

Informal document

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport

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Transmitted by the Russian Federation

Attention is drawn to a problem which has arisen in connection with ambiguity in the interpretation of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) article 10, item 1, sub-item d): "The crew members must always have available, and be able to present for inspection record sheets (tachograms) for the current week and for the last day of the previous week on which they drove. » The ambiguity originates from the different interpretation of the term "previous week".

The Russian Inspection interprets the term "previous week" as any week foregoing a current one (one, two, three weeks ago), when a driver last drove a vehicle. In this situation a driver always has and can show a record sheet (tachogram) for the last day of the "previous" week, during which he drove a vehicle. The Russian Federation believes this is the reason why the AETR does not contain requirements for a driver to provide any additional documents confirming his inability to present the record sheet (tachogram).

In some European countries, "previous week" is frequently understood as the week directly preceding the current week. Such an interpretation entails situations where the driver is not able to show a record sheet (tachogram) for the last day of the "previous" week during which he drove a vehicle, for example, because of illness, holiday, etc.

In connection with such situations a number of countries under their own initiative and contrary to AETR rules have imposed the requirement for the driver to present additional documents confirming that he did not drive a vehicle during the previous week. So, Germany demands a special covering letter with a director's signature and stamp, Poland has introduced "yellow" tachograms, Latvia is discussing its own form of the document, etc.

So a new practice is being born, where drivers have to have various documents to cross different countries. And if these documents are lacking, fines are imposed on the driver. The appeal of the Russian «F.TRANSIT» Ltd carrier, who was fined 500 zloties in Poland and was additionally obliged to pay the subsequent parking charge (see the enclosure), is an example of such an incident. Unfortunately, such incidents are not rare. This problem has already been brought up in discussions between the representatives of the UK and France at meetings of the Working Party on Road Transport. However, to date there is no accepted unequivocal interpretation of the above mentioned article.

States parties to the AETR are hereby informed about the Russian Federation's position on this problem which will also be submitted for discussion by the Working Party on Road Transport of the ECE Inland Transport Committee so that a uniform interpretation for the application of AETR article 10, item 1, sub-item d) can be agreed upon.