

# **Z A K O N**

## **O POTVRĐIVANJU AMANDMANA 1-6. NA EVROPSKI SPORAZUM O RADU POSADA NA VOZILIMA KOJA OBAVLJAJU MEĐUNARODNE DRUMSKE PREVOZE (AETR)**

### **Član 1.**

Potvrđuju se amandmani na Evropski sporazum o radu posada na vozilima koja obavljaju međunarodne drumske prevoze (AETR), i to: Amandman 1, sačinjen u Ženevi 3. avgusta 1983. godine, u originalu na engleskom jeziku, Amandman 2. sačinjen u Ženevi 24. aprila 1992. godine, u originalu na engleskom jeziku, Amandman 3. sačinjen 28. februara 1995. godine, u originalu na engleskom jeziku, Amandman 4, sačinjen 27. februara 2004. godine u originalu na engleskom jeziku, Amandman 5. sačinjen 16. juna 2006. godine u originalu na engleskom i francuskom jeziku i Amandman 6. sačinjen u Ženevi 20. septembra 2010. godine u originalu na engleskom, francuskom i ruskom jeziku.

### **Član 2.**

Tekstovi Amandmana 1-6. na Evropski sporazum o radu posada na vozilima koja obavljaju međunarodne drumske prevoze (AETR), u originalu na engleskom jeziku i u prevodu na srpski jezik glase:

## AMENDMENT 1

### **Article 3 – Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-contracting States**

Amend paragraph 1 to read:

„... provisions not less strict than those laid down in articles 5, 6, 7,8, 9, 10, 11, in article 12 paragraphs 1, 2, 6 and 7 and in article 12 bis of this Agreement”.

Insert new Article as follows:

### **„Article 6 bis – Interruption of the daily rest period in the course of combined transport operations**

Where a crew member engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided the following conditions are fulfilled:

- a) that part of the daily rest period spent on land may be taken before or after the portion of the daily rest period taken on board the ferryboat or the train;
- b) the period between two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations;
- c) during both portions of the rest period the crew member must have access to a bunk or couchette;
- d) where a daily rest period is interrupted in this way, it shall be increased by two hours;
- e) any time spent on board a ferryboat or a train and not counted as part of the daily rest period shall be regarded as a break as defined in article 8.”

### **Article 10 – Manning**

Beginning of article should read:

„Subject to the provisions of article 12 bis paragraph 2 of this Agreement, in the case of...”

### **Article 11 – Exceptional cases**

Amend the last sentence to read:

„...shall record in the individual control book or in the case mentioned in article 12 bis, as appropriate, in the record sheet and/or in the other control documents envisaged under paragraph 1 of the article, the nature and...”

Insert new article as follows:

### **„Article 12 bis – Control device**

1. If a Contracting Party prescribes or authorizes the installation and use of on vehicle registered in its territory of a mechanical control device, such device may give rise to complete or partial exemption from the filling in of the individual control book mentioned in article 12, under the following conditions:

- a) The control device must be of a type either approved or recognised by one of the Contracting Parties;
- b) If the crew includes more than one person and if the recording is not made on separate sheets but on only one sheet, this must show clearly the part of the recording corresponding to each of the persons;
- c) If the device provides for the recording of crew member’s driving times, times spent performing occupational activities other than driving, and rest periods as well as

- vehicle speeds and distance covered, the keeping of the individual control book may be entirely dispensed with;
- d) If the device provides only for recording driving time, time during which the vehicle is stationary, speed and distance covered, the exemption will only be partial and limited to the entries in the daily sheets of the said control book, the crew members being obliged to complete daily the appropriate columns of a weekly report conforming to the model sheet (e) appearing in the annex to this Agreement;
  - e) If the normal and appropriate use of a control device installed on a vehicle is not possible, each crew member shall enter by hand, using the appropriate graphic representation, the details corresponding to his occupational activities and rest periods on a record sheet, or on a daily sheet conforming to the model sheet (c) appearing in the annex to the Agreement;
  - f) When, by reason of their being away from the vehicle, the crew members are unable to make use of the device, they shall insert by hand, using the appropriate graphic representation, in the record sheet or a daily sheet conforming to the model sheet (c) envisaged in the annex to this Agreement, the various times corresponding to occupational activities while they were away;
  - g) The crew members must always have available, and be able to present for inspection, as appropriate, the record sheets and/or the other control documents filled in as provided under (c), (d), (e) and (f) of this paragraph, relating to the previous seven days;
  - h) The crew members must ensure that the control device be activated and handled correctly and that, in case of malfunctioning, it be repaired as soon as possible.
2. If the control device within the meaning of paragraph 1 is installed and used on a vehicle registered in the territory of one of the Contracting Parties, the application of the provisions of article 10 of this Agreement to that vehicle shall not be required by the other Contracting Parties.
  3. Undertakings shall keep, as appropriate, the record sheets and/or the other control documents filled in as provided under (c), (d), and (e) of paragraph 1 of this Article, for a period of not less than twelve months after the date of the last entry and shall produce them at the request of the control authorities”

#### **Article 14-Measures of enforcement of the Agreement**

Amend paragraph 2 to read:

„...by spot checks of the record sheets and other control documents that the requirements of ...”

#### **AMENDMENT 2**

##### **Article 1 - Definitions**

Amend paragraph (g) to read:

(g) „carriage by road” means any journey made on roads open to the public of a vehicle whether laden or not, used for the carriage of passengers or goods;

Amend paragraph (i) to read:

(i) „regular services” means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points.

Rules governing the operations of services or documents taking the place thereof, approved by the competent authorities of Contracting Parties and published by the carrier before

coming into operation, shall specify the conditions of carriage and in particular the frequency of services, timetables, faretables and the obligation to accept passengers for carriage, insofar as such conditions are not prescribed by any law or regulation.

Services by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in the first subparagraph of this definition, shall be deemed to be regular services. Such services, in particular those providing for the carriage of workers to and from their place of work or of schoolchildren to and from school, are hereinafter called "special regular services";

Amend paragraph (l) to read:

(l) „week” means the period between 00:00 hours on Monday and 24:00 hours on Sunday;

(m) „rest” means any uninterrupted period of at least one hour during which the driver may freely dispose of his time.

Delete paragraphs (n) and (o).

## **Article 2 - Scope**

Amend sub-paragraph 2 (b) to read:

(b) Unless the Contracting Parties whose territory is used agree otherwise, this Agreement shall not apply to the international road transport performed by:

1. Vehicles used for the carriage of goods where the permissible maximum weight of the vehicle, including any trailer or semi-trailer, does not exceed 3.5 tonnes;
2. 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;
3. Vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;
4. Vehicles with a maximum authorized speed not exceeding 30 kilometres per hour;
5. Vehicles used by or under the control of the armed services, civil defence, fire services, and forces responsible for maintaining public order;
6. Vehicles used in connection with the sewerage, flood protection, water, gas and electricity services, highway maintenance and control, refuse collection and disposal, telegraph and telephone services, carriage of postal articles, radio and television broadcasting and the detection of radio or television transmitters or receivers;
7. Vehicles used in emergencies or rescue operations;
8. Specialized vehicles used for medical purposes;
9. Vehicles transporting circus and funfair equipment;
10. Specialized breakdown vehicles;
11. Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
12. Vehicles used for non-commercial carriage of goods for personal use;
13. Vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed.

Delete subparagraphs (c) and (d) of paragraph (2)

Article 3 - Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States

Amend this article to read:

**„Article 3**

Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States

1. Each Contracting Party shall apply in its territory, in respect of international road transport performed by any vehicle registered in the territory of a State which is not a Contracting Party to this Agreement, provisions not less strict than those laid down in articles 5, 6, 7, 8, 9 and 10 of this Agreement.

2. It shall be open to any Contracting Party, in the case of a vehicle registered in a State which is not a Contracting Party to this Agreement, merely to require, in lieu of a control device conforming to the specifications in the annex to this Agreement, daily record sheets, completed manually by the driver.”

**Article 4 - General principles**

Amend this article to read:

Each Contracting Party may apply higher minima or lower maxima than those laid down in articles 5 to 8 inclusive. Nevertheless, the provisions of this Agreement shall remain applicable to drivers, engaged in international road transport operations on vehicles registered in another Contracting or non-Contracting State.

Article 5-Conditions to be fulfilled by drivers

Replace this article with the following text

**„Article 5 - Crews**

1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:

(a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7.5 tonnes, 18 years;

(b) for other vehicles:

21 years,

or 18 years provided that the person concerned holds a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road. Contracting Parties shall inform one another of the prevailing national minimum training levels and other relevant conditions relating to drivers engaged in international carriage of goods under this Agreement.

2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years.

Any driver engaged in the carriage of passengers on journeys beyond a 50 kilometre radius from the place where the vehicle is normally based must also fulfill one of the following conditions:

(a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3.5 tonnes;

(b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys within a 50 kilometre radius from the place where the vehicle is normally based, or other types of passenger services not subject to this Agreement provided the competent authority considers that he has by so doing acquired the necessary experience;

(c) he must hold a certificate of professional competence recognized by one of the Contracting Parties confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road.”

Article 6 - Daily rest period

Replace this article with the following text:

**„Article 6 - Driving periods**

1. The driving period between any two daily rest periods or between a daily rest period and a weekly rest period, hereinafter called „daily driving period”, shall not exceed nine hours. It may be extended twice in any one week to ten hours.

A driver must, after no more than six daily driving periods, take a weekly rest period as defined in article 8 (3).

The weekly rest period may be postponed until the end of the sixth day if the total driving time over the six days does not exceed the maximum corresponding to six daily driving periods.

In the case of the international carriage of passengers, other than on regular services, the terms „six”, and „sixth”, in the second and third subparagraphs shall be replaced by „twelve”, and „twelfth”, respectively.

2. The total period of driving in any one fortnight shall not exceed ninety hours.”

Article 6 bis - Interruption of the daily rest period in the course of combined transport operations

Delete text of this article.

Article 7-Daily driving period, maximum weekly and fortnightly driving period

Replace this article with the following text

**„Article 7 - Breaks**

1. After four-and-a-half hours' driving, the driver shall observe a break of at least forty-five minutes, unless he begins a rest period.

2. This break may be replaced by breaks of at least fifteen 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. During these breaks, the driver may not carry out any other work. For the purposes of this article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as „other work”.

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

Article 8 - Maximum continuous driving period

Replace this article with the following text:

**„Article 8 – Rest period**

1. In each period of twenty-four hours, the driver shall have a daily rest period of at least eleven consecutive hours, which may be reduced to a minimum of nine consecutive hours not more than three times in any one week, on condition that an equivalent period of rest be granted as compensation before the end of the following week.

On days when the rest is not reduced in accordance with the first subparagraph, it may be taken in two or three separate periods during the twenty-four hour period, one of which must be of at least eight consecutive hours. In this case the minimum length of the rest shall be increased to twelve hours.

2. During each period of thirty hours when a vehicle is manned by at least two drivers, each driver shall have a rest period of not less than eight consecutive hours.

3. In the course of each week, one of the rest periods referred to in paragraphs 1 and 2 shall be extended by way of weekly rest, to a total of forty-five consecutive hours. This rest period may be reduced to a minimum of thirty-six consecutive hours if taken at the place where the vehicle is normally based or where the driver is based, or to a minimum of twenty-four consecutive hours if taken elsewhere. Each reduction shall be compensated by an equivalent rest taken en bloc before the end of the third week following the week in question.

4. A weekly rest period which begins in one week and continues into the following week may be attached to either of these weeks.

5. In the case of the carriage of passengers to which article 6 (1), fourth subparagraph, applies, the weekly rest period may be postponed until the week following that in respect of which the rest is due and added on to that second week's weekly rest.

6. Any rest taken as compensation for the reduction of the daily and/or weekly rest periods must be attached to another rest of at least eight hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.

7. The daily rest period may be taken in a vehicle, as long as it is fitted with a bunk and is stationary.

8. Notwithstanding the provisions in paragraph 1 above where a driver engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided the following conditions are fulfilled:

that part of the daily rest period spent on land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train,

the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations,

during both portions of the rest period the driver must be able to have access to a bunk or couchette.

The daily rest period, interrupted in this way, shall be increased by two hours."

Article 9 - Weekly rest period

Delete text of this article.

Article 10 - Manning

Delete text of this article.

Article 11 - Exceptional cases

Renumber and amend the text of this article to read:

**„Article 9 - Exceptions**

Provided that road safety is not thereby jeopardized and to enable him to reach a suitable stopping place, the driver may depart from the provisions of this Agreement to the extent necessary to ensure the safety of persons, of the vehicle or of its load. The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet of the control device or in his duty roster."

Article 12 – Individual control book

Delete text of this article.

Article 12 bis - Control device

Renumber and amend the text of this article to read:

**„Article 10 - 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 following requirements:

(a) The control device shall, as regards construction, installation, use and testing, comply with the requirements of this Agreement and the annex thereto, which shall form an integral part of this Agreement.

(b) If the normal and appropriate use of control device installation on a vehicle is not possible, each crew member shall enter by hand using the appropriate graphic representation, the details corresponding to his occupational activities and rest periods on his record sheet

(c) When, by reasons of their being away from the vehicle, the crew members are unable to make use of device, they shall insert by hand, using the appropriate graphic representation, on their record sheet the various times corresponding to their occupational activities while they were away.

(d) The crew members must always have available, and be able to present for inspection record sheets for the current week and for the last day of the previous week on which they drove.

(e) The crew members must ensure that the control device be activated and handled correctly and that, in case of malfunctioning, it be repaired as soon as possible.

2. The employer shall issue a sufficient number of record sheets to drivers, 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 equipment installed in the vehicles

3. Undertakings shall keep in good order the record sheets filled in as provided under (b), (c) and (d) of paragraph 1 of this article, for a period of not less than 12 months after the date of the last entry and shall produce them at the request of the control authorities .

Article 13 - Supervision by the undertaking

Renumber this article as article 11 and insert new paragraph 3 to read:

„3. Payments to wage-earning drivers, even in the form of bonuses or wage supplements, related to distances travelled and/or the amount of goods carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety.”

Article 14 - Measures of enforcement of the Agreement

Renumber and amend this article to read:

**„Article 12 - 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. The competent administrations of the Contracting Parties shall keep one another informed of the general measures adopted for this purpose

2. Contracting Parties shall assist each other in applying this Agreement and in checking compliance therewith.

3. Within the framework of mutual assistance, the competent authorities of the Contracting Parties shall regularly send one another all available information concerning:



breaches of this Agreement committed by non-residents and any penalties imposed for such breaches;

penalties imposed by a Contracting Party on its residents for such breaches committed on the territory of other Contracting Parties.

In case of serious breaches, such information shall include the penalty imposed.

4. If the findings of a roadside check on the driver of a vehicle registered in the territory of another Contracting Party provide grounds to believe that infringements have been committed which cannot be detected during the check due to lack of necessary data, the competent authorities of the Contracting Parties concerned shall assist each other to clarify the situation. In cases where, to this end, the competent Contracting Party carries out a check at the premises of the undertaking, the results of this check shall be communicated to the other Party concerned."

Article 15 - Transitional provisions

Renumber and amend this article to read:

#### **Article 13 - Transitional provisions**

„The provisions of the new article 10 - Control device, shall not become mandatory for countries Contracting Parties to this Agreement until three years after entry into force of these amendments. Before that date the provisions of the old article 12-Individual control book, shall continue to apply.”

Renumber articles 16 to 23 of the final provisions as articles 14 to 21 respectively.

Insert new article 22 as follows:

#### **„Article 22**

1. Appendices 1 and 2 to the annex to this Agreement may be amended by the procedure specified in this article.

2. At the request of a Contracting Party, any amendments proposed to appendices 1 and 2 to the annex to this Agreement shall be considered by the Principal Working Party on Road Transport of the Economic Commission for Europe.

3. If it is adopted by the majority of the members present and voting, and if this majority includes the majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General to the competent administrations of all the Contracting Parties for acceptance.

4. The amendment shall be accepted if, within a period of six months following the date of notification, less than one third of the competent administrations of the Contracting Parties notify the Secretary-General of their objection to the amendment.

5. Any amendment accepted shall be communicated by the Secretary-General to all the Contracting Parties and shall come into force three months after the date of its notification.”

Renumber articles 24 to 26 of the final provisions as articles 23 to 25 respectively.

Delete cross - references to articles or parts of them which have been deleted.

Modify cross - references to articles which have been renumbered accordingly.

Annex - Individual control book

Replace this annex with following text:

**„Annex - Control device**

**GENERAL PROVISIONS**

**I. Type approval**

**Article 1**

Applications for the approval of a type of control device or of a model record sheet or memory 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 memory card may be submitted to more than one Contracting Party.

**Article 2**

A Contracting Party shall grant its type approval to any type of control device, to any model record sheet or memory card which conforms to the requirements laid down in Appendix 1 or 1B to this Annex, provided that the Contracting Party is in a position to check that production models conform to the approved prototype.

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 model shown in Appendix 2, for each type of control device or model record sheet or memory 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 memory 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 type approval as provided for in article 2 finds that a certain control device or record sheet or memory card bearing the type approval mark which it has issued does 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 type approval shall withdraw such approval if the control device or record sheet or memory 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 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 5.

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 device or record sheets or memory card. The same applies in the cases mentioned in

paragraph 1 with respect to control devices or record sheets or memory cards which have been exempted from the initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Annex.

In any event, the competent authorities of the Contracting Parties shall notify one another within one month, of any withdrawal of type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Contracting Party which has granted 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 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 a suitable device 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 control device bears the approval mark referred to in article 3 and the installation plaque referred to in article 9.

#### **Article 8**

All decisions pursuant to this Annex refusing or withdrawing approval of a type of control device or model record sheet or memory 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 Party and of the time limits for the exercise of such remedies.

### **II. INSTALLATION AND INSPECTION**

#### **Article 9**

1. The control device may be installed or repaired only 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 approved fitter or workshop shall place a special mark on the seals which it affixes. The competent authorities of each Contracting Party shall maintain a register of the marks used.

3. The competent authorities of the Contracting Parties shall send each other their lists of approved fitters and workshops and also copies of the mark used.

4. 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 Appendix 1 or 1B shall be used.

