1. Have you adopted all appropriate measures to ensure an adequate level of

(a) roadside checks

(b) checks performed on the premises of undertakings?

Note: An "undertaking" means a "firm", "company" or "business"

Yes

No

2. If "no" above, please explain briefly

Enter your answer

3. During each calendar year, was a minimum of 3 per cent of the days worked by the drivers of vehicles (to which this Agreement applies) checked?

Note: calculation of minimum checks to be carried out

- a. Number of days worked per driver
- b. Total number of vehicles subject to AETR
- c. Total number of days worked [a * b]
- d. Minimum checks (3 per cent)

Yes

No

4. What percentage?

Enter your answer

5. Did your "roadside checks" represent no less than 30 per cent of the total number of working days checked?

Yes

No

6. If "no" above, please explain briefly

Enter your answer

7. **Did your “checks on the premises of undertakings” represent no less than 50 per cent of the total number of working days checked?**

Yes

No

8. **If “no” above, please explain briefly**

Enter your answer

9. **Did your checks cover a large and representative proportion of drivers, undertakings (ie., firms) and vehicles of all transport categories (within the scope of this Agreement)?**

Yes

No

10. **If “no” above, please explain briefly**

Enter your answer

11. **Did the elements of roadside checks include**

a. daily and weekly driving periods?

b. interruptions and daily rest periods?

c. weekly rest periods?

d. record sheets (information) of the preceding days?

- e. correct functioning of the control device (tachograph)?

12. If "no" above, please explain briefly

Enter your answer

13. Were the checks carried out

- a. without discrimination among vehicles?
- b. for undertakings and drivers whether resident or not?
- c. regardless of the origin or destination of the journey or type of tachograph?

14. If "no" above, please explain briefly

Enter your answer

15. Did the "checks on the premises of undertakings" include:

- a. weekly rest periods and driving periods between these rest periods?
- b. two-weekly limits on hours of driving?
- c. compensation for weekly rest periods?
- d. use of record sheets and/or vehicle unit and driver card data and printouts and/or the organization of drivers' working time?

16. If "no" above, please explain briefly

Enter your answer

17. Please name national legislation which is in force in your country to implement Article 12 (1)

Enter your answer

18. Please specify the fines imposed pursuant to the provisions of Article 12(1)

Enter your answer

19. Please write your contact details (email) and country

Enter your answer

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