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

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Other Business

Other Business

Submitted by IRU*

This document contains IRU Guidance note on non-commercial humanitarian transport and AETR driving times and rest periods rules.

* Reproduced as received

RESPECTING RULES ON THE USE OF THE TACHOGRAPH AND ON DRIVING AND REST TIMES IN CASE OF NON-COMMERCIAL HUMANITARIAN TRANSPORT OPERATIONS

Over recent days, IRU has been contacted by several of its members with a request to clarify the obligations of drivers in respect to their driving and rest time rules obligations related to humanitarian transport operations, following the earthquake in Syria and Türkiye.

Below is IRU's analysis and recommendation, based on the provisions of the relevant AETR Agreement and EU rules.

ANALYSIS

According to the provisions of the [AETR Agreement](#) (Article 2(f)) and the EU legislation ([Regulation 561/2006v](#), Article 3(d) and [Regulation 165/2014](#), Article 3.1), vehicles used in emergencies or rescue operations, including in the non-commercial transport of humanitarian aid, are exempted from complying with the driving and rest time rules and the obligation to use tachographs.

As a matter of fact, in the case of transports to/from Türkiye, the provisions of the AETR Agreement would normally apply. When these transports are non-commercial transports of humanitarian aid, these are exempted from the provisions of the AETR Agreement.

When these vehicles, which may occasionally be involved in non-commercial humanitarian transport operations, resume performing commercial transport operations, they must respect the driving and rest time rules provisions, and be able to show to control authorities evidence of their previous activities of driving out of scope of the AETR.

According to the provisions of Article 12*bis* of the AETR Agreement, when driving a vehicle out of scope of the AETR Agreement, such as non-commercial humanitarian aid, it is possible to make use of a dedicated attestation form, to document the fact that the vehicle and the driver have been involved in an out-of-scope operation (non-commercial humanitarian aid), in order to facilitate roadside checks.

The model of this form is provided in Appendix 3 of the AETR Agreement (attached to this note as Annexe 1), which also gives guidance on how to complete the form (attached to this note as Annex 2).

According to the provisions of paragraph 4 of Article 12*bis*, these forms "shall be accepted at any roadside check carried out in the territory of Contracting Parties to this Agreement".

A similar Attestation form exists under [EU legislation](#) (attached to this note as Annex 3). As [indicated](#) by the European Commission services, this form comes only in addition to the tachograph records and should reflect activities which may not have been recorded via a tachograph¹.

The AETR Attestation form is explicitly designed for justifying periods exempt from the provisions of the AETR Agreement, as laid down in paragraph 1 of Appendix 3 AETR: "The Attestation of activities is to be used when a driver has been on sick leave or annual leave or **when he has been driving a vehicle exempted from the scope of the AETR as defined in article 2 of this Agreement**".

All the fields in this form must be completed and signed both by the company representative and the driver in order to be valid. For self-employed drivers, the driver signs once as the company and once as the driver. The text of the form may not be modified. Only the signed original is valid. The form may be printed on paper containing the company logo and contact details, but the fields containing the company information must also be filled in.

The AETR Attestation form can be downloaded in [English](#) and [French](#).

The EU Attestation form is available for downloading in all EU languages at https://transport.ec.europa.eu/transport-modes/road/social-provisions/driving-time-and-rest-periods/form-attestation-activities_en.

¹ Please note that if the vehicle used for the non-commercial humanitarian operation is equipped with a tachograph, the driver must record the information about driving out of scope in the tachograph.

RECOMMENDATION

It is therefore recommended to transport companies, whose drivers are currently engaged in non-commercial humanitarian transport operations that are exempted from the provisions of the AETR Agreement and the EU driving and rest time rules, to fill in and make use of the AETR Attestation form provided for in Appendix 3 of the AETR Agreement or the EU Attestation form, if applicable, and keep them available on board of their vehicles for control purposes, when engaged in subsequent commercial transport operations in scope of the AETR Agreement or the EU driving and rest time rules.

It is also recommended to professional drivers to present the completed and signed Attestation form to control officers during roadside checks.

Should a tachograph be available on board of the vehicle used for non-commercial humanitarian aid, the driver must record the information about driving out of scope in the tachograph.

Annex 1 – AETR Attestation form (Appendix 3 of the AETR Agreement)

Attestation of activities * /Formulaire d'attestation d'activités*
 (REGULATION (EC) 561/2006 OR THE AETR**) / (RÈGLEMENT (CE) 561/2006 OU L'AETR**)

To be filled in by typing in Latin characters and signed before a journey/ À remplir en dactylographie en caractères latins, et à signer avant tout voyage

To be kept with the original control device records wherever they are required to be kept/ À joindre aux enregistrements de l'appareil de contrôle qui doivent être conservés

False attestations constitute an infringement/ Les fausses attestations constituent une infraction

Part to be filled in by the undertaking (**Partie à remplir par l'entreprise**)

1. Name of the undertaking/Nom de l'entreprise
2. Street address, postal code, city/ Rue, code postal, ville

Country / Pays:

3. Telephone number (including international prefix)/Numéro de téléphone (y compris le préfixe international)
4. Fax number (including international prefix)/Numéro du télécopieur (y compris le préfixe international)
5. Adresse courrier électronique/e-mail address:.....