### **III. - USE OF EQUIPMENT**

#### **Article 10**

The employer and drivers shall be responsible for seeing that devices functions correctly.

### **Article 11**

1. Drivers shall not use dirty or damaged record sheets. The sheets shall be adequately protected on this account.

In case of damage to a sheet or driver card bearing recordings, drivers shall attach the damaged sheet or driver card to a spare sheet or a temporary sheet used to replace it.

2. Drivers shall use the record sheets or driver card every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or 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 control device fitted to the vehicle, the periods of time indicated in paragraph 3, second indent (b), (c) and (d) below shall be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet.

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) below is recorded on the record sheet of the driver who is actually driving.

3. The control device 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 device shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

4. Whenever requested by an authorized inspecting officer to do so, the driver must be able to produce record sheets for the current week and in any case for the last day of the previous week which he drove.

**Annex - Appendix 1**  
**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 ( $k = \dots \text{ rev/km}$ ), or in impulses per kilometre ( $k = \dots \text{ imp/km}$ );

(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 ( $W = \text{rev/km}$ ) or in impulses per kilometre ( $W = \dots \text{ imp/km}$ );

(e) „effective circumference of wheel tyres” means the average of the distances traveled 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:  $1 = \dots \text{ mm}$ .

**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 simultaneously but distinctly and on two separate sheets details of the periods listed under 3, 4 and 5.

### III. CONSTRUCTION REQUIREMENTS FOR CONTROL DEVICE

#### A. GENERAL POINTS

1. Control device shall include the following:

(a) Visual instruments showing:

distance travelled (distance recorder),  
speed (speedometer),  
time (clock).

(b) Recording instruments comprising:

a recorder of the distance travelled,  
a speed recorder,  
one or more time recorders satisfying the requirements laid down in chapter III C4.

(c) A means of marking showing on the record sheet individually:

each opening of the case containing that sheet,

for electronic control device, as defined in point 7 of chapter II, any interruption exceeding 100 milliseconds in the power supply of the control device (except lighting), not later than at switching-on the power supply again,

for electronic control device, as defined in point 7 of chapter II, any interruption exceeding 100 milliseconds in the power supply of the distance and speed sensor and any interruption in the signal lead to the distance and speed sensor.

2. Any inclusion of the equipment of devices additional to those listed above must not interfere with the proper operation of the mandatory devices or with the reading of them.

The control device must be submitted for approval complete with any such additional devices.

3. Materials

(a) All the constituent parts of the control device must be made of materials with sufficient stability and mechanical strength and stable electrical and magnetic characteristics.

(b) Any modification in a constituent part of the control device or in the nature of the materials used for its manufacture must, before being applied in manufacture, be submitted for approval to the authority which granted type-approval for the control device.

4. Measurement of distance traveled

The distances travelled may be measured and recorded either:

so as to include both forward and reverse movement, or  
so as to include only forward movement.

Any recording of reversing movements must on no account affect the clarity and accuracy of the other recordings.

5. Measurement of speed

(a) The range of speed measurement shall be as stated in the type-approval certificate.

(b) The natural frequency and the damping of the measuring device must be such that the instruments showing and recording the speed can, within the range of measurement, follow acceleration changes of up to 2 m/s<sup>2</sup>, within the limits of accepted tolerances.

6. Measurement of time (clock)

(a) The control of the mechanism for resetting the clock must be located inside a case containing the record sheet; each opening of that case must be automatically recorded on the record sheet.

(b) If the forward movement mechanism of the record sheet is controlled by the clock, the period during which the latter will run correctly after being fully wound must be greater by at least 10% than the recording period corresponding to the maximum sheet-load of the equipment.

#### 7. Lighting and protection

(a) The visual instruments of the control device must be provided with adequate non-dazzling lighting.

(b) For normal conditions of use, all the internal parts of the control device must be protected against damp and dust. In addition they must be made proof against tampering by means of casings capable of being sealed.

### **B. VISUAL INSTRUMENTS**

#### 1. Distance travelled indicator (distance recorder)

(a) The value of the smallest grading on the control device showing distance traveled must be 0.1 kilometres. Figures showing hectometres must be clearly distinguishable from those showing whole kilometres.

(b) The figures on the distance recorder must be clearly legible and must have an apparent height of at least 4 mm.

(c) The distance recorder must be capable of reading up to at least 99,999.9 kilometres.

#### 2. Speed indicators (speedometer)

(a) Within the range of measurement, the speed scale must be uniformly graduated by 1, 2, 5 or 10 kilometres per hour. The value of a speed graduation (space between two successive marks) must not exceed 10% of the maximum speed shown on the scale.

(b) The range indicated beyond that measured need not be marked by figures.

(c) The length of each space on the scale representing a speed difference of 10 kilometres per hour must not be less than 10 millimetres.

(d) On an indicator with a needle, the distance between the needle and the control device face must not exceed 3 millimetres.

#### 3. Time indicator (clock)

The time indicator must be visible from outside control device and give a clear, plain and unambiguous reading.

### **C. RECORDING INSTRUMENTS**

#### 1. General points

(a) All equipment, whatever the form of the record sheet (strip or disc) must be provided with a mark enabling the record sheet to be inserted correctly, in such a way as to ensure that the time shown by the clock and the time-marking on the sheet correspond.

(b) The mechanism moving the record sheet must be such as to ensure that the latter moves without play and can be freely inserted and removed.

(c) For record sheets in disc form, the forward movement device must be controlled by the clock mechanism. In this case, the rotating movement of the sheet must be continuous and uniform, with a minimum speed of 7 millimetres per hour measured at the inner border of the ring marking the edge of the speed recording area.

In equipment of the strip type, where the forward movement device of the sheets is controlled by the clock mechanism the speed of rectilinear forward movement must be at least 10 millimetres per hour.

(d) Recording of the distance travelled, of the speed of the vehicle and of any opening of the case containing the record sheet or sheets must be automatic.

## 2. Recording distance travelled

(a) Every kilometre of distance travelled must be represented on the record by a variation of at least 1 millimetre on the corresponding coordinate.

(b) Even at speeds reaching the upper limit of the range of measurement, the record of distances must still be clearly legible.

## 3. Recording speed

(a) Whatever the form of the record sheet, the speed recording stylus must normally move in a straight line and at right angles to the direction of travel of the record sheet.

However, the movement of the stylus may be curvilinear, provided the following conditions are satisfied:

the trace drawn by the stylus must be perpendicular to the average circumference (in the case of sheets in disc form) or to the axis (in the case of sheets in strip form) of the area reserved for speed recording,

the ratio between the radius of curvature of the trace drawn by the stylus and the width of the area reserved for speed recording must be not less than 2.4 to 1 whatever the form of the record sheet,

the markings on the timescale must cross the recording area in a curve of the same radius as the trace drawn by the stylus. The spaces between the markings on the timescale must represent a period not exceeding one hour.


(b) Each variation in speed of 10 kilometres per hour must be represented on the record by a variation of at least 1.5 millimetres on the corresponding coordinate.

## 4. Recording time

(a) Control device must be so constructed that the period of driving time is always recorded automatically and that it is possible, through the operation where necessary of a switch device to record separately the other periods of time as follows:

(i) under the sign  : driving time;

(ii) under the sign  : all other periods of work;


(iii) 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 drivers while the vehicle is in motion,
- time spent on a bunk while the vehicle is in motion;

(iv) under the sign  : breaks in work and daily rest periods.



Each Contracting Party may permit all the periods referred to in subparagraphs (ii) and (iii)

above to be recorded under the sign  on the record sheets used on vehicles registered in its territory.

(b) It must be possible, from the characteristics of the traces, their relative positions and if necessary the signs laid down in paragraph 4 (a) to distinguish clearly between the various periods of time.

The various periods of time should be differentiated from one another on the record by differences in the thickness of the relevant traces, or by any other system of at least equal effectiveness from the point of view of legibility and ease of interpretation of the record.

(c) In the case of vehicles with a crew consisting of more than one driver, the recordings provided for in paragraph 4 (a) must be made on two separate sheets, each sheet being allocated to one driver. In this case, the forward movement of the separate sheets must be effected either by a single mechanism or by separate synchronized mechanisms.

#### D. CLOSING DEVICE

1. The case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be provided with a lock.
2. Each opening of the case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be automatically recorded on the sheet or sheets.

#### E. MARKINGS

1. The following markings must appear on the instrument face of the control device:

close to the figure shown by the distance recorder, the unit of measurement of distance, indicated by the abbreviation „km”,

near the speed scale, the marking „km/h”,

the measurement range of the speedometer in the form „Vmin ... km/h, Vmax ... km/h”. This marking is not necessary if it is shown on the descriptive plaque of the equipment.

However, these requirements shall not apply to control devices approved before 10 August 1970.

2. The descriptive plaque must be built into the equipment and must show the following markings, which must be visible on the control device when installed:

name and address of the manufacturer of the equipment,

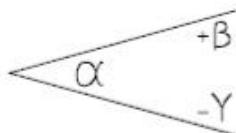
manufacturer's number and year of construction,

approval mark for the control device type,

the constant of the equipment in the form „k = ... rev/km” or „k = ... imp/km”,

optionally, the range of speed measurement, in the form indicated in point 1,

should the sensitivity of the instrument to the angle of inclination be capable of affecting the readings given by the equipment beyond the permitted tolerances, the permissible angle expressed as:



Where  $\alpha$  is the angle measured from the horizontal position of the front face (fitted the right way up) of the equipment for which the instrument is calibrated, while  $\beta$  and  $\gamma$  represent respectively the maximum permissible upward and downward deviations from the angle of calibration  $\alpha$ .

#### **F. MAXIMUM TOLERANCES (VISUAL AND RECORDING INSTRUMENTS)**

1. On the test bench before installation:

(a) distance travelled:

1% more or less than the real distance, where the distance is at least 1 kilometre;

(b) speed:

3 km/h more or less than the real speed;

(c) time:

$\pm$  two minutes per day with a maximum of 10 minutes per 7 days in cases where the running period of the clock after rewinding is not less than that period.

2. On installation:

(a) distance travelled:

2% more or less than the real distance, where that distance is at least 1 kilometre;

(b) speed:

4 km/h more or less than real speed;

(c) time:

$\pm$  two minutes per day, or

$\pm$  10 minutes per seven days.

3. In use:

(a) distance travelled:

4% more or less than the real distance, where that distance is at least 1 kilometre;

(b) speed:

6 km/h more or less than the real speed;

(c) time:

$\pm$  two minutes per day, or

$\pm$  10 minutes per seven days

4. The maximum tolerances set out in paragraphs 1, 2 and 3 are valid for temperatures between 0 and 40 C, temperatures being taken in close proximity to the equipment.

5. Measurement of the maximum tolerances set out in paragraphs 2 and 3 shall take place under the conditions laid down in Chapter VI.

#### **IV. RECORD SHEETS**

##### **A. GENERAL POINTS**

The record sheets must be such that they do not impede the normal functioning of the instrument and that the records which they contain are indelible and easily legible and identifiable.

The record sheets must retain their dimensions and any records made on them under normal conditions of humidity and temperature.

In addition it must be possible by each crew member to enter on the sheets, without damaging them and without affecting the legibility of the recordings, the following information:

- (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 each vehicle to which he is assigned, both 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) the time of any change of vehicle.

Under normal conditions of storage, the recordings must remain clearly legible for at least one year.

2. The minimum recording capacity of the sheets, whatever their form, must be 24 hours.

If several discs are linked together to increase the continuous recording capacity which can be achieved without intervention by staff, the links between the various discs must be made in such a way that there are no breaks in or overlapping of recordings at the point of transfer from one disc to another.

## **B. RECORDING AREAS AND THEIR GRADUATION**

1. The record sheets shall include the following recording areas:

- an area exclusively reserved for data relating to speed,
  - an area exclusively reserved for data relating to distance travelled,
  - one or more areas for data relating to driving time, to other periods of work and availability to breaks from work and to rest periods for drivers.
2. The area for recording speed must be scaled off in divisions of 20 kilometres per hour or less. The speed corresponding to each marking on the scale must be shown in figures against that marking. The symbol „km/h” must be shown at least once within the area. The last marking on the scale must coincide with the upper limit of the range of measurement.
3. The area for recording distance travelled must be set out in such a way that the number of kilometres travelled may be read without difficulty.
4. The area or areas reserved for recording the periods referred to in point 1 must be so marked that it is possible to distinguish clearly between the various periods of time.

## **C. INFORMATION TO BE PRINTED ON THE RECORD SHEETS**

Each sheet must bear, in printed form, the following information:

- name and address or trade name of the manufacturer,
- approval mark for the model of the sheet,
- approval mark for the type or types of control devices in which the sheet may be used,
- upper limit of the speed measurement range, printed in kilometres per hour.

By way of minimal additional requirements, each sheet must bear, in printed form a timescale graduated in such a way that the time may be read directly at intervals of 15 minutes while each 5-minute interval may be determined without difficulty.

#### **D. FREE SPACE FOR HANDWRITTEN INSERTIONS**

A free space must be provided on the sheets such that drivers may as a minimum write in the following details:

surname and first name of the driver,

date and place where use of the sheet begins and date and place where such use ends,

the registration number or numbers of the vehicle or vehicles to which the driver is assigned during the use of the sheet,

odometer readings from the vehicle or vehicles to which the driver is assigned during the use of the sheet,

the time at which any change of vehicle takes place.

#### **V. INSTALLATION OF CONTROL DEVICE**

##### **A. GENERAL POINTS**

1. The control device must be positioned in the vehicle in such a way that the driver has a clear view from his seat of speedometer, distance recorder and clock while at the same time all parts of those instruments, including driving parts, are protected against accidental damage.

2. It must be possible to adapt the constant of the control device to the characteristic coefficient of the vehicle by means of a suitable device, to be known as an adaptor.

Vehicles with two or more rear axle ratios must be fitted with a switch device whereby these various ratios may be automatically brought into line with the ratio for which the control device has been adapted to the vehicle.

3. After the control device has been checked on installation, an installation plaque shall be affixed to the vehicle beside the device or in the device itself and in such a way as to be clearly visible. After every inspection by an approved fitter or workshop requiring a change in the setting of the installation itself, a new plaque must be affixed in place of the previous one.

The plaque must show at least the following details:

name, address or trade name of the approved fitter or workshop,

characteristic coefficient of the vehicle, in the form „w = ... rev/km” or „w = ... imp/km”,

effective circumference of the wheel tyres in the form „1 = ... mm”,

the dates on which the characteristic coefficient of the vehicle was determined and

the effective measured circumference of the wheel tyres.

##### **B. SEALING**

The following parts must be sealed:

(a) the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed;

(b) the two ends of the link between the control device proper and the vehicle;

(c) the adaptor itself and the point of its insertion into the circuit;

(d) the switch mechanism for vehicles with two or more axle ratios;

(e) the links joining the adaptor and the switch mechanism to the rest of the control device;

(f) the casings required under Chapter III A 7 (b).

In particular cases, further seals may be required on approval of the control device type and a note of the positioning of these seals must be made on the approval certificate.

Only the seals mentioned in (b), (c) and (e) may be removed in cases of emergency; for each occasion that these seals are broken a written statement giving the reasons for such action must be prepared and made available to the competent authority.

## **VI. CHECKS AND INSPECTIONS**

The Contracting Party shall nominate the bodies which shall carry out the checks and inspections.

### **1. Certification of new or repaired instruments**

Every individual device, whether new or repaired, shall be certified in respect of its correct operation and the accuracy of its readings and recordings, within the limits laid down in Chapter III F 1, by means of sealing in accordance with Chapter V B (f).

For this purpose, the Contracting Party may stipulate an initial verification, consisting of a check on and confirmation of the conformity of a new or repaired device with the type-approved model and/or with the requirements of this annex and its appendices or may delegate the power to certify to the manufacturers or to their authorized agents.

### **2. Installation**

When being fitted to a vehicle, the control device and the whole installation must comply with the provisions relating to maximum tolerances laid down in Chapter III F 2.

The inspection tests shall be carried out by the approved fitter or workshop on his or its responsibility.

### **3. Periodic inspections**

(a) Periodic inspections of the control device fitted to vehicles shall take place at least every two years and may be carried out in conjunction with roadworthiness tests of vehicles.

These inspections shall include the following checks:

- that the control device is working correctly,
- that the control device carries the type-approval mark,
- that the installation plaque is affixed,
- that the seals on the control device on the other parts of the installation are intact,
- the actual circumference of the tyres.

(b) An inspection to ensure compliance with the provision of Chapter III F 3 on the maximum tolerances in use shall be carried out at least once every six years, although each Contracting Party may stipulate a shorter interval for such inspection in respect of vehicles registered in its territory. Such inspections must include replacement of the installation plaque.

### **4. Measurement of errors**

The measurement of errors on installation and during use shall be carried out under the following conditions, which are to be regarded as constituting standard test conditions:

vehicle unladen, in normal running order,

tyre pressures in accordance with the manufacturer's instructions,

tyre wear within the limits allowed by law,

movement of the vehicle: the vehicle must proceed, driven by its own engine, in a straight line and on a level surface, at a speed of  $50 \pm 5$  km/h; provided that it is of comparable accuracy, the test may also be carried out on an appropriate test bench.

**Annex - Appendix 2**  
**APPROVAL MARK AND CERTIFICATES**  
**I. APPROVAL MARK**

1. The approval mark shall be made up of:

A rectangle, within which shall be placed the letter „e” followed by a distinguishing number for the country which has issued the approval in accordance with the following conventional signs:

Norway-1

Spain-2

Sweden-3

Portugal-4

Greece-5

Yugoslavia-6

Austria-7

Germany-8

Czech and Slovak Federal Republic-9

Belgium-10

Denmark-11

Luxembourg-12

Netherlands-13

United Kingdom-14

France-15

Italy-16

Ireland-17

Union of Soviet Socialist Republics-18

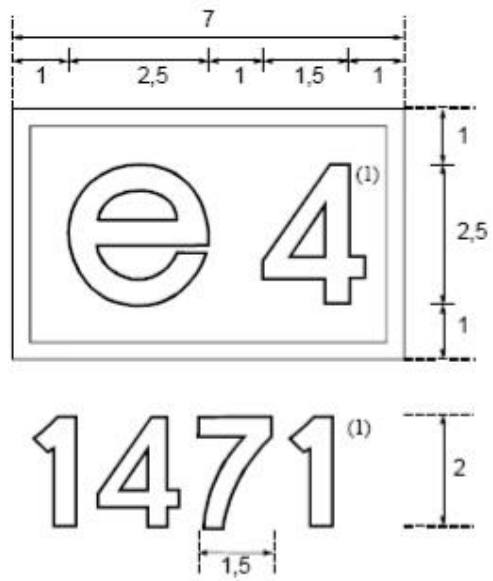
Subsequent numbers shall be assigned to other countries in chronological order in which they ratify or accede to the Agreement

and

An approval number corresponding to the number of the approval certificate drawn up for the prototype of the control device or the record sheet, placed at any point within the immediate proximity of this rectangle.

2. The approval mark shall be shown on the descriptive plaque of each set of control device and on each record sheet. It must be indelible and must always remain clearly legible.

3. The dimensions of the approval mark drawn below are expressed in millimetres, these dimensions being minima. The ratios between the dimensions must be maintained.



(1) These figures are shown for guidance only.



**II. APPROVAL CERTIFICATE**

A Contracting Party having granted approval shall issue the applicant with an approval certificate, the model for which is given below. When informing other Contracting Parties of approvals issued or, if the occasion should arise, withdrawn, a Contracting Party shall use copies of that certificate.

---

**APPROVAL CERTIFICATE**

---

Name of competent administration

.....  
.....

Notification concerning:\*

- approval of a type of control device
- withdrawal of approval of a type of control device
- approval of a model record sheet
- withdrawal of approval of a record sheet

.....

Approval No. ....

- 1. Trade mark or name .....
- 2. Name of type of model .....
- 3. Name of manufacturer .....
- 4. Address of manufacturer .....
- .....
- 5. Submitted for approval on .....
- 6. Tested at .....
- 7. Date and number of test report .....
- 8. Date of approval .....
- 9. Date of withdrawal of approval .....
- 10. Type or types of control device in which sheet is designed to be used
- .....
- .....
- 11. Place .....
- 12. Date .....
- 13. Descriptive documents annexed .....
- .....
- 14. Remarks

-----  
(Signature)

\* Delete items not applicable

### **AMENDEMENT 3**

#### **Article 10**

#### **„Control Devices”**

At the end of paragraph, subparagraph (a) of this article add the following sentence:

„A control device which as regards construction, installation, use and testing complies with the EEC Council Regulation No. 3821. 85 of 20 December 1985 shall be deemed to be in compliance with the requirements of this article.”

#### **Article 13**

#### **„Transitional provisions”**

Amend to read:

„The provisions of the new article 10 – Control device, shall not become mandatory for countries Contracting Parties to this Agreement until 24 April 1995. Before that date the provisions of the old article 12 – Individual control book, and the old article 12 bis – control device, shall continue to apply.”

Annex – Appendix 2, chapter I, paragraph 1

Amend to read:

„1. The approval mark shall be made up of:

A rectangle, within which shall be placed the letter „e” followed by a distinguishing number for the country which has issued the approval in accordance with the following conventional signs:

Germany - 1	Austria -12
France – 2	Luxembourg - 13
Italy – 3	Norway -16
Netherlands – 4	Denmark - 18
Sweedeen – 5	Poland - 20
Belgium – 6	Portugal - 21
Czech Republic – 8	Russian Federation - 22
Spain – 9	Greece - 23
Yugoslavia – 10	Ireland - 24
United Kingdom – 11	Croatia - 25

Subsequent numbers shall be assigned:

- (i) To countries Contracting Parties to the 1958 Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts the same numbers as assigned to those countries by that Agreement;
- (ii) To countries non – Contracting Parties to the 1958 Agreement – in the chronological order in which they ratify or accede to this Agreement

and

An approval number corresponding to the number of the approval certificate drawn up for the prototype of the control device or the record sheet, placed at any point within the immediate proximity of this rectangle.

Note: In order to ensure in the future conformity between conventional signs in the 1958 Agreement and those set up in the AETR Agreement new Contracting Parties should be allocated the same number in both Agreements.”

Annex – Appendix 2, chapter I, paragraph 3

On the drawing at the end of paragraph 3 replace the letter „E” by „e”.

## **AMENDEMENT 4**

### **„Article 12**

#### **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:

- 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;
- At least 15% of the total number of working days checked shall be checked on the roadside and at least 25% on the premises of undertakings;

(b) The elements of roadside checks shall include:

- Daily driving periods, interruptions and daily rest periods and, if there are evident irregularities, the record sheets of the preceding days which shall be on board the vehicle;
- The last weekly rest period, if appropriate;
- The correct functioning of the control device.

These checks shall be carried out without discrimination of vehicles and drivers, whether resident or not.

(c) The elements of checks on the premises of undertakings shall include, apart from the elements subject to roadside checks, in addition to compliance with Article 10, paragraph 3:

- Weekly rest periods and driving periods between these rest periods;
- Two-weekly limits on hours of driving;
- Compensation for daily and weekly rest periods reduced in accordance with Article 8, paragraphs 1 and 3;
- Use of recording sheets and/or the organization of drivers' working time.

2. Within the framework of mutual assistance, the competent authorities of the Contracting Parties shall regularly send one another all available information concerning:

- Breaches of this Agreement committed by non-residents and any penalties imposed for such breaches;
- Penalties imposed by a Contracting Party on its residents for such breaches committed on the territory of other Contracting Parties.

In case of serious breaches, such information shall include the penalty imposed.

3. If the findings of a roadside check on the driver of a vehicle registered in the territory of another Contracting Party provide grounds to believe that infringements have been committed which cannot be detected during the check due to lack of necessary data, the competent authorities of the Contracting Parties concerned shall assist each other to clarify the situation. In cases where, to this end, the competent Contracting Party carries out a check at the premises of the undertaking, the results of this check shall be communicated to the other Party concerned.

4. Contracting Parties shall work in cooperation with each other in the organization of concerted roadside checks.

5. The United Nations Economic Commission for Europe shall issue a report every two years on the application by Contracting Parties of paragraph 1 of the present article.”

## **AMENDEMENT 5**

Replace article 10 by the following provisions:

### **„Article 10 - 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.”

Replace article 13 of the AETR by the following provisions:

### **„Article 13 - Transitional provisions**

1. All the new provisions of the present Agreement, including its Annex and Appendices 1B and 2, relating to the introduction of a digital control device, shall become mandatory for countries which are Contracting Parties to this Agreement at latest four years after the date of entry into force of the relevant amendments resulting from the procedure specified in article 21. In consequence, all vehicles covered by this Agreement, put into service for the first time after the expiry of this period, shall be equipped with a control device conforming to these new requirements. During this four-year period, Contracting Parties, which have not yet implemented these amendments in their countries, shall accept and control on their territory vehicles registered in another Contracting Party to this Agreement, which are already equipped with such a digital control device.
2. (a) The Contracting Parties shall take the necessary steps to be able to issue the driver cards referred to in the Annex to the present Agreement, as amended, at latest three months before the expiry of the four-year deadline referred to in paragraph 1. This minimum period of three months shall also be complied with in the event of the implementation by a Contracting Party of the provisions relating to the digital control device in conformity with Appendix 1B to this Annex before the expiry of the four-year deadline. Such Contracting Parties shall keep the secretariat of the Working Party on Road Transport of the Economic Commission for Europe informed of progress in the introduction of the digital control device in conformity with Appendix 1B to this Annex within its territory.  
  
(b) Pending the issue by Contracting Parties of the cards referred to in (a), the provisions of article 14 of the Annex to this Agreement shall apply to drivers who may be required to drive vehicles fitted with a digital control device in accordance with Appendix 1B to this Annex.”
3. Any instrument of ratification or accession deposited by a State after the entry into force of the amendments referred to in paragraph 1 shall be deemed to apply to the Agreement as amended, including the deadline for implementation specified in paragraph 1.

If accession takes place less than two years before the expiry of the deadline referred to in paragraph 1, the State shall inform the depositary of the date on which the digital control device will be brought into effective use in its territory when it deposits its instrument of ratification or accession. Such State may make use of a transitional period not exceeding two years from the date of entry into force of the Agreement for the State. The depositary shall so inform all Contracting Parties.

The provisions of the preceding paragraph shall also apply in the event of the accession of a State after the expiry of the four-year deadline for implementation referred to in paragraph 1.”

Add a new paragraph 5 bis to article 21 of the AETR to read:

„5 bis. In the case of a country which becomes a Contracting Party to this Agreement between the moment of notification of a draft amendment and the moment when it is considered accepted, the secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall notify the new State Party of the draft amendment as soon as possible. The latter may inform the Secretary-General of any objection before the end of the six-month period from the date of transmission of the original amendment to all Contracting Parties.”

Add a new paragraph 4 bis to article 22 of the AETR to read:

„4 bis. In the case of a country which becomes a Party to this Agreement between the moment of notification of a draft amendment and the moment when it is considered accepted, the secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall notify the new State Party of the draft amendment as soon as possible. The latter may inform the Secretary-General of any objection before the end of the six-month period from the date of transmission of the original amendment to all Contracting Parties.”

Insert a new article 22 bis to the Agreement to read:

„Article 22 bis - Procedure for the amendment of Appendix 1B

1. Appendix 1B of the Annex to the present Agreement shall be amended according to the procedure defined in the present article.

2. Any amendment proposal to the introductory articles of Appendix 1B shall be adopted by the Working Party on Road Transport of the Economic Commission for Europe by a majority of the Contracting Parties present and voting. Any amendment thus adopted will be transmitted by the secretariat of the Working Party to the Secretary-General for notification to all Contracting Parties. It shall enter into force three months after the date of notification to Contracting Parties.

3. Appendix 1B, adapted for the present Agreement from Annex IB 1 of Regulation (EEC) 3821/85 as cited in article 10 of the present Agreement, depending directly on evolutions introduced into this Annex by the European Union, any amendment made to this Annex shall be applicable to Appendix 1B under the following conditions:

– the secretariat of the Working Party on Road Transport of the Economic Commission for Europe will officially inform the competent authorities of all Contracting Parties of the publication in the Official Journal of the European Communities of the amendments introduced to Annex IB of the Community Regulation and at the same time will communicate this information to the Secretary-General accompanied by a copy of the relevant texts.

– these amendments shall enter directly into force for Appendix 1B three months

after the date of communication to Contracting Parties of the information. 4. When a proposal to amend the Annex to the present Agreement also implies an amendment to Appendix 1B, the amendments concerning the Appendix may not enter into force before those concerning the Annex. When, in this framework, amendments to Appendix 1B are presented at the same time as amendments to the Annex, their date of entry into force shall be determined by the date resulting from application of the procedures outlined in article 21.”

## **Part two**

### **Amendments to the Annex to the AETR**

Replace the Annex to the AETR by the following:

#### **„ANNEX**

#### **Control device**

#### **GENERAL PROVISIONS**

#### **Chapter I: Type approval**

#### **Article 1**

For the purposes of this Chapter, the words „control device” shall mean „control device or its components”.

Applications for the approval of a type of control device or of a model record sheet or memory 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 memory card may be submitted to more than one Contracting Party.

#### **Article 2**

A Contracting Party shall grant its type approval to any type of control device, to any model record sheet or memory card which conforms to the requirements laid down in Appendix 1 or 1B to this Annex, provided that the Contracting Party is in a position to check that production models conform to the approved prototype.

The control device referred to in Appendix 1B may not be granted type approval until the whole system (the control device itself, driver card and electrical gearbox connections) has demonstrated its capacity to resist attempts to tamper with or alter the data on driving times. The tests necessary to establish this shall be carried out by experts familiar with up-to-date 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 model shown in Appendix 2, for each type of control device or model record sheet or memory 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 memory 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 type approval as provided for in article 2 finds that a certain control device or record sheet or memory card bearing the type approval mark which it has issued does 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 type approval shall withdraw such approval if the control device or record sheet or memory 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 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 5.

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 device or record sheets or memory card. The same applies in the cases mentioned in paragraph 1 with respect to control devices or record sheets or memory cards which have been exempted from the initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Annex.

In any event, the competent authorities of the Contracting Parties shall notify one another within one month, of any withdrawal of type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Contracting Party which has granted 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 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 a suitable device 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 control device bears the approval mark referred to in article 3 and the installation plaque referred to in article 9.

#### **Article 8**

All decisions pursuant to this Annex refusing or withdrawing approval of a type of control device or model record sheet or memory 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 Party 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 only 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.

The period of administrative validity of approved workshop and fitter cards shall not exceed one year.

If a card issued to an approved workshop or fitter is to be extended, is damaged, malfunctions, is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect.

Where a new card is issued to replace an old one, the new card shall bear the same "workshop" information number, but the index shall be increased by one. The authority issuing the card shall maintain a register of lost, stolen or defective cards.

Contracting Parties shall take any measure necessary to prevent the cards distributed to approved fitters and workshops from being falsified.

2. The approved fitter or workshop shall place a special mark on the seals which it affixes and, in addition, shall enter for a control device in conformity with Appendix 1B, the electronic security data for carrying out, in particular, the authentication checks. The competent authorities of each Contracting Party shall maintain a register of the marks and electronic security data used and of approved workshop and fitter cards issued.

3. The competent authorities of the Contracting Parties shall send each other their lists of approved fitters and workshops and the cards issued to them and also copies of the marks and of the necessary information relating to the electronic security data used.

4. 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 Appendix 1 or 1B shall be used.

5. 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 Appendix 1 or 1B of this Annex.

### **CHAPTER III - USE OF EQUIPMENT**

#### **Article 10**

The employer and drivers shall ensure the correct functioning and proper use of, on the one hand, the control device and, on the other, the driver card where a driver is required to drive a vehicle fitted with a control device in conformity with Appendix 1B.

#### **Article 11**

1. The employer shall issue a sufficient number of record sheets to drivers of vehicles fitted with the control device in conformity with 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 control device installed in the vehicle.

Where the vehicle is fitted with a control device in conformity with Appendix 1B, the employer and the driver shall ensure that, taking into account the length of the period of service, the printing on request referred to in Appendix 1B can be carried out correctly in the event of an inspection.

2. The undertaking shall keep the record sheets in good order for at least a year after their use and shall give copies to the drivers concerned who request them. The sheets shall be produced or handed over at the request of any authorized inspecting officer.

3. The driver card as defined in Appendix 1B shall be issued, at the request of the driver, by the competent authority of the Contracting Party where the driver has his normal residence.

A Contracting Party may require any driver subject to the provisions of the Agreement and normally resident on its territory to hold a driver card.

(a) For the purposes of this Agreement 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and

occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Contracting Parties shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Contracting Party in order to carry out a fixed-term assignment.

(b) Drivers shall give proof of their place of normal residence 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 a statement as to normal residence made in accordance with point (b), or for the purpose of certain specific controls, they may request any additional information or evidence.

(d) The competent authority of the issuing Contracting Party shall, as far as this can be done, ensure 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 period of administrative validity of the driver card shall not exceed five years.

The driver may hold one valid driver card only. The driver is authorized to use only his own personalized driver card. The driver shall not use a driver card which is defective or which has expired.

When a driver card is issued replacing an old one, the new card shall bear the same driver card issue number but the index shall be increased by one. The issuing authority shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.

If the driver card 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.

In the event of a request for the renewal of a card whose expiry date is approaching, the authority shall supply a new card before the expiry date provided that the request was sent to it within the time limits laid down in the fourth subparagraph of article 12 (1).

(b) Driver cards shall be issued only to applicants who are subject to the provisions of the Agreement.

(c) The driver card shall be personal. It may not, during its official period of validity, be withdrawn or suspended for whatever reason unless the competent authority of a Contracting Party finds that the card has been falsified, or the driver is using a card of which he is not the holder, or that the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Contracting Party other than the Contracting Party of issue, the former shall return the card to the authorities of the Contracting Party which issued it and shall indicate the reasons for returning it.

(d) Driver cards issued by Contracting Parties shall be mutually recognized.

Where the holder of a valid driver card issued by a Contracting Party has established his normal place of residence in another Contracting Party, he may ask for his card to be exchanged for an equivalent driver card; it shall be the responsibility of the Contracting Party

which carries out the exchange to verify if necessary whether the card produced is actually still valid.

Contracting Parties carrying out an exchange shall return the old card to the authorities of the Contracting Party of issue and indicate the reasons for so doing.

(e) Where a Contracting Party replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or renewal, shall be registered in that Contracting Party.

(f) Contracting Parties shall take all the necessary measures to prevent any possibility of driver cards being falsified.

5. Contracting Parties shall ensure that data needed to monitor compliance with the present Agreement which are recorded and stored by the control device in conformity with Appendix 1B to this Annex can be stored for 365 days after the date of their recording and that they can be made available under conditions that guarantee the security and accuracy of the data.

Contracting Parties shall take any measures necessary to ensure that the resale or decommissioning of a control device cannot detract, in particular, from the satisfactory application of this paragraph.

## **Article 12**

1. Drivers shall not use dirty or damaged record sheets or driver card. The sheets or driver card shall be adequately protected on this account.

In case of damage to a sheet or driver card bearing recordings, drivers shall attach the damaged sheet or driver card to a spare sheet or a temporary sheet used to replace it.

If the driver card is damaged, malfunctions or is lost or stolen, the driver shall apply within seven calendar days for its replacement to the competent authorities of the Contracting Party in which he has his normal residence.

Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Contracting Party in which he has his normal residence not later than 15 working days before the expiry date of the card.

2. Drivers shall use the record sheets or driver card every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or 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 control device fitted to the vehicle, the periods of time indicated in paragraph 3, second indent (b), (c) and (d) below shall be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet.

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) below is recorded on the record sheet of the driver who is actually driving.

3. Drivers shall:



- ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle,

- operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

- (a) under the sign  or <sup>1</sup> driving time;
- (b) under the sign  or <sup>1</sup> all other periods of work;
- (c) under the sign  or <sup>1</sup> 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;

.

1 Symbols used for the digital tachograph.

- (d) under the sign  or <sup>1</sup> 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) to be recorded under the sign on the record sheets used on vehicles registered in its territory.