I, the undersigned (Le soussigné):

6. Name and first name/ Nom et prénom
7. Position in the undertaking/Fonction dans l'entreprise

declare that the driver/ déclare que le conducteur:

8. Name and first name/ Nom et prénom
9. Date of birth (day/month/year)/Date de naissance: (jour/mois/année):
10. Driving licence or identity card or passport number/Numéro du permis de conduire ou de la carte d'identité ou du passeport

11. who has started to work at the undertaking on (day/month/year)/qui a commencé travailler dans l'entreprise le(jour/mois/année):.....
 au cours de la période/for the period:

12. from (hour/day/month/year) du (heure/jour/mois/année):.....
13. to (hour/day/month/year) au (heure/jour/mois/année):.....
14. was on sick leave *** / était en congé de maladie
15. was on annual leave *** / était en congé annuel
16. was on leave or rest *** / était en congé ou repos
17. drove a vehicle exempted from the scope of Regulation (EC) 561/2006 or the AETR *** / conduisait un véhicule exclu du champ d'application du règlement (CE) 561/2006 ou de l'AETR
18. performed other work than driving *** / effectuait autre travail que la conduite
19. was available *** / était disponible
20. Place /Lieu:..... Date/date:.....
 Signature/signature

21. I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) 561/2006 or the AETR during the period mentioned above (Le soussigné, conducteur, confirme ne pas avoir conduit un véhicule relevant du champ d'application du règlement (CE) 561/2006 ou de l'AETR au cours de la période susmentionnée).

22. Place/ Lieu:..... Date/date:.....
 Signature of the driver /Signature du conducteur

* This form is available in electronic and printable versions at the following address /Ce formulaire peut être obtenu en version électronique et en version imprimable à l'adresse suivante: <http://www.unece.org/trans/main/sc1/aetr.html>

** European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport /Accord européen relatif au travail des équipages des véhicules effectuant des transports internationaux par route.

*** Choose only one box/ Ne cocher qu'une seule case.

Annex 2 – Guidance on how to fill in the AETR Attestation form (Appendix 3 of the AETR Agreement)**Appendix 3⁴⁵****Model forms**

In accordance with article 12 bis of this Agreement, road carriers may use the following model forms to facilitate roadside checks:

1. The Attestation of activities is to be used when a driver has been on sick leave or annual leave or when he has been driving a vehicle exempted from the scope of the AETR as defined in article 2 of this Agreement.

Instructions for use

(To be reproduced, as much as possible, on the reverse of the form)

(a) All the fields in this form must be filled in, **before the journey**, by the transport undertaking and the driver concerned.

(b) The text of the form may not be modified.

(c) In order to be valid, the form must be signed both by the authorized representative of the transport undertaking and by the driver himself. For individual undertakings, the driver signs once on behalf of the undertaking and once as the driver. Only the signed original is valid.

(d) The form may be printed on paper containing the undertaking's logo. Sections 1 to 5 may be preprinted. The signature of the undersigned may not be replaced by the undertaking's stamp but may be accompanied by it.

(e) Any additional national or regional information must be included on the reverse of the form.

(f) If this form is drawn up in a language other than English or French, the title, in the national language, must appear below the English and French titles, which must be retained. The section headings in the body of the form must be repeated in English when the original document is drawn up in a language other than English (see attached model).

2. *(reserved for a possible other form) ...*

Annex 3 – EU Attestation form²

ANNEX

ATTESTATION OF ACTIVITIES³
(REGULATION (EC) 561/2006 OR THE AETR⁴)

To be filled in by typing and signed before a journey. To be kept with the original control device records wherever they are required to be kept

FALSE ATTESTATIONS CONSTITUTE AN INFRINGEMENT

Part to be filled in by the undertaking

(1) Name of the undertaking: _____

(2) Street address, postal code, city, country: _____, _____, _____, _____

(3) Telephone number (including international prefix): _____

(4) Fax number (including international prefix): _____

(5) E-mail address: _____

I, the undersigned:

(6) Name and first name _____

(7) Position in the undertaking: _____

declare that the driver:

(8) Name and first name: _____

(9) Date of birth (day/month/year): ____ / ____ / ____

(10) Driving licence or identity card or passport number: _____

(11) who has started to work at the undertaking on (day/month/year): ____ / ____ / ____

for the period:

(12) from (hour/day/month/year): ____ / ____ / ____ / ____

(13) to (hour/day/month/year): ____ / ____ / ____ / ____

(14) was on sick leave^{***}

(15) was on annual leave^{***}

(16) was on leave or rest^{***}

(17) drove a vehicle exempted from the scope of Regulation (EC) 561/2006 or the AETR^{***}

(18) performed other work than driving^{***}

(19) was available^{***}

(20) Place: _____ Date: _____

Signature: _____

(21) I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) 561/2006 or the AETR during the period mentioned above.

(22) Place: _____ Date: _____

Signature of the driver: _____

² Can be downloaded from https://transport.ec.europa.eu/transport-modes/road/social-provisions/driving-time-and-rest-periods/form-attestation-activities_en.

³ This form is available in electronic and printable versions at the following address: <http://ec.europa.eu>

⁴ European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport.

*** Choose only one box