5. Each crew member concerned shall enter the following information on his 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 each vehicle to which he is assigned, both 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 assigned);
- (e) if relevant, the time of any change of vehicle.

5. bis. The driver shall enter in the control device in conformity with Appendix 1B the symbols of the countries in which he begins and ends his daily work period.

The above data entries shall be activated by the driver, and may be entirely manual or automatic if 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 device shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

7. (a) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1, he must be able to produce, whenever an inspecting officer so requests:

- the record sheets for the current week and, in any event, the sheet for the last day on which he drove during the previous week,

- the driver card if he holds one, and
- print-outs from the control device defined in Appendix 1B relating to the periods of time indicated in paragraph 3, second indent, (a), (b), (c) and (d) if he drove a vehicle fitted with such a control device during the period referred to in the first indent of this paragraph.

(b) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1B, he must be able to produce, whenever an inspecting officer so requests:

- the driver card of which he is the holder and,
- the record sheets corresponding to the same period as the one referred to in the first indent of subparagraph (a) during which he drove a vehicle fitted with a control device in conformity with Appendix 1.

(c) An authorized inspecting officer may check compliance with the Agreement by analysis of the record sheets, of the displayed or printed data which have been recorded by the control device or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in article 13 (2) and (3).

8. It shall be forbidden to falsify, suppress or destroy data recorded on the record sheet, stored in the control device or on the driver card, or print-outs from the control device as defined in Appendix 1B. The same applies to any manipulation of the control device, record sheet or driver card which may result in data and/or printed information being falsified, suppressed or destroyed. No device which could be used to carry out the manipulations mentioned shall be present on the vehicle.

### **Article 13**

1. In the event of breakdown or faulty operation of the control device, 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 a period of one week calculated from the day of the break-down or of the discovery of defective operation, the repair shall be carried out en route.

Measures taken by the Contracting Parties may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been put right as provided in the foregoing subparagraphs.

2. While the device is unserviceable or malfunctioning, drivers shall mark on the record sheet or sheets, or on a temporary sheet to be attached to the record sheet or to the driver card, on which he shall enter data enabling him to be identified (name and number of his driving licence or name and number of his driver card), including his signature, all information for the various periods of time which are no longer recorded or printed out correctly by the control device.

If a driver card is damaged, malfunctions or is lost or stolen, the driver shall, at the end of his journey, print out the information relating to the periods of time recorded by the control device and mark on that document the details that enable him to be identified (name and number of his driving licence or name and number of his driver card), including his signature.

3. If a driver card is damaged or if it 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 State where the theft occurred.

Loss of the driver card must be reported in a formal declaration to the competent authorities of the Contracting Party that issued it and to the competent authorities of the Contracting Party of normal residence where they are different.

The driver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to its premises, provided he can prove the impossibility of producing or using the card during this period.

Where the authorities of the Contracting Party in which the driver has his normal residence are different from those which issued his card and where the latter 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 its renewal, replacement or exchange.

#### **Article 14**

1. Pursuant to article 13, paragraph 2 (b) of the Agreement, drivers who are driving a vehicle registered in a Contracting Party and to whom the competent authorities have not yet been able to issue the driver cards and who, during the transitional period referred to in paragraph 1 of this article, drive in international traffic with a vehicle fitted with a digital control device in accordance with Appendix 1B to the Annex, must be able to produce, whenever an inspecting officer so requests, the printouts and/or the record sheets for the current week and, in any event, the printout and/or record sheet for the last day on which he drove during the previous week.

2. Paragraph 1 does not apply to drivers of vehicles registered in a country where it is obligatory to use a driver card. However, drivers shall produce printouts whenever an inspecting officer so requests.

3. The printouts referred to in paragraph 1 shall be marked with the details that enable the drivers to be identified (name and number of the driving licence), including their signature.”

### Part three

#### Amendments concerning the Appendices to the Annex to the AETR

After Appendix 1 to the Annex, include a new Appendix 1B, to read:

#### “APPENDIX 1B

#### 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. 32/2004 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:

Terms used in Annex IB		Terms used in the AETR
Member States	<b>Replaced by</b>	Contracting Parties
MS		CP
Annex (IB)		Appendix (1B)
Appendix		Sub-appendix
Regulation		Agreement or AETR
Community		UNECE
Recording equipment (English version only)		Control device (English version only)

2.2 References made to legal texts in the left column below shall be replaced by those in the right column:



Legal texts of the European Community		Legal texts of the United Nations Economic Commission for Europe
Council Regulation (EEC) No. 3821/85	Replaced by	AETR
Council Directive No. 92/23/EEC		ECE Regulation 54
Commission Directive No. 95/54/EC adapting to technical progress Council Directive 72/245/EEC		ECE Regulation 10

2.3 A list of texts or provisions for which an ECE equivalent does not exist or for which more information is necessary appears below. These texts or information are only quoted for reference.

2.3.1 The limit for setting the speed limitation device, as defined in I (Definitions), bb) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 92/6/EEC of 10 February 1992 (OJ, No. L57, 02/03/1992).

2.3.2 The measurement of distances, as defined in I (Definitions), u) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 97/27/EC of 22 July 1997, as last amended (OJ, No. L 233, 25/08/1997).

2.3.3 Vehicle identification, as defined in I (Definitions), nn) of Annex IB/Appendix 1B conforms to the provisions of Council Directive No. 76/114/EEC of 18 December 1975 (OJ, No. L 24, 30/01/1976).

2.3.4 The provisions on security shall conform with the provisions laid out in Council Recommendation No. 95/144/EC of 7 April 1995, on common information technology security evaluation criteria (ITSEC) (OJ, No. L 93, 26/04/1995).

2.3.5 The protection of individuals with regard to the processing of personal data and the free movement of such data conform to the provisions of Council Directive No. 95/46/EC of 24 October 1995, as last amended (OJ, No. L 281, 23/11/1995).

2.4 Other provisions to be changed or deleted:

2.4.1 The content of requirement 172 is deleted and replaced by 'Reserved'.

2.4.2 Requirement 174 is changed as follows:

'the distinguishing sign of the Contracting Party issuing the card. The distinguishing signs of non EU Contracting Parties are those drawn up in accordance with the 1968 Vienna Convention on Road Traffic or the 1949 Geneva Convention on Road Traffic'.

2.4.3 The reference to the EU flag with the letters 'MS' meaning 'Member State' in requirement 178 is replaced by the letters 'CP' meaning 'Contracting Party', the flag of the non EU Contracting Party being optional.

2.4.4 Requirement 181 is changed as follows:

'After consulting the UN/ECE secretariat, Contracting Parties may add colours or markings, such as security features, without prejudice to the other provisions of this Appendix'.

2.4.5 Requirement 278 is changed as follows:

'Interoperability tests are carried out by a single competent body'.

2.4.6 Requirements 291 to 295 are deleted and replaced by 'Reserved'.

2.4.7 In Appendix 9/Sub-appendix 9 of the AETR (Type approval - List of minimum required tests), 1, 1-1, the introductory sentence is modified as follows:

'The type approval procedure for the recording equipment (or component) or tachograph card is based on:' "

The title of Appendix 2 is modified as follows:

**„APPROVAL MARK AND CERTIFICATES”**

The list of countries in paragraph 1 of Chapter I of Appendix 2 „Approval mark” is completed and modified as following:

”Hungary 7

Switzerland 14

Finland 17

Liechtenstein 33

Bulgaria 34

Kazakhstan 35

Lithuania 36

Turkey 37

Turkmenistan 38

Azerbaijan 39

The former Yugoslav

Republic of Macedonia 40

Andorra 41

Uzbekistan 44

Cyprus 49

Malta 50

'Yugoslavia 10' is replaced by

'Serbia and Montenegro 10' ”

The title of Chapter II „APPROVAL CERTIFICATE” of Appendix 2 is modified as follows:

**„II. APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH  
APPENDIX 1”**

The following new section III is added to Appendix 2:

„III. APPROVAL CERTIFICATE FOR PRODUCTS IN ACCORDANCE WITH  
APPENDIX 1B

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 1B.

---

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” ”

## **AMENDEMENT 6**

### **Part One**

#### **Amendments to the body of the AETR**

*(according to the procedure defined in Article 21, paragraphs 1 to 6)*

#### **Article 1 (Definitions)**

*Amend the definitions below, from article 1 of the AETR, to read as follows:*

„(f) ‘Permissible maximum mass’ means the maximum mass of the laden vehicle declared permissible by the competent authority of the State in which the vehicle is registered;”

„(g) ‘Carriage by road’ means any journey made entirely or in part on roads open to the public of a vehicle, whether laden or not, used for the carriage of passengers or goods;”

„(j) ‘Driver’ means any person, whether wage-earning or not, who drives the vehicle even for a short period, or who is carried on a vehicle as part of his duties in order to be available for driving if necessary;”

„(m) ‘Rest’ means any uninterrupted period during which the driver may freely dispose of his time;”.

*Add the following new definitions to article 1 of the AETR:*

„(n) ‘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’:

– ‘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;

– ‘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’:

– ‘Regular weekly rest period’ means any period of rest of at least 45 hours;

– ‘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;

(r) ‘Driving time’ means the duration of driving activity recorded automatically or semi-automatically or manually in the conditions defined in this Agreement;

(s) 'Daily driving time' means the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period or between a daily rest period and a weekly rest period;

(t) 'Weekly driving time' means the total accumulated driving time during a week;

(u) 'Driving period' means the accumulated driving time from when a driver commences driving following a rest period or a break until he takes a rest period or a break. The driving period may be continuous or broken;

(v) 'Multi-manning' means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional, but for the remainder of the period it is compulsory;

(w) 'Transport undertaking' means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road, whether for hire or reward or for own account."

## **Article 2 (Scope)**

*Amend article 2 of the AETR to read as follows:*

„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 non-commercial carriage of goods;

(k) Commercial vehicles which have a historical status according to the legislation of the Contracting Party in which they are being driven and which are used for the non-commercial carriage of passengers or goods.”

### **Article 3**

#### **(Application of some provisions of the Agreement to road transport performed by vehicles registered in the territories of non-Contracting States)**

*Amend article 3, paragraph 2, of the AETR to read as follows:*

„2. (a) However, it shall be open to any Contracting Party, in the case of a vehicle registered in a State which is not a Contracting Party to this Agreement, merely to require, in lieu of a control device conforming to the specifications in the Annex to this Agreement, daily record sheets completed manually by each crew member for the period of time from the moment of entry into the territory of the first Contracting Party.

(b) For this purpose, each crew member shall write on his record sheet the information concerning his professional activities and rest periods, using the appropriate graphic symbols as defined in article 12 of the Annex to this Agreement.”

### **Article 6 (Driving periods)**

*Amend article 6 of the AETR to read as follows:*

„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.

5. A driver shall record as other work any time spent as described in article 1, paragraph (q), as well as any time spent driving a vehicle used for commercial operations not falling within the scope of this Agreement, and shall record any periods of availability, as set out in article 12, paragraph 3 (c), of the Annex to this Agreement. This record shall be entered either manually on a record sheet or printout or by use of the manual input facilities of the recording equipment.”

### **Article 7 (Breaks)**

*Amend article 7, paragraphs 1 to 3, of the AETR to read as follows:*

„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’.”

### **Article 8 (Rest periods)**

*Amend article 8 of the AETR to read as follows:*

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

2. Within each period of 24 hours after the end of the previous daily rest period or weekly rest period, a driver shall have taken a new daily rest period.

If the portion of the daily rest period which falls within that 24-hour period is at least 9 hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.

3. By way of derogation from paragraph 2, within 30 hours of the end of a daily or weekly rest period, a driver engaged in multi-manning must have taken a new daily rest period of at least 9 hours.

4. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.

5. A driver may have at most three reduced daily rest periods between any two weekly rest periods.

6. (a) In any two consecutive weeks, a driver shall take at least:

(i) Two regular weekly rest periods; or

(ii) One regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.

(b) By way of derogation from paragraph 6 (a), a driver engaged in a single service of international carriage of passengers, other than a regular service, may postpone the weekly rest period for up to twelve consecutive 24-hour periods following a previous regular weekly rest period, provided that:

(i) the service lasts at least 24 consecutive hours in a Contracting Party or a third country other than the one in which the service started, and

(ii) the driver takes after the use of the derogation:

a. either two regular weekly rest periods,

b. or one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the end of the derogation period,

and

(iii) four years after the country of registration has implemented the digital tachograph, the vehicle is equipped with recording equipment in accordance with the requirements of Appendix 1B of the Annex, and

(iv) after 1 January 2014, in case of driving during the period from 22:00 to 06:00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

(c) By way of derogation from paragraph 6 (a), drivers who are engaged in multi-manning shall take each week a regular weekly rest period of at least 45 hours. This period may be reduced to a minimum of 24 hours (reduced weekly rest period). However, each reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.

7. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least 9 hours.

8. Where a driver chooses to do this, daily rest periods and reduced weekly rest periods taken away from base may be taken in a vehicle, as long as it has specially fitted sleeping facilities for each driver as foreseen by the constructor's design, and it is stationary.

9. A weekly rest period that falls in two weeks may be counted in either week, but not in both."

*Add a new article 8 bis to the AETR to read as follows:*

**„Article 8 bis (Derogations from article 8)**

1. By way of derogation from article 8, where a driver accompanies a vehicle which is transported by ferryboat or train and takes a regular daily rest period, that period may be interrupted not more than twice by other activities provided the following conditions are fulfilled:

(a) That part of the daily rest period spent on land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train;

(b) The period between the portions of the daily rest period must be as short as possible and may on no account exceed a total of one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations.

During all the portions of the daily rest period, the driver shall have access to a bunk or couchette.

2. Any time spent travelling to a location to take charge of a vehicle falling within the scope of this Agreement, or to return from that location, when the vehicle is neither at the driver's home nor at the employer's operational centre where the driver is normally based, shall not be counted as a rest or break unless the driver is in a ferryboat or train and has access to suitable sleeping facilities.

3. Any time spent by a driver driving a vehicle which falls outside the scope of this Agreement to or from a vehicle which falls within the scope of this Agreement and which is not at the driver's home or at the employer's operational centre where the driver is normally based shall count as 'other work'."

**Article 9 (Exceptions)**

*Amend the last sentence of article 9 of the AETR to read as follows:*

„... The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet or on a printout of the control device or in his duty roster, at the latest on arrival at a suitable stopping place."

**Article 11 (Supervision by the undertaking)**

*Amend article 11, paragraph 1, of the AETR to read read as follows:*

„1. The undertaking shall organize road transport operations and properly instruct crew members so that they are able to comply with the provisions of this Agreement."

*Insert the following phrase in article 11, paragraph 3, of the AETR:*

„... or encourage breaches of this Agreement."

*Add the following two paragraphs to article 11 of the AETR:*



„4. A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed in the territory of another Contracting Party or a non-Contracting Party.

Without prejudice to the right of Contracting Parties to hold transport undertakings fully liable, Contracting Parties may make this liability conditional on the undertaking's infringement of paragraphs 1 and 2. Contracting Parties may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

4. Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Agreement.”

#### **Article 12 (Measures of enforcement of the Agreement)**

*Amend article 12, paragraphs (a) to (c), of the AETR to read as follows:*

„(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;
- (iii) The correct functioning of the control device.

These checks shall be carried out without discrimination among vehicles, undertakings and drivers whether resident or not, and regardless of the origin or destination of the journey or type of tachograph.

(c) The elements of checks on the premises of undertakings shall include, apart from the elements subject to roadside checks and compliance with the provisions of article 11, paragraph 2, of the Annex:

- (i) Weekly rest periods and driving periods between these rest periods;
- (ii) Two-weekly limits on hours of driving;
- (iii) Compensation for weekly rest periods reduced in accordance with article 8, paragraph 6;
- (iv) Use of record sheets and/or vehicle unit and driver card data and printouts and/or the organization of drivers' working time.”

*Add new paragraphs 6 to 8 to article 12 of the AETR to read as follows:*

„6. (a) A Contracting Party shall authorize its competent authorities to impose a penalty on a driver for an infringement of this Agreement detected on its territory and for

which a penalty has not already been imposed, even if that infringement has been committed in the territory of another Contracting Party or of a non-Contracting Party;

(b) A Contracting Party shall authorize its competent authorities to impose a penalty on an undertaking for an infringement of this Agreement detected on its territory and for which a penalty has not already been imposed, even if that infringement has been committed in the territory of another Contracting Party or of a non-Contracting Party.

By way of exception, when an infringement is detected which has been committed by an undertaking established in another Contracting Party or in a non-Contracting Party, the imposing of sanctions shall conform to the procedure foreseen in the bilateral road transport agreement between the Parties concerned.

Contracting Parties will examine, starting from 2011, the possibility of removing the exception in paragraph 6 (b), on the basis of the readiness of all Contracting Parties.

7. Whenever a Contracting Party initiates proceedings or imposes a penalty for a particular infringement, it shall provide the driver with due evidence of this in writing.

8. Contracting Parties shall ensure that a system of proportionate penalties, which may include financial penalties, is in force for infringements of this Agreement on the part of undertakings, or associated consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies.”

*Add new articles 12 bis, 13 bis and 22 ter to the AETR to read as follows:*

#### **Article 12 bis (Model standardized forms)**

1. To facilitate international roadside checks, model standardized forms will be introduced, for use when required, in the Annex to this Agreement, which will be supplemented accordingly by a new Appendix 3. These forms will be introduced or amended in accordance with the procedure defined in article 22 ter.

2. The model forms shown in Appendix 3 are in no way binding. However, if they are used, they shall respect the contents as defined, in particular the numbering, order and titles of items.

3. Contracting Parties may supplement these data with additional information to satisfy national or regional requirements. This additional information must under no circumstances be required for transport originating in another Contracting Party or third country. For this purpose, it shall appear on the form totally separated from data defined for international traffic.

4. These forms shall be accepted at any roadside check carried out in the territory of Contracting Parties to this Agreement.

#### **Article 13 bis (Transitional provisions)**

The provisions referred to at the end of article 12, paragraphs 7 (a) and 7 (b), of the Annex to this Agreement shall apply three months after the present amendment has entered into force.”

#### **Article 22 ter (Procedure for amending Appendix 3)**

1. Appendix 3 to the Annex to this Agreement shall be amended in accordance with the following procedure.

2. Any proposal to introduce into Appendix 3 model forms according to article 12 bis of this Agreement or modify existing forms shall be submitted, for adoption, to the Working Party on Road Transport of the Economic Commission for Europe. The proposal shall be deemed accepted if adopted by the majority of Contracting Parties present and voting.

The secretariat of the Economic Commission for Europe will officially inform the competent authorities of all Contracting Parties to this Agreement of any amendment thus adopted and, at the same time, will communicate this information to the Secretary-General accompanied by a copy of the relevant text.

3. Any model form thus adopted may be used three months after the date of communication of the information to Contracting Parties to this Agreement.”

## **Part Two**

### **Amendments to the Annex to the AETR**

***(according to the procedure defined in Article 21, paragraph 8)***

#### **Article 11**

*Replace article 11, paragraph 2, of the Annex to the AETR with the following:*

„2. (a) The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with article 12, paragraph 1, in chronological order and in a legible form for at least a year after their use and shall give copies to the drivers concerned who request them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorized inspecting officer.

(b) An undertaking which uses vehicles that are fitted with a control device complying with Appendix 1B of the present Annex and that fall within the scope of this Agreement shall:

(i) Ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Contracting Party and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that undertaking are downloaded;

(ii) Ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking.

For the purposes of this subparagraph, „downloaded” shall be interpreted in accordance with the definition laid down in Appendix 1B, Chapter I, point (s).”

#### **Article 12**

*In article 12, paragraph 1, of the Annex to the AETR*

*– In the French version only, amend the second and third subparagraphs to read as follows:*

„En cas d'endommagement d'une feuille ou d'une carte de conducteur qui contient des enregistrements, les conducteurs doivent joindre la feuille ou la carte de conducteur endommagée à la feuille de réserve ou à une feuille appropriée utilisée pour la remplacer.

En cas d'endommagement, de mauvais fonctionnement, de perte ou de vol de la carte de conducteur, les conducteurs doivent, dans les sept jours calendaires, en demander le remplacement auprès des autorités compétentes de la Partie contractante dans laquelle ils ont leur résidence normale.”

*– In the English version only, in the second subparagraph:*

Replace the word “temporary” with the word „appropriate”.

*Amend article 12, paragraph 2, of the Annex to the AETR to read as follows:*

„2. (a) Drivers shall use the record sheets or driver card every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or 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 there is more than one driver on board a vehicle fitted with a control device in conformity with Appendix 1B, each driver shall ensure that his driver card is inserted in the correct slot in the tachograph.

(b) When, as a result of being away from the vehicle, a driver is unable to use the control device fitted to the vehicle, the periods of time indicated in paragraph 3, second indent, (b), (c) and (d), below shall:

(i) If the vehicle is fitted with a control device in conformity with Appendix 1, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or

(ii) If the vehicle is fitted with a control device in conformity with Appendix 1B, be entered on the driver card using the manual entry facility provided in the recording equipment.

(c) 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), below is recorded on the record sheet of the driver who is actually driving.”

Amend article 12, paragraphs 7 (a) and 7 (b), of the Annex to the AETR to read as follows:

„7. (a) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1, he must be able to produce, whenever an inspecting officer so requests:

(i) The record sheets for the current week and those used by the driver in the previous 15 calendar days;

(ii) The driver card, if he holds one; and

(iii) Any manual record and printout made during the current week and the previous 15 calendar days, as required under this Agreement.

From the date of application defined in article 13 bis of this Agreement, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 calendar days.

(b) Where the driver drives a vehicle fitted with a control device in conformity with Appendix 1B, he must be able to produce, whenever an inspecting officer so requests:

(i) The driver card of which he is holder;

(ii) Any manual record and printout made during the current week and the previous 15 calendar days, as required under this Agreement;

(iii) The record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with a control device in conformity with Appendix 1.

From the date of application defined in article 13 bis of this Agreement, the time periods referred to under (ii) shall cover the current day and the previous 28 calendar days.”

### **Article 13**

Amend article 13, paragraph 2, of the Annex to the AETR to read as follows:

„2. (a) While the device is unserviceable or malfunctioning, the driver shall mark on the record sheet or sheets, or on an appropriate sheet to be attached to the record sheet or to the driver card, on which he shall enter data enabling him to be identified (name and number of his driving licence or name and number of his driver card), including his signature, all information for the various periods of time which are no longer recorded or printed out correctly by the control device.

(b) Where a driver card is damaged, malfunctions, is lost or stolen, or is not in the possession of the driver, the driver shall:

(i) At the start of his journey, print out the details of the vehicle he is driving, and enter onto that printout:

- Details that enable the driver to be identified (name and number of his driving licence or name and number of his driver card), including his signature;
- The periods referred to in article 12, paragraph 3, second indent, points (b), (c) and (d);

(ii) At the end of his journey, print out the information relating to periods of time recorded by the control device, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name and number of his driving licence or name and number of his driver card), including his signature.”

**Part Three**

**Amendments to the appendices to the Annex to the AETR**

*(according to the procedure defined in Article 22)*

**Appendix 1**

(Requirements for construction, testing, installation and inspection)

*In the Russian version only, replace in Chapter III, Section C, paragraph 4 a) iii), the first indent by the following:*

« - время о́жидания, т.е. период, в течение которого водители не обязаны оставаться на своих рабочих местах, иначе как для реагирования на возможные сигналы к началу или возобновлению вождения либо к выполнению другой работы, »

**Appendix 2 (APPROVAL MARKS AND CERTIFICATES)**

Add the following countries to the list contained in paragraph 1 of point I, „Approval mark“:

Albania	54
Armenia	55
Montenegro	56
San Marino	57
Monaco	59

Replace „Serbia and Montenegro 10“ with:

Serbia	10
--------	----

### **New Appendix 3**

Insert a new Appendix 3 after Appendix 2 of the Annex to the AETR to read as follows:

#### „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, where 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) ...*



APPENDIX 3 OF THE ANNEX TO THE AETR

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**

<b>Part to be filled in by the undertaking (Partie à remplir par l'entreprise)</b>	
1.	Name of the undertaking/Nom de l'entreprise .....
2.	Street address, postal code, city/ Rue, code postal, ville..... .....
	Country / Pays: <input type="text"/>
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):.....
<b>I, the undersigned (Le soussigné):</b>	
6.	Name and first name/ Nom et prénom .....
7.	Position in the undertaking/Fonction dans l'entreprise.....
<b>declare that the driver/ déclare que le conducteur:</b>	
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.	<input type="checkbox"/> was on sick leave*** / était en congé de maladie
15.	<input type="checkbox"/> was on annual leave*** / était en congé annuel
16.	<input type="checkbox"/> was on leave or rest*** / était en congé ou repos
17.	<input type="checkbox"/> 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.	<input type="checkbox"/> performed other work than driving*** / effectuait autre travail que la conduite
19.	<input type="checkbox"/> was available*** / était disponible
20.	Place /Lieu..... Date/date:..... Signature/signature
21.	I, <u>the driver</u> , 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, <u>conducteur</u> , 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.

## AMANDMAN 1

Član 3 – Primena nekih odredaba Sporazuma na drumske prevoze koji se obavljaju vozilima koja dolaze iz država koje nisu strane ugovornice

Stav 1. menja se i glasi:

„... odredbe koje nisu manje stroge od onih utvrđenih u članovima 5, 6, 7, 8, 9, 10, 11. u članu 12. stavovi 1, 2, 6. i 7. i u članu 12. bis ovog sporazuma.”

Posle člana 6. dodaje se novi član koji glasi:

„Član 6. bis – Prekid dnevnog odmora u toku kombinovanog prevoza

Kada član posade, koji obavlja prevoz robe ili putnika, prati vozilo koje se prevozi trajektom ili vozom, dnevni odmor može da se prekine samo jednom, i to pod sledećim uslovima:

- a) deo dnevnog odmora proveden na kopnu može da se iskoristi pre ili posle dela dnevnog odmora koji se koristi na trajektu ili u vozu;
- b) vreme između dva dela dnevnog odmora mora da bude što je moguće kraće, a ni u kom slučaju ne sme da bude duže od jednog sata pre ukrcavanja ili nakon iskrcavanja, pri čemu su carinske formalnosti uključene u vreme ukrcavanja ili iskrcavanja;
- c) tokom oba dela odmora član posade mora da ima na raspolaganju ležaj u kabini ili kušet kolima;
- d) ako se dnevni odmor prekida na ovaj način, trajanje odmora se produžava dva sata;
- e) svako vreme provedeno na trajektu ili u vozu, koje se ne računa kao deo dnevnog odmora, smatra se prekidom, kako je predviđeno u članu 8.”

Član 10 – Sastav posade

Početak člana treba da glasi:

„U skladu sa odredbama člana 12. bis, stav 2. ovog sporazuma, kada je reč ...”

Član 11 – Izuzetni slučajevi

Poslednja rečenica menja se, dopunjuje i glasi:

„...navede vrstu i razlog odstupanja od odredaba u individualnoj kontrolnoj knjižici ili u slučaju navedenom u članu 12. bis, po potrebi, na tahografskom listiću i/ili u drugim kontrolnim ispravama koje su predviđene u stavu 1. tog člana.”

Posle člana 12. dodaje se novi član koji glasi:

„Član 12. bis – Tahograf

1. Ako strana ugovornica predvidi ili dozvoli ugradnju i korišćenje mehaničkog tahografa na vozilima registrovanim na svojoj teritoriji, njegovo korišćenje može da dovede do potpunog ili delimičnog izuzeća od obaveze vođenja individualne kontrolne knjižice iz člana 12, pod sledećim uslovima:
  - a) tip tahografa mora da bude odobren ili priznat u jednoj od strana ugovornica;
  - b) ako se posada sastoji od više članova i ako se evidentiranje ne obavlja na posebnim tahografskim listićima, već samo na jednom listiću, mora potpuno jasno da se obavlja evidencija za svakog člana posade;
  - c) ako tahograf omogućava da se evidentira vreme upravljanja vozilom članova posade, vreme provedeno u obavljanju ostalih radnih aktivnosti osim u upravljanju vozilom, kao i vreme odmora, ali i brzina vozila i pređeni put, individualna kontrolna knjižica ne mora da se koristi;

- d) ako tahograf omogućava samo evidentiranje vremena upravljanja vozilom, vremena tokom koga vozilo miruje, brzinu i pređeni put, izuzeće će biti samo delimično i odnosiće se na unose u dnevni list pomenute kontrolne knjižice, a članovi posade biće u obavezi da dnevno popunjavaju odgovarajuće kolone nedeljnog izveštaja u skladu sa modelom liste e) iz aneksa ovog sporazuma;
  - e) ako nije moguće normalno i odgovarajuće korišćenje tahografa ugrađenog u vozilo, svaki član posade na tahografskom listiću ili na dnevnom listu u skladu sa modelom lista v) iz aneksa ovog sporazuma, ručno evidentira, uz pomoć odgovarajućeg grafičkog prikaza, pojedivosti vezane za njegove radne aktivnosti i odmore;
  - f) kada, zbog udaljenosti od vozila, članovi posade nisu u mogućnosti da koriste tahograf, treba ručno da evidentiraju na tahografskom listiću ili na dnevnom listu u skladu sa modelom lista v) iz aneksa ovog sporazuma, koristeći odgovarajući grafički prikaz, različita vremena koja odgovaraju njihovim radnim aktivnostima dok su bili odsutni;
  - g) članovi posade moraju uvek da imaju na raspolaganju i, ako je potrebno radi kontrole, da budu u mogućnosti da daju na uvid tahografske listiće i/ili druge kontrolne isprave, za prethodnih sedam dana, popunjene kako je predviđeno u v), g), d) i đ) ovog stava;
  - h) članovi posade moraju da se staraju da se tahograf aktivira i da se njime ispravno rukuje te da se moguća neispravnost otkloni u najkraćem roku.
2. Ako je tahograf u pogledu stava 1. ugrađen i koristi se na vozilu registrovanom na teritoriji jedne od strana ugovornica, druge strane ugovornice neće zahtevati primenu odredaba člana 10. ovog sporazuma na to vozilo.
  3. Preduzeća i preduzetnici moraju da čuvaju, po potrebi, tahografske listiće i/ili druge kontrolne isprave koje su popunjene na način predviđen u c), d), e) i f) stava 1. ovog člana, najmanje dvanaest meseci od datuma korišćenja i na zahtev kontrolnih organa daju ih na uvid.”

#### Član 14 – Mere radi obezbeđenja primene Sporazuma

Stav 2. menja se, dopunjuje i glasi:

„... da putem kontrole tahografskih listića ili drugih kontrolnih isprava proveri poštovanje odredaba...”

## Amandman 2

### Član 1 – Definicije

Stav g) menja se i glasi:

„g) 'drumski prevoz' je svako kretanje po javnom putu vozila za prevoz putnika ili robe, bez obzira na to da li je vozilo natovareno ili ne;”

Stav i) menja se i glasi:

„i) 'linijski prevoz' je usluga prevoza putnika u definisanim intervalima duž određenih pravaca, pri čemu se ukrcavanje i iskrcavanje putnika obavlja na unapred određenim stanicama.

Pravila koja regulišu linijski prevoz ili dokumente u vezi sa njim, koja su odobrili nadležni organi strana ugovornica i koje prevoznik objavljuje pre otpočinjanja rada, određuju uslove prevoza, a naročito učestalost usluge, red vožnje, cenovnik i obavezu da primi putnika radi prevoza, ukoliko takvi uslovi nisu predviđeni nekim drugim zakonom ili propisom.

Bez obzira na to ko je organizator prevoza, linijskim prevozom smatra se prevoz posebnih kategorija putnika, isključujući druge putnike, ukoliko se takav prevoz obavlja pod uslovima određenim u prvom podstavu ove definicije. Navedeni prevoz putnika, naročito onaj kojim se obavlja prevoz radnika iz mesta stanovanja na posao i sa posla, ili prevoz učenika iz mesta stanovanja do škole i iz škole, u daljem tekstu naziva se 'poseban linijski prevoz'.”

Stav l) menja se i glasi:

„l) 'nedelja' je period između 00:00 časova u ponedjeljak i 24:00 časa u nedelju;”

Stav m) menja se i glasi:

„m) 'odmor' je neprekidni period vremena u trajanju od najmanje jednog časa tokom koga vozač slobodno raspolaže svojim vremenom.”

Stavovi n) i o) brišu se.

### Član 2 – Oblast primene

Stav 2 tačka b) menja se i glasi:

„b) Osim ako se strane ugovornice na čijoj se teritoriji prevoz obavlja drugačije ne dogovore, ovaj sporazum ne primenjuje se na međunarodni drumski prevoz koji se obavlja:

1. vozilima za prevoz robe, čija najveća dozvoljena masa, uključujući i prikolicu ili poluprikolicu, ne prelazi 3,5 tone;
2. vozilima za prevoz putnika koja, po svojoj konstrukciji i opremi nisu pogodna za prevoz više od devet osoba, uključujući i vozača, a namenjena su za tu svrhu;
3. vozilima za prevoz putnika u linijskom prevozu na linijama dužine do 50 kilometara;
4. vozilima čija najveća dozvoljena brzina ne prelazi 30 kilometara na čas;
5. vozilima koja koriste ili kojima upravljaju službe oružanih snaga, civilne zaštite, vatrogasne službe i službe za očuvanje javnog reda i mira;
6. vozilima službi vodovoda i kanalizacije, zaštite od poplava, snabdevanja gasom, elektrodistribucije, održavanja i upravljanja javnim putevima, sakupljanja i odlaganja smeća, PTT usluga, emitovanja radio i TV programa, kao i otkrivanja radio i TV predajnika i prijemnika;

7. vozilima koja se koriste u vanrednim situacijama ili akcijama spasavanja;
8. specijalizovanim vozilima koja se koriste u medicinske svrhe;
9. vozilima za prevoz cirkuske opreme i zabavnih parkova;
10. specijalizovanim vozilima za prevoz oštećenih vozila (šlep-službama);
11. vozilima koja se ispituju na putu radi tehničkog razvoja, opravke ili održavanja i novim ili remontovanim vozilima koja još nisu puštena u saobraćaj;
12. vozilima za nekomercijalni prevoz robe za sopstvene potrebe;
13. vozilima za prikupljanje mleka sa farmi i vraćanje na farmu posuda za mleko ili mlečnih proizvoda namenjenih za životinjsku ishranu.”

U stavu 2. tačke c) i d) brišu se.

Član 3 - Primena nekih odredaba Sporazuma na drumske prevoze koji se obavljaju vozilima koja dolaze iz zemalja koje nisu strane ugovornice, menja se i glasi:

„Član 3.

Primena nekih odredaba Sporazuma na drumski prevoz koji se obavlja vozilima registrovanim na teritoriji država koje nisu strane ugovornice

1. Svaka strana ugovornica primenjuje na svojoj teritoriji, na međunarodni drumski prevoz koji se obavlja vozilom registrovanim na teritoriji države koja nije strana ugovornica ovog sporazuma, odredbe koje nisu manje stroge od onih utvrđenih u članovima 5, 6, 7, 8, 9. i 10. ovog sporazuma.
2. Svaka strana ugovornica može, u slučaju vozila koje je registrovano u državi koja nije strana ugovornica ovog sporazuma, da umesto tahografa koji je u saobraznosti sa specifikacijama iz aneksa ovog sporazuma, zahteva dnevne tahografske listiće, koje vozač ručno popunjava.”

Član 4 - Opšti principi, menja se i glasi:

„Član 4.

Opšti principi

Svaka strana ugovornica može primeniti više minimalne ili niže maksimalne granice od onih utvrđenih u članovima 5. do 8. Međutim, odredbe ovog sporazuma nastavljaju da se primenjuju na vozače koji obavljaju međunarodni drumski prevoz vozilima registrovanim u drugoj državi ugovornici ili državi koja nije strana ugovornica ovog sporazuma.”

Član 5 – Uslovi koje vozači moraju da ispunjavaju, menja se i glasi:

„Član 5.

Posada

1. Najniža starosna granica za vozače koji obavljaju prevoz robe je:
  - a) za vozila, uključujući, u zavisnosti od konkretnog slučaja, prikolice ili poluprikolice, čija najveća dozvoljena masa ne prelazi 7,5 tona, 18 godina;
  - b) za ostala vozila:

21 godinu, ili

18 godina pod uslovom da navedeno lice poseduje sertifikat o profesionalnoj osposobljenosti, koji priznaje jedna od strana ugovornica, kojim se potvrđuje da je lice završilo obuku za vozača vozila za drumski prevoz robe. Strane ugovornice će se međusobno

obaveštavati o važećem najnižem nacionalnom stepenu obuke i drugim značajnim uslovima koje, prema ovom sporazumu, moraju da ispune vozači koji obavljaju međunarodni prevoz robe.

2. Svaki vozač koji obavlja prevoz putnika mora da ima najmanje 21 godinu.

Svaki vozač koji obavlja prevoz putnika na relacijama dužim od 50 kilometara od baze vozila mora da ispunjava i jedan od sledećih uslova:

a) da je radio najmanje godinu dana kao vozač koji obavlja prevoz robe vozilima čija najveća dozvoljena masa prelazi 3,5 tone;

b) da je radio najmanje godinu dana kao vozač vozila kojim se obavlja prevoz putnika na relacijama do 50 kilometara od baze vozila, ili druge vrste prevoza putnika na koje se ne primenjuje ovaj sporazum pod uslovom da nadležni organ smatra da je time stekao potrebno iskustvo;

c) da poseduje sertifikat o profesionalnoj osposobljenosti koji priznaje jedna od strana ugovornica kojim se potvrđuje da je završio obuku za vozače vozila za drumski prevoz putnika.”

Član 6 – Dnevni odmor, menja se i glasi:

„Član 6.

#### Vreme upravljanja vozilom

1. Vreme upravljanja vozilom između dva dnevna odmora ili između dnevnog i nedeljnog odmora (u daljem tekstu: 'dnevno vreme upravljanja vozilom') ne sme da bude duže od devet časova. Ono može da se produži dva puta nedeljno na deset časova.

Vozač mora, posle najviše šest dnevnih vremena upravljanja vozilom, da koristi nedeljni odmor predviđen u članu 8. stav 3.

Nedeljni odmor može da se odloži do kraja šestog dana ako ukupno vreme upravljanja vozilom tokom šest dana nije duže od šest dnevnih vremena upravljanja vozilom.

U slučaju međunarodnog vanlinijskog prevoza putnika, pojmovi 'šest' i 'šestog' u drugom i trećem podstavu zamenjuju se sa 'dvanaest' i 'dvanaestog'.

2. Ukupno vreme upravljanja vozilom u toku dve uzastopne nedelje ne sme da bude duže od devedeset časova.”

Član 6. bis – Prekid dnevnog odmora u toku kombinovanog prevoza, briše se.

Član 7 – Dnevno vreme upravljanja vozilom, maksimalno nedeljno i dvonedeljno vreme upravljanja vozilom, menja se i glasi:

„Član 7.

#### Pauze

1. Posle vremena upravljanja vozilom od četiri časa i trideset minuta, vozač mora da napravi pauzu u trajanju od najmanje četrdeset pet minuta, osim ako ne započinje sa korišćenjem odmora.

2. Ova pauza može da se zameni pauzama od po najmanje petnaest minuta raspoređenim tokom vremena upravljanja vozilom ili posle njega na način koji obezbeđuje poštovanje stava 1. ovog člana.

3. Tokom ovih pauza vozač ne sme da obavlja druge poslove. U svrhe ovog člana, vreme čekanja i vreme, osim upravljanja, provedeno u vozilu u pokretu, na trajektu ili vozu ne smatra se 'drugim poslovima'.

4. Pauze definisane u ovom članu ne smatraju se dnevnim odmorom.”

Član 8 – Maksimalno trajanje vožnje, menja se i glasi:

„Član 8.

Odmori

1. Tokom svaka dvadeset četiri časa, vozač mora da iskoristi dnevni odmor od najmanje jedanaest časova neprekidno, koji može da se skрати na najmanje devet časova neprekidno najviše tri puta nedeljno, pod uslovom da se kao nadoknada iskoristi istovetan period odmora pre završetka naredne nedelje.

U dane kada odmor nije skraćen u skladu sa prvim stavom, isti može da se iskoristi podeljen na dva ili tri odvojena perioda tokom dvadeset četiri časa, od kojih jedan mora da iznosi najmanje osam časova neprekidno. U ovom slučaju najmanje trajanje odmora uvećava se na dvanaest časova.

2. Kada vozilom upravljaju najmanje dva vozača, tokom svakih trideset časova, svaki vozač mora da iskoristi odmor od najmanje osam časova neprekidno.

3. Tokom svake nedelje, jedan od odmora iz stavova 1. i 2. produžava se u smislu nedeljnog odmora na ukupno četrdeset pet časova neprekidno. Ovaj odmor može da se skрати na najmanje trideset šest časova neprekidno ako se koristi u mestu u kome se nalazi baza vozila ili boravište vozača, odnosno na najmanje dvadeset četiri časa neprekidno, ako se koristi u drugom mestu. Svako skraćenje mora da se nadoknadi odmorom u jednakom trajanju koji se koristi odjednom pre isteka treće nedelje posle navedene nedelje.

4. Nedeljni odmor koji se započinje u jednoj nedelji i nastavlja u narednoj nedelji može se pripisati bilo kojoj od ovih nedelja.

5. U slučaju prevoza putnika na koji se primenjuje član 6. stav 1. podstav 4, nedeljni odmor nedelje u kojoj je trebalo da se koristi može da se prenese u narednu nedelju i priključi nedeljnom odmoru u toj nedelji.

6. Svaki odmor koji se koristi kao nadoknada za skraćeni dnevni i/ili nedeljni odmor mora da se priključi drugom odmoru u trajanju od najmanje osam časova i odobrava se, na zahtev zainteresovanog lica, u bazi vozila ili u boravištu vozača.

7. Dnevni odmor može da se iskoristi u vozilu ukoliko je ono opremljeno ležajem i ako je u stanju mirovanja.

8. I pored odredaba iz stava 1, kada vozač koji obavlja prevoz robe ili putnika prati vozilo koje se prevozi trajektom ili vozom, dnevni odmor može da bude prekinut samo jednom, pod sledećim uslovima:

- mora da postoji mogućnost da se deo dnevnog odmora koji se koristi na kopnu iskoristi pre ili posle dela dnevnog odmora koji se koristi na trajektu ili u vozu,
- vreme između dva dela dnevnog odmora mora da bude što je moguće kraće, a ni u kom slučaju ne sme da bude duže od jednog časa pre ukrcavanja ili iskrcavanja, pri čemu su carinske formalnosti obuhvaćene ukrcavanjem ili iskrcavanjem,
- tokom oba dela odmora vozač mora da ima na raspolaganju ležaj ili kušet.

Dnevni odmor prekinut na ovaj način produžava se za dva časa.”

Član 9 – Sedmični odmor, briše se.

Član 10 – Sastav posade, briše se.

Dosadašnji član 11 – Izuzetni slučajevi postaje član 9, menja se, dopunjava i glasi:

„Član 9.

Izuzeci

Pod uslovom da se time ne ugrožava bezbednost saobraćaja i kako bi mu se omogućilo da stigne do odgovarajućeg mesta za parkiranje, vozač može da odstupa od odredaba ovog sporazuma u meri u kojoj je to neophodno da se osigura bezbednost putnika, vozila ili tereta. Vozač mora da naznači prirodu i razlog za odstupanje od ovih odredaba na tahografskom listiću ili na svom rasporedu rada vozača.”

Član 12 – Individualna kontrolna knjižica za vozačko osoblje, briše se.

Dosadašnji član 12. bis – Tahograf, postaje član 10, menja se, dopunjava i glasi:

„Član 10.

Tahograf

1. Strane ugovornice propisuju ugradnju i korišćenje tahografa na vozilima registrovanim na svojoj teritoriji prema sledećim zahtevima:

a) Tahograf, u pogledu konstrukcije, ugradnje, korišćenja i ispitivanja, mora da bude usklađen sa zahtevima ovog sporazuma i aneksa, koji čini sastavni deo ovog sporazuma.

b) Ako nije moguće normalno i odgovarajuće korišćenje tahografa ugrađenog u vozilo, svaki član posade, uz pomoć odgovarajućeg grafičkog prikaza, ručno evidentira podatke o svom radnom vremenu i odmorima na svom tahografskom listiću.

c) Kada, zbog toga što se nalaze izvan vozila, nisu u mogućnosti da koriste tahograf, članovi posade na svojim tahografskim listićima ručno evidentiraju, uz pomoć odgovarajućeg grafičkog prikaza, različita vremena za druge poslove vezana za aktivnosti koje su obavljali dok su bili odsutni.

d) Članovi posade moraju uvek da imaju kod sebe i da budu u mogućnosti da pokažu radi kontrole, tahografske listiće za tekuću nedelju i za poslednji dan prethodne nedelje tokom koje su upravljali vozilom.

e) Članovi posade moraju da se staraju da se tahograf uključi i da se njime rukuje na odgovarajuć način, kao i da se, u slučaju neispravnosti, ona otkloni u najkraćem roku.

2. Poslodavac mora da obezbedi vozačima dovoljan broj tahografskih listića, vodeći računa o ličnom karakteru listića, dužini radnog vremena i mogućoj potrebi da se zamene listići koji su oštećeni ili koje je oduzelo službeno lice ovlašćeno za kontrolu. Poslodavac izdaje vozačima samo odgovarajuće listiće odobrenog tipa za korišćenje u tahografu koji je ugrađen u vozilo.

3. Preduzeća moraju da čuvaju tahografske listiće popunjene u skladu sa tačkama b), c) i d) stava 1. ovog člana, tokom perioda od najmanje 12 meseci od datuma poslednjeg unosa kao i da ih pokažu na zahtev nadležnih nadzornih organa.”

Dosadašnji član 13 – Kontrola koju obavlja preduzeće, postaje član 11.

Posle stava 2. dodaje se novi stav 3, koji glasi:

„3. Zabranjuje se isplata angažovanih vozača, bilo u vidu dodatka na platu ili stimulacije, na bazi pređenog puta i/ili količine prevezene robe, osim ako se takvom isplatom ne ugrožava bezbednost saobraćaja.”



Dosadašnji član 14 – Mere radi obezbeđenja primene Sporazuma, postaje član 12, menja se, dopunjava i glasi:

„Član 12.

Mere za sprovođenje Sporazuma

1. Svaka strana ugovornica usvaja sve potrebne mere za obezbeđenje poštovanja odredaba ovog sporazuma, naročito u pogledu odgovarajućeg obima kontrole na putu i kontrole u prostorijama preduzeća. Nadležne uprave strana ugovornica međusobno razmenjuju podatke u vezi sa opštim merama koje su u tu svrhu usvojene.
2. Strane ugovornice pomažu jedna drugoj u primeni ovog sporazuma i u kontroli usklađenosti.
3. U okviru uzajamne saradnje, nadležni organi strana ugovornica redovno međusobno razmenjuju sve podatke u vezi sa:
  - povredama ovog sporazuma koje su izvršili nerezidenti i svim kaznama izrečenim za te povrede;
  - kaznama koje strana ugovornica izriče svojim rezidentima za te povrede izvršene na teritoriji strane ugovornice.

U slučaju ozbiljnih povreda, ovi podaci obuhvataju i izrečenu kaznu.

4. Ako rezultat kontrole na putu vozača vozila registrovanog u drugoj strani ugovornici daje osnov za sumnju da je počinjena povreda koja se ne može otkriti tokom ove kontrole usled nedostatka potrebnih podataka, nadležni organi zainteresovane strane ugovornice pomažu jedni drugima u cilju razjašnjenja situacije. U slučaju kada nadležna strana ugovornica u ovu svrhu obavlja kontrolu u prostorijama preduzeća, rezultat ove kontrole dostavlja se drugoj zainteresovanoj strani.”

Dosadašnji član 15 – Prelazne odredbe, postaje član 13, menja se, dopunjava i glasi:

„Član 13.

Prelazne odredbe

Odredbe novog člana 10 - Tahograf, postaju obavezujuće za države koje su strane ugovornice ovog sporazuma tri godine nakon stupanja na snagu ovog amandmana. Do tada nastavljaju da se primenjuju odredbe dosadašnjeg člana 12 – Individualna kontrolna knjižica za vozačko osoblje.”

Dosadašnji članovi 16. do 23. završnih odredaba postaju članovi 14. do 21.

Posle člana 21. dodaje se novi član 22. koji glasi:

„Član 22.

1. Dodaci 1 i 2 aneksa ovog sporazuma mogu se izmeniti i dopuniti u postupku navedenom u ovom članu.
2. Na zahtev strane ugovornice, svaki amandman predložen na dodatke 1 i 2 aneksa ovog sporazuma razmatra Glavna radna grupa za drumski transport Ekonomske komisije za Evropu.
3. Ako je amandman usvojen većinom glasova prisutnih članova koji glasaju, i ako tu većinu čini većina glasova prisutnih strana ugovornica koje glasaju, generalni sekretar dostavlja amandman nadležnim upravama svih strana ugovornica na usvajanje.

4. Amandman je usvojen ako, u roku od šest meseci od datuma notifikacije, manje od jedne trećine nadležnih uprava strana ugovornica dostavi generalnom sekretaru svoje primedbe na amandman.

5. Generalni sekretar dostavlja svaki usvojeni amandman svim stranama ugovornicama, koji stupa na snagu tri meseca od datuma notifikacije.”

Dosadašnji članovi 24. do 26. postaju članovi 23. do 25.

Upućivanje na članove ili njihove delove koji su izbrisani, briše se.

U skladu sa tim, upućivanje na članove kojima je promenjen broj, menja se.

Dosadašnji aneks – Individualna kontrolna knjižica, menja se i glasi:

„Aneks - Tahograf

OPŠTE ODREDBE

I. ODOBRENJE TIPA

Član 1.

Proizvođač ili njegov predstavnik podnose strani ugovornici zahtev za odobrenje tipa tahografa ili modela tahografskog listića, uz prilaganje odgovarajućih specifikacija. Zahtev za bilo koji tip tahografa ili model tahografskog listića može se podneti samo jednoj strani ugovornici.

Član 2.

Strana ugovornica daje odobrenje tipa za svaki tip tahografa ili model tahografskog listića koji je usklađen sa zahtevima utvrđenim u Dodatku 1 ovog aneksa, pod uslovom da je ta strana ugovornica u mogućnosti da kontroliše usklađenost proizvedenih modela sa odobrenim prototipom.

Sve prepravke ili dodaci na odobrenom modelu moraju da dobiju dodatno odobrenje tipa od strane ugovornice koja je dala originalno odobrenje tipa.

Član 3.

Strane ugovornice podnosiocu zahteva izdaju oznaku odobrenja, koja je usklađena sa modelom prikazanim u Dodatku 2, za svaki tip tahografa ili model tahografskog listića koji odobri u skladu sa članom 2.

Član 4.

Nadležni organi strane ugovornice kojima je podnet zahtev za odobrenje tipa u roku od mesec dana šalju nadležnim organima ostalih strana ugovornica, za svaki tip tahografa ili model tahografskog listića koje odobravaju ili odbijaju da odobre, kopiju uverenja o odobrenju sa priloženim kopijama svih odgovarajućih specifikacija, ili, u suprotnom, obaveštavaju te organe da je odobrenje odbijeno; u slučaju odbijanja saopštavaju obrazloženje takve svoje odluke.

Član 5.

1. Ako strana ugovornica koja je dala odobrenje tipa kako je to predviđeno u članu 2. utvrdi da određeni tahograf ili tahografski listić koji nosi oznaku odobrenja tipa koji je ona izdala nije usklađen sa odobrenim prototipom, ona preduzima neophodne mere kako bi se obezbedilo da proizvedeni modeli budu usklađeni sa odobrenim prototipom. Preduzete mere mogu, po potrebi, dovesti do povlačenja odobrenja tipa.

2. Strana ugovornica koja je dala odobrenje tipa povlači ga ako odobreni tahograf ili tahografski listić nisu usklađeni sa ovim aneksom ili njegovim dodacima ili ako se tokom korišćenja pojave veće neispravnosti koje ih čine neodgovarajućim za predviđenu namenu.

3. Ako strana ugovornica koja je dala odobrenje tipa dobije obaveštenje od druge strane ugovornice o nekom od slučajeva iz stavova 1. i 2, ona takođe, nakon konsultacija sa pomenutom stranom ugovornicom, preuzima radnje utvrđene u tim stavovima, u skladu sa stavom 5.

4. Strana ugovornica koja nedvosmisleno utvrdi neki od slučajeva iz stava 2. može do daljeg da zabrani stavljanje na tržište i puštanje u rad tahografa ili tahografskog listića. Ovo se odnosi i na slučajeve iz stava 1. u pogledu tahografa ili tahografskih listića koji su izuzeti od prvog overavanja, ako proizvođač, nakon blagovremenog upozorenja, ne uskladi tahograf sa odobrenim modelom ili sa zahtevima iz ovog aneksa.

U svakom slučaju, nadležni organi strana ugovornica međusobno se obaveštavaju u roku od mesec dana o svakom povlačenju odobrenja tipa ili o svakoj drugoj meri preduzetoj u skladu sa stavovima 1, 2. i 3. i navode razloge za takvo postupanje.

5. Ako strana ugovornica koja je dala odobrenje tipa ospori postojanje bilo kog od slučajeva navedenih u stavovima 1. ili 2. o kojima je obaveštena, zainteresovane strane ugovornice dužne su da nastoje da reše spor.

#### Član 6.

1. Podnosilac zahteva za odobrenje tipa za model tahografskog listića navodi u svom zahtevu tip ili tipove tahografa u kojima se navedeni listić koristi i obezbeđuje odgovarajući tip ili tipove tahografa u cilju ispitivanja listića.

2. Nadležni organi strana ugovornica u uverenju o odobrenju modela tahografskog listića navode tip ili tipove tahografa u kojima taj model listića može da se koristi.

#### Član 7.

Strana ugovornica ne sme da odbije da registruje vozilo sa ugrađenim tahografom ili da zabrani učešće u saobraćaju ili korišćenje takvog vozila iz bilo kog razloga u vezi sa činjenicom da je u vozilo ugrađen takav tahograf, koji nosi oznaku odobrenja iz člana 3. i informativnu nalepnicu iz člana 9.

#### Član 8.

U svim odlukama u skladu sa ovim aneksom kojima se odbija ili povlači odobrenje tipa tahografa ili modela tahografskog listića detaljno se obrazlažu razlozi na kojima se te odluke zasnivaju. Odluka se dostavlja zainteresovanoj strani, koja se istovremeno obaveštava o pravnom leku koji joj je na raspolaganju po zakonima strane ugovornice, kao i o rokovima za podnošenje tog pravnog leka.

### II. UGRADNJA I PREGLED

#### Član 9.

1. Tahograf mogu ugrađivati ili popravljati isključivo tehničari ili radionice koje su za tu svrhu ovlastili nadležni organi strana ugovornica nakon što, ako to žele, saslušaju stav zainteresovanih proizvođača.

2. Ovlašćeni tehničar ili radionica postavljaju posebnu oznaku na plombe koje pričvršćuju. Nadležni organi strane ugovornice vode registar korišćenih oznaka.

3. Nadležni organi strana ugovornica šalju jedni drugima spiskove ovlašćenih tehničara i radionice, kao i kopije korišćenih oznaka.

4. Kao potvrda da je ugradnja tahografa izvršena u skladu sa zahtevima iz ovog aneksa, postavlja se informativna nalepnica predviđena u Dodatku 1.

### III. KORIŠĆENJE TAHOGRAFA

#### Član 10.

Poslodavac i vozači dužni su da se staraju o ispravnosti tahografa.

#### Član 11.

1. Vozači ne smeju da koriste zaprljane ili oštećene tahografske listiće. U tom smislu, listići moraju da se zaštite na odgovarajući način.

U slučaju oštećenja listića na kome je evidentiran zapis, vozač prilaže oštećeni listić uz rezervni listić kojim je oštećeni listić zamenjen.

2. Vozači koriste tahografske listiće svakog dana tokom koga upravljaju vozilom, od trenutka preuzimanja vozila. Tahografski listić ne vadi se iz tahografa pre završetka dnevnog radnog vremena osim ako je to posebno dozvoljeno. Tahografski listić ne sme da se koristi duže od perioda za koji je predviđen.

Kada se nalazi izvan vozila, zbog čega nije u mogućnosti da koristi tahograf ugrađen u vozilo, vozač unosi podatak o vremenu na listić ručno, automatskim evidentiranjem zapisa ili drugim sredstvima, čitko i bez prljanja listića.

Vozači dopunjuju tahografske listiće po potrebi ako se u vozilu nalazi više vozača, tako da podaci navedeni u Poglavlju II stavovi 1. do 3. Dodatka 1 budu evidentirani zapisom na tahografskom listiću onog vozača koji upravlja vozilom u tom trenutku.

3. Tahograf je konstruisan tako da se službenom licu ovlašćenom za kontrolu, po potrebi nakon otvaranja tahografa, omogući očitavanje evidentiranih zapisa koji se odnose na devet časova koji prethode trenutku kontrole bez uzrokovanja trajnih izobličenja, oštećenja ili prljanja listića.

Osim toga, tahograf je konstruisan tako da je moguće proveriti da li se odvija evidentiranje zapisa podataka a da se ne otvara njegovo kućište.

4. Kada god to zahteva službeno lice ovlašćeno za kontrolu, vozač je dužan da pokaže tahografske listiće za tekuću nedelju, i u svakom slučaju za poslednji dan prethodne nedelje kada je upravljao vozilom."

#### Aneks – Dodatak 1

#### ZAHTEVI U POGLEDU KONSTRUKCIJE, ISPITIVANJA, UGRADNJE I PREGLEDA

#### I. DEFINICIJE

U ovom dodatku:

a) „tahograf“ je uređaj namenjen za ugradnju u drumska vozila radi automatskog ili poluautomatskog prikaza i evidentiranja zapisa o kretanju tih vozila i određenih perioda u toku radnog vremena njihovih vozača;

b) „tahografski listić“ je listić projektovan da evidentira i sačuva evidentirane zapise, koji se postavlja u tahograf i po kome se obavlja kontinualno evidentiranje predviđenih zapisa;

c) „konstanta tahografa“ je numerička karakteristika koja daje vrednost ulaznog signala neophodnog za prikaz i evidentiranje zapisa pređenog puta od 1 kilometra; ta konstanta izražava se ili u broju obrtaja po kilometru ( $k = \dots \text{obrt/km}$ ) ili u broju impulsa po kilometru ( $k = \dots \text{imp/km}$ );

d) „karakteristični koeficijent vozila“ je numerička karakteristika koja daje vrednost izlaznog signala koji emituje deo vozila koji je povezan sa tahografom (glavno vratilo menjačkog prenosnika) dok vozilo prelazi put od jednog izmerenog kilometra u normalnim uslovima ispitivanja (vidi poglavlje VI, stav 4. ovog dodatka). Karakteristični koeficijent izražava se u broju obrtaja po kilometru ( $W = \dots \text{obrt/km}$ ) ili broju impulsa po kilometru ( $W = \dots \text{imp/km}$ );

e) „efektivni obim točka” je prosečno pređen put koji ostvare točkovi koji pokreću vozilo (pogonski točkovi) tokom jednog punog obrta. Merenje pređenog puta mora da se obavlja u normalnim uslovima ispitivanja (vidi poglavlje VI, stav 4. ovog dodatka) i izražava se na sledeći način:  $l = \dots$  mm.

## II. OPŠTE KARAKTERISTIKE I FUNKCIJE TAHOGRAFA

Tahograf mora da omogućiti evidentiranje sledećih zapisa:

1. pređeni put vozila;
2. brzinu vozila;
3. vreme upravljanja vozilom;
4. vreme za druge poslove ili vreme raspoloživosti;
5. pauze tokom rada i dnevne odmomore;
6. otvaranje kućišta u kome se nalazi tahografski listić;
7. za elektronski tahograf koji dobija električnim putem signal sa senzora za pređeni put i brzinu, svaki prekid duži od 100 milisekundi u napajanju tahografa (osim osvetljenja), u napajanju senzora za pređeni put i brzinu, kao i svaki prekid u signalnom vodu do senzora za pređeni put i brzinu.

Za vozila sa dva vozača, tahograf mora da bude u stanju da istovremeno ali odvojeno i na dva posebna tahografska listića evidentira zapise o vremenima navedenim u stavovima 3, 4. i 5.

## III. ZAHTEVI U POGLEDU KONSTRUKCIJE TAHOGRAFA

### A. OPŠTE NAPOMENE

1. Sastavni delovi tahografa:
  - a) Pokazni uređaji koji vizuelno prikazuju:
    - pređeni put (odometar),
    - brzinu (brzinomer),
    - vreme (časovnik).
  - b) Uređaj za evidentiranje zapisa koji obuhvataju:
    - pisač pređenog puta,
    - pisač ostvarenih brzina,
    - jedan ili više pisača koji ispunjavaju zahteve utvrđene u Poglavlju III, odeljak C, stav 4.
  - c) pisač koji na tahografskom listiću zasebno registruje:
    - svako otvaranje kućišta sa tahografskim listićem,
    - za elektronske tahografe, određene u stavu 7. Poglavlja II, svaki prekid u napajanju tahografa (osim osvetljenja) duži od 100 milisekundi, najkasnije kod ponovnog uspostavljanja napajanja,
    - za elektronske tahografe, određene u stavu 7. Poglavlja II, svaki prekid u napajanju senzora za pređeni put i brzinu duži od 100 milisekundi i svaki prekid u signalnom vodu do senzora za pređeni put i brzinu.

2. Dodavanje bilo kakvih dodatnih uređaja, pored prethodno navedenih, ne sme da ugrozi pravilno funkcionisanje obaveznih uređaja ili njihovo očitavanje.

Prilikom podnošenja zahteva za odobrenje tipa, tahograf se prilaže zajedno sa svim dodatnim uređajima.

3. Materijali

a) Svi sastavni delovi tahografa moraju da budu izrađeni od materijala stabilnih na mehaničko, električno i elektromagnetno okruženje.

b) Bilo kakva izmena na sastavnim delovima tahografa ili prirodi materijala koji se koriste za njegovu izradu mora, pre nego što se primeni u proizvodnji, da se preda na odobrenje tipa nadležnom organu koji je izdao odobrenje tipa tahografu.

4. Merenje pređenog puta

Pređeni put može da se meri i zapis evidentira tako:

- da obuhvati kretanje unapred i kretanje unazad, ili
- da obuhvati samo kretanje unapred.

Evidentiranje zapisa o kretanju unazad ne sme ni u kom slučaju da ugrozi jasno i precizno vođenje ostalih zapisa.

5. Merenje brzine

a) Merni opseg brzine je u saglasnosti sa uverenjem o odobrenju tipa.

b) Sopstvene oscilacije i prigušenje mernog uređaja moraju da budu takvi da instrumenti za prikaz i evidentiranje zapisa brzine mogu, u datom mernom opsegu, da prate promene ubrzanja do  $2 \text{ m/s}^2$ , u granicama prihvatljivih odstupanja.

6. Merenje vremena (časovnik)

a) Upravljački mehanizam za podešavanje časovnika mora da se nalazi u kućištu u koje se postavlja tahografski listić; svako otvaranje kućišta mora automatski da se evidentira zapisom na tahografskom listiću.

b) Ako mehanizmom za pokretanje tahografskog listića upravlja časovnik, vremenski period tokom kojeg časovnik ispravno funkcioniše, pošto je potpuno navijen, mora da bude najmanje 10% duži od trajanja evidentiranja zapisa na najvećem broju listića koji mogu da stanu u tahograf.

7. Osvetljenje i zaštita

a) Pokazni uređaji tahografa moraju da budu opremljeni odgovarajućim nezaslepljujućim osvetljenjem.

b) U normalnim uslovima korišćenja, svi unutrašnji delovi tahografa moraju da budu zaštićeni od vlage i prašine. Pored toga moraju da budu zaštićeni od zloupotreba time što će biti smešteni u kućišta koja se mogu plombirati.

## B. POKAZNI UREĐAJI

1. Prikazivač pređenog puta (odometer)

a) Vrednost najmanjeg podeoka na tahografu koji pokazuje pređeni put mora da bude 0,1 kilometar. Brojke koje pokazuju hektometre moraju jasno da se razlikuju od onih koji pokazuju cele kilometre.

b) Brojke na odometru moraju da budu jasno čitljive i da imaju prividnu visinu od najmanje 4 mm.

c) Odometar mora da bude u stanju da prikaže najmanje 99.999,9 kilometara.

2. Prikazivač brzine (brzinomer)

a) U okviru mernog opsega, skala brzine mora da bude ravnomerno izgravirana na 1, 2, 5 ili 10 kilometara na čas. Vrednost intervala podeoka brzine (rastojanje između dve uzastopne oznake skale) ne sme da bude veća od 10% maksimalne brzine na skali.

b) Opseg prikazanih brzina veći od mernog opsega ne mora da bude označen brojkama.

c) Rastojanje između podeoka na skali koje predstavlja razliku u brzini od 10 kilometara na čas ne sme da bude manje od 10 milimetara.

d) Na analognom indikatoru sa kazaljkom, rastojanje između kazaljke i površine tahografa ne sme da bude veće od 3 milimetra.

3. Prikazivač vremena (časovnik)

Prikazivač vremena mora da bude vidljiv sa spoljne strane tahografa i mora da omogućiti jasno, jednostavno i nedvosmisleno očitavanje.

V. UREĐAJI ZA EVIDENTIRANJE ZAPISA

1. Opšte napomene

a) Svi tahografi, bez obzira na oblik tahografskog listića (traka ili disk) moraju da imaju oznaku za pravilno postavljanje tahografskog listića, tako da se obezbedi da se vreme na časovniku i vremenska skala na listiću podudaraju.

b) Mehanizam koji pokreće tahografski listić mora da obezbedi pokretanje listića bez praznog hoda, kao i njegovo jednostavno postavljanje i vađenje.

c) Za tahografske listiće u obliku diska, njihovim mehanizmom za pokretanje mora da upravlja časovnik. U tom slučaju, rotacija listića mora da bude kontinualna i ravnomerna, sa najmanjom brzinom od 7 milimetara na čas na unutrašnjoj vremenskoj skali koja označava završetak površine za evidentiranje zapisa brzine.

U tahografima sa listićima u obliku trake, ako mehanizmom za pokretanje listića upravlja časovnik, brzina pravolinijskog kretanja unapred mora da bude najmanje 10 milimetara na čas.

d) Evidentiranje zapisa o pređenom putu, brzini vozila i otvaranju kućišta u kome su smešteni tahografski listić ili listići mora da se obavlja automatski.

2. Evidentiranje zapisa pređenog puta

a) Svaki kilometar pređenog puta mora da bude zabeležen dužinom od najmanje 1 milimetra po odgovarajućoj koordinati.

b) Čak i pri brzinama koje dostižu gornju granicu mernog opsega, zapis pređenog puta mora da bude jasno čitljiv.

3. Evidentiranje zapisa brzine

a) Bez obzira na oblik tahografskog listića, pisač za evidentiranje zapisa brzine mora da se kreće pravolinijski normalno na pravac kretanja tahografskog listića.





Međutim, kretanje pisača može da bude krivolinijsko, ako su ispunjeni sledeći uslovi:


- zapis pisača mora da bude normalan u odnosu na srednji obod listića (u slučaju listića u obliku diska) ili u odnosu na podužnu osu (u slučaju listića u obliku trake) površine namenjene za evidentiranje zapisa brzine,
- odnos između poluprečnika krivine zapisa pisača i širine površine namenjene za evidentiranje zapisa brzine ne sme da bude manji od 2,4 prema 1, bez obzira na oblik tahografskog listića,
- podeoci na vremenskoj skali moraju da presecaju površinu za evidentiranje zapisa brzine krivom linijom istog poluprečnika koji ima i zapis pisača. Prostor između podeoka na vremenskoj skali mora da predstavlja period koji nije veći od jednog časa.

b) Svaka promena brzine od 10 kilometara na čas mora da bude evidentirana na listiću dužinom od najmanje 1,5 milimetra po odgovarajućoj koordinati.

#### 4. Evidentiranje zapisa vremena

a) Tahograf mora da bude konstruisan tako da se vreme upravljanja uvek automatski evidentira, a da bude moguće, po potrebi, pomoću preklopnika odvojeno evidentirati ostale periode na sledeći način:

- (i) oznakom  : vreme upravljanja vozilom;
- (ii) oznakom  : vreme za druge poslove;
- (iii) oznakom  : ostala vremena raspoloživosti, odnosno:
  - vreme čekanja, tj. period tokom koga su vozači obavezni da ostanu na dužnosti da bi se eventualno odazvali na poziv za otpočinjanje ili nastavak upravljanja vozilom ili obavljanje drugih poslova,
  - vreme provedeno na mestu suvozača, dok je vozilo u pokretu,
  - vreme provedeno na ležaju u kabini, dok je vozilo u pokretu;
- (iv) oznakom  : pauze tokom rada i dnevni odmori.

Svaka strana ugovornica može da dozvoli da se sva vremena navedena u podstavovima (ii) i (iii) evidentiraju oznakom  na tahografskom listiću koji se koristi u vozilima registrovanim na njihovoj teritoriji.

b) Vremena se moraju jasno razlikovati na osnovu osobina zapisa, njihovih relativnih položaja a po potrebi i na osnovu oznaka utvrđenih u stavu 4. tačka a).

Različita vremena treba međusobno da se razlikuju na osnovu razlika u debljini linija evidentiranog zapisa, ili korišćenjem nekog drugog sistema podjednake efikasnosti sa aspekta čitljivosti i jednostavnosti tumačenja evidentiranog zapisa.

c) Kod višečlane posade vozila, zapisi predviđeni u stavu 4. tačka a) moraju da se evidentiraju na dva odvojena listića, po jedan listić za svakog vozača. U tom slučaju, pokretanje zasebnih listića može da se obavlja bilo zajedničkim mehanizmom ili odvojenim sinhronizovanim mehanizmima.

#### D. MEHANIZAM ZA ZATVARANJE

1. Kućište u kome se nalazi tahografski listić ili listići i upravljački mehanizam za podešavanje časovnika mora da bude obezbeđeno bravom.



2. Svako otvaranje kućišta u kome se nalazi tahografski listić ili listići i upravljački mehanizam za podešavanje časovnika mora automatski da se evidentira zapisom na listiću ili listićima.

E. OZNAKE

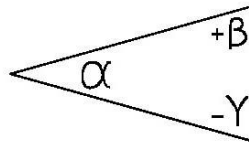
1. Sledeće oznake moraju da se nalaze na prednjoj ploči tahografa:

- uz brojke koje prikazuju stanje odometra, jedinica mere za dužinu, označena skraćenicom „km”,
- pored skale za brzinu, oznaka „km/h”,
- merni opseg brzinomera u obliku „Vmin ... km/h, Vmax ... km/h”. Ova oznaka nije neophodna ako postoji na natpisnoj pločici uređaja.

Međutim, ovi zahtevi ne primenjuju se na tahografe koji su dobili odobrenje pre 10. avgusta 1970. godine.

2. Natpisna pločica mora da bude ugrađena u uređaj i mora da sadrži sledeće oznake, koje moraju da budu vidljive na tahografu prilikom ugradnje:

- naziv i adresu proizvođača uređaja,
- serijski broj i godinu proizvodnje,
- oznaku tipa tahografa,
- konstantu tahografa u obliku „k = ... obrt/km” ili „k = ... imp/km”,
- opciono, merni opseg brzine u obliku naznačenom u tački 1,
- ako osetljivost instrumenta na ugao nagiba može da utiče na očitavanje koje evidentira tahograf preko dozvoljenih odstupanja, dozvoljeni ugao izražen kao:



gde je  $\alpha$  ugao meren iz horizontalnog položaja čeone strane (okrenute na gore) tahografa za koji je instrument etaloniran, dok  $\beta$  i  $\gamma$  predstavljaju najveća dozvoljena odstupanja na gore i na dole od ugla etaloniranja  $\alpha$ .

F. NAJVEĆA DOZVOLJENA ODSUPANJA (INDIKATORSKI INSTRUMENTI I INSTRUMENTI ZA EVIDENTIRANJE ZAPISA)

1. Na probnom stolu pre ugradnje:

- a) pređeni put:  
 $\pm 1\%$  od stvarno pređenog puta, kada taj put iznosi najmanje 1 kilometar;
- b) brzina:  
 $\pm 3$  km/h od stvarne brzine;
- c) vreme:  
 $\pm 2$  minuta dnevno sa najviše 10 minuta tokom 7 dana u slučajevima kada vreme rada časovnika posle navijanja nije kraće od tog perioda.

2. Prilikom ugradnje:

- a) pređeni put:  
± 2% od stvarnog pređenog puta, kada taj put iznosi najmanje 1 kilometar;
  - b) brzina:  
± 4 km/h od stvarne brzine;
  - c) vreme:  
± 2 minuta dnevno, ili  
± 10 minuta tokom 7 dana.
3. Tokom korišćenja:
- a) pređeni put:  
± 4% od stvarno pređenog puta, kada taj put iznosi najmanje 1 kilometar;
  - b) brzina:  
± 6 km/h od stvarne brzine;
  - c) vreme:  
± 2 minuta dnevno, ili  
± 10 minuta tokom 7 dana.

4. Najveća dozvoljena odstupanja navedena u stavovima 1, 2. i 3. važe za temperature između 0 °C i 40 °C, mereno u neposrednoj blizini tahografa.

5. Merenje najvećih dozvoljenih odstupanja navedenih u stavovima 2. i 3. odvija se pod uslovima utvrđenim u Poglavlju VI.

#### IV. TAHOGRAFSKI LISTIĆI

##### A. OPŠTE NAPOMENE

1. Tahografski listići moraju da budu takvi da ne ometaju normalno funkcionisanje instrumenta i da se evidentirani zapisi ne mogu izbrisati i da budu lako čitljivi i prepoznatljivi.

Tahografski listići moraju očuvati svoje dimenzije i evidentirane zapise pri normalnim uslovima vlažnosti i temperature.

Pored toga, potrebno je da se omogući da svaki član posade unese, bez oštećenja listića ili ugrožavanja čitljivosti evidentiranog zapisa, sledeće podatke na listiće:

- a) na početku korišćenja listića – svoje prezime i ime;
- b) datum i mesto početka korišćenja listića, kao i datum i mesto završetka njegovog korišćenja;
- c) registarski broj svakog vozila kojim je upravljao, kako na početku prvog putovanja evidentiranog zapisom na listiću, a zatim i u slučaju promene vozila, sve vreme tokom korišćenja listića;
- d) očitavanje odometra:
  - na početku prvog putovanja kojim započinje zapis na listiću,
  - po završetku poslednjeg putovanja kojim se završava zapis na listiću,

- u slučaju promene vozila tokom radnog dana (očitanje na vozilu kojim je upravljao i očitavanje na vozilu kojim će naknadno upravljati);

e) vreme svake promene vozila.

U normalnim uslovima čuvanja, evidentirani zapisi moraju da ostanu jasno čitljivi tokom najmanje godinu dana.

2. Najmanji kapacitet evidentiranja zapisa na listićima bilo kog oblika mora da bude 24 časa.

Ako je nekoliko diskova povezano kako bi se povećao kapacitet neprekidnog evidentiranja zapisa koji može da se ostvari bez intervencije osoblja, veze između diskova moraju da budu takve da ne bude prekida niti preklapanja evidentiranja zapisa na mestu prelaska sa jednog diska na drugi.

#### B. POVRŠINE ZA EVIDENTIRANJE ZAPISA I NJIHOVA PODELA

1. Tahografski listići obuhvataju sledeće površine za evidentiranje zapisa:

- površinu isključivo namenjenu za zapis brzine,
- površinu isključivo namenjenu za zapis pređenog puta,
- jednu ili više površina namenjenih za zapis vremena upravljanja vozilom, vremena za ostale poslove i vremena raspoloživosti, pauze tokom rada i vremena odmora vozača.

2. Površina za evidentiranje zapisa brzine mora da bude podeljena podeocima od po 20 kilometara na čas ili manje. Brzina koja odgovara svakom podeoku na skali mora da bude označena brojkama naspram tog podeoka. Simbol „km/h“ mora da bude bar jednom prikazan u okviru date površine. Poslednji podeok na skali mora da se podudara sa gornjom granicom mernog opsega.

3. Površina za evidentiranje zapisa pređenog puta mora da bude postavljena tako da broj pređenih kilometara može da se očitava bez poteškoća.

4. Površina ili površine za evidentiranje zapisa vremena navedenih u tački 1. moraju da budu naznačene tako da se može jasno ustanoviti razlika između različitih vremena.

#### C. INFORMACIJE KOJE SE ŠTAMPAJU NA TAHOGRAFSKIM LISTIĆIMA

Svaki listić mora da sadrži, u štampanom obliku, sledeće informacije:

- naziv i adresu ili poslovno ime proizvođača,
- oznaku odobrenja modela listića,
- oznaku odobrenja tipa ili tipova tahografa u kojima listić može da se koristi,
- gornju granicu mernog opsega brzine, odštampanu u kilometrima na čas.

Kao dodatni zahtev, svaki listić mora da sadrži, u štampanom obliku, najmanje jednu vremensku skalu sa podeocima koji omogućavaju direktno očitavanje vremena u intervalima od po 15 minuta, s tim da svaki 5-minutni interval može da se odredi bez poteškoća.

#### D. PRAZAN PROSTOR ZA RUČNI UNOS

Potrebno je da se obezbedi prazan prostor na svakom listiću kako bi vozači mogli ručno da upišu najmanje sledeće podatke:

- prezime i ime vozača,
- datum i mesto početka korišćenja listića, kao i datum i mesto završetka njegovog korišćenja,
- registarski broj ili brojeve vozila kojima je vozač upravljao tokom korišćenja listića,
- očitavanja sa odometra (stanje pređenog puta) jednog ili više vozila kojima je vozač upravljao tokom korišćenja listića,
- vremena kada je došlo do promene vozila.

#### V. UGRADNJA TAHOGRAFA

##### A. OPŠTE NAPOMENE

1. Tahograf mora da bude postavljen u vozilu tako da vozač iz svog sedišta može jasno da vidi brzinomer, odometar i časovnik, a da istovremeno svi delovi tih instrumenata, uključujući i elemente prenosa, budu zaštićeni od slučajnog oštećenja.

2. Mora da se omogući prilagođavanje konstante tahografa karakterističnom koeficijentu vozila pomoću odgovarajućeg instrumenta koji se naziva adapter.

Vozila sa dva ili više prenosna odnosa na zadnjoj osovini moraju da budu opremljena prekidačem kojim se ti različiti odnosi mogu automatski uskladiti sa odnosom prema kome je tahograf prilagođen datom vozilu.

3. Posle kontrole tahografa prilikom ugradnje, na vozilu pored tahografa ili u samom tahografu pričvršćuje se natpisna pločica tako da bude jasno vidljiva. Posle svakog pregleda koji obavlja ovlašćeni tehničar ili radionica prilikom koga je neophodno podešavanje parametara ugradnje mora da se pričvrsti nova pločica umesto prethodne.

Na pločici moraju da se nalaze najmanje sledeći podaci:

- ime, adresa ili poslovno ime ovlašćenog tehničara ili radionice,
- karakteristični koeficijent vozila, u obliku „ $w = \dots$  obrt/km” ili „ $w = \dots$  imp/km”,
- efektivni obim točka u obliku „ $l = \dots$  mm”,
- datumi određivanja karakterističnog koeficijenta vozila i merenja efektivnog obima točka.

##### B. PLOMBIRANJE

Sledeći delovi moraju da budu plombirani:

- a) informativna nalepnica, osim ako je tako pričvršćena da se ne može ukloniti bez uništavanja oznaka na njoj;
- b) oba kraja veze između samog tahografa i vozila;
- c) sam adapter i mesto njegovog povezivanja;
- d) prekidač na vozilima sa dva ili više prenosna odnosa na zadnjoj osovini;
- e) veze adaptera i prekidača sa ostalim delovima tahografa;

f) kućišta opisana u Poglavlju III, odeljak A, stav 7. tačka b).

U posebnim slučajevima, može da se javi potreba za postavljanjem dodatnih plombi prilikom odobrenja tipa tahografa, a napomena o postavljanju tih plombi mora da se unese u uverenje o odobrenju.

Jedino plombe navedene pod b), c) i e) mogu se ukloniti u vanrednim situacijama; prilikom svakog uklanjanja plombe mora da se pripremi pisana izjava o razlozima za takav postupak i ona se podnosi na uvid nadležnom organu.

## VI. KONTROLA I PREGLED

Strane ugovornice imenuju organe koji obavljaju kontrole i preglede.

### 1. Atestiranje novih ili popravljenih instrumenata

Svaki tahograf ponaosob, bilo da je nov ili popravljen, atestira se u pogledu ispravnosti i tačnosti očitavanja i evidentiranja zapisa, u granicama utvrđenim u Poglavlju III, odeljak F, stav 1, plombom u skladu sa Poglavljem V odeljak B tačka f).

U ove svrhe, strane ugovornice mogu da predvide prvo overavanje, koje se sastoji od kontrole i potvrde o usklađenosti novog ili popravljenog tahografa sa modelom odobrenog tipa i/ili sa zahtevima sadržanim u ovom aneksu i njegovim dodacima ili mogu da povere ovlašćenja za atestiranje proizvođačima ili njihovim ovlašćenim predstavnicima.

### 2. Ugradnja

Prilikom ugradnje u vozilo, tahograf i kompletna instalacija moraju da budu usklađeni sa odredbama o najvećim dozvoljenim odstupanjima utvrđenim u Poglavlju III, odeljak F, stav 2.

Kontrolna ispitivanja obavlja ovlašćeni tehničar ili radionica na svoju odgovornost.

### 3. Periodični pregled

a) Periodični pregled tahografa ugrađenih u vozila obavlja se najmanje jednom u dve godine, a pregledi se mogu obavljati uporedo sa tehničkim pregledom vozila.

Ovaj pregled obuhvata sledeće provere:

- da je tahograf ispravan,
- da na tahografu stoji oznaka odobrenja tipa,
- da je pričvršćena informativna nalepnica,
- da su plombe na tahografu i drugim delovima instalacije neoštećene,
- stvarni obim točkova.

b) Pregled kojim se obezbeđuje poštovanje odredaba Poglavlja III, odeljak F, stav 3. o najvećim dozvoljenim odstupanjima tokom korišćenja obavlja se najmanje jednom u šest godina, iako strane ugovornice mogu da predvide i kraći interval tih pregleda za vozila registrovana na njihovoj teritoriji. Tokom takvog pregleda obavezno će se zameniti informativna nalepnica.

### 4. Merenje grešaka

Merenje grešaka prilikom ugradnje i tokom korišćenja obavlja se pod sledećim uslovima, koji se smatraju standardnim uslovima ispitivanja:

- prazno vozilo, u uobičajenom stanju spremno za rad,

- pritisak u pneumaticima usklađen sa uputstvima proizvođača,
- istrošenost protektora pneumatika u zakonskim granicama,
- kretanje vozila: vozilo mora da se kreće, pogonom sopstvenog motora, pravolinijski i po ravnoj podlozi, brzinom od  $50 \pm 5$  km/h; pod uslovom da se radi o sličnoj tačnosti, ispitivanje se može obaviti i na odgovarajućem probnom stolu.

Aneks – Dodatak 2

OZNAKA ODOBRENJA I UVERENJE O ODOBRENJU

OZNAKA ODOBRENJA

1. Oznaka odobrenja je sačinjena od:

Pravougaonika, u kome se nalazi slovo „E” i karakteristična brojčana oznaka države koja je dala odobrenje u skladu sa sledećim konvencionalnim oznakama:

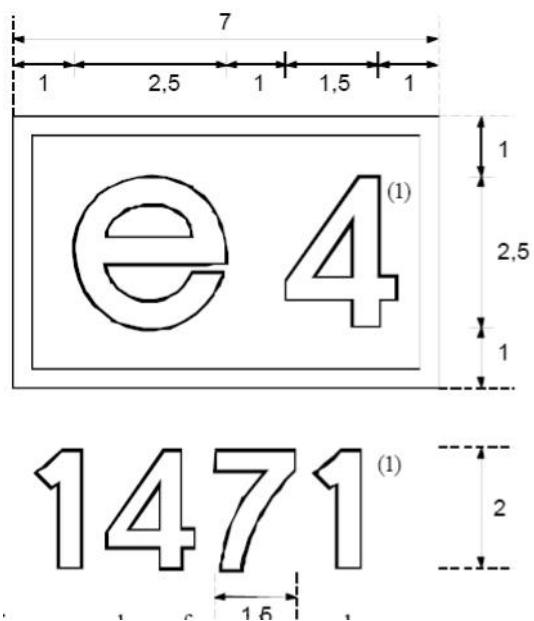
Norveška	– 1	Nemačka	– 8	Holandija	– 13
Španija	– 2	Češka i		Velika Britanija	– 14
Švedska	– 3	Slovačka		Francuska	– 15
Portugal	– 4	Federalna		Savez Sovjetskih	
		Republika	– 9	Socijalističkih	
Grčka	– 5	Belgija	– 10	Republika	– 16
Jugoslavija	– 6	Danska	– 11	Italija	– 17
Austrija	– 7	Luksemburg	– 12	Irska	– 18

Naredni brojevi će se dodeljivati ostalim državama u rastućem nizu, po redu po kome ratifikuju ili pristupe ovom sporazumu

i

Broj odobrenja koji odgovara broju uverenja o odobrenju datom za prototip tahografa ili tahografskog listića, postavljenog bilo gde u neposrednoj blizini ovog pravougaonika.

2. Oznaka odobrenja mora da se nalazi na natpisnoj pločici svakog tahografa i na svakom tahografskom listiću. Mora da bude neizbrisiva i uvek jasno čitljiva.
3. Dimenzije prikazane oznake odobrenja izražene su u milimetrima i predstavljaju minimalne dimenzije. Proporcije između dimenzija ne smeju se menjati.



(1) Navedene vrednosti date su samo kao smernice.

## II. UVERENJE O ODOBRENJU

Po davanju odobrenja, strana ugovornica podnosiocu zahteva izdaje uverenje o odobrenju, prema prikazanom modelu. Prilikom obaveštavanja ostalih strana ugovornica o datim odobrenjima ili, po potrebi, o povučenim odobrenjima, strana ugovornica koristi kopije tog uverenja.

### UVERENJE O ODOBRENJU

Naziv nadležne uprave .....

Notifikacija o\* : .....

- odobrenju tipa tahografa
- povlačenju odobrenja tipa tahografa
- odobrenju modela tahografskog listića
- povlačenju odobrenja tahografskog listića

Odobrenje br. ....

1. Marka ili poslovno ime .....
2. Naziv tipa modela .....
3. Naziv proizvođača .....
4. Adresa proizvođača .....
- .....
5. Datum podnošenja zahteva za odobrenje .....
6. Datum ispitivanja .....
7. Datum i broj izveštaja o ispitivanju .....
8. Datum odobrenja .....
9. Datum povlačenja odobrenja .....
10. Tip ili tipovi tahografa u kojima listić može da se koristi .....
- .....
11. Mesto .....
12. Datum .....
13. Specifikacije u prilogu .....
14. Napomene

.....  
(potpis)

---

\* Precrtati nepotrebne stavke.



### Amandman 3

#### Član 10. Tahograf

Na kraju stava 1, podstava a) ovog člana dodaje se sledeća rečenica:

„Tahograf koji je u pogledu konstrukcije, ugradnje, korišćenja i ispitivanja u skladu sa Uredbom Saveta (EEZ) broj 3821/85 od 20. decembra 1985. smatraće se u skladu sa zahtevima ovog člana.”

#### Član 13. Prelazne odredbe

Član 13. menja se, dopunjava i glasi:

„Odredbe novog člana 10 – Tahograf, ne postaju obavezne za države koje su strane ugovornice ovog sporazuma, do 24. aprila 1995. Do tog datuma i dalje se primenjuju odredbe starog člana 12 – Individualna kontrolna knjižica, i starog člana 12. bis – Tahograf.”

Aneks – Dodatak 2, Poglavlje I, stav 1.

### OZNAKA ODOBRENJA I UVERENJE O ODOBRENJU

#### I. OZNAKA ODOBRENJA

Menja se, dopunjava i glasi:

„1. Oznaka odobrenja sačinjena je od:

Pravougaonika, u kome se nalazi slovo „e” i broj karakterističan za državu koja je izdala odobrenje u skladu sa sledećim službenim oznakama:

Nemačka	–	1	Rumunija	–	19
Francuska	–	2	Poljska	–	20
Italija	–	3	Portugal	–	21
Holandija	–	4	Ruska Federacija	–	22
Švedska	–	5	Grčka	–	23
Belgija	–	6	Irska	–	24
Češka Republika	–	8	Hrvatska	–	25
Španija	–	9	Slovenija	–	26
Jugoslavija	–	10	Slovačka	–	27
Velika Britanija	–	11	Belorusija	–	28
Austrija	–	12	Estonija	–	29
Luksemburg	–	13	Republika Moldavija	–	30
Norveška	–	16	Bosna i Hercegovina	–	31
Danska	–	18	Letonija	–	32

Sledeći brojevi se dodeljuju:

- (i) državama koje su strane ugovornice Sporazuma o usvajanju jednoobraznih uslova za homologaciju i uzajamno priznavanje homologacije opreme i delova motornih vozila iz 1958. godine, isti brojevi koji su dodeljeni tim državama tim sporazumom;
- (ii) državama koje nisu strane ugovornice Sporazuma iz 1958. godine – po hronološkom redu po kome ratifikuju ili pristupe ovom sporazumu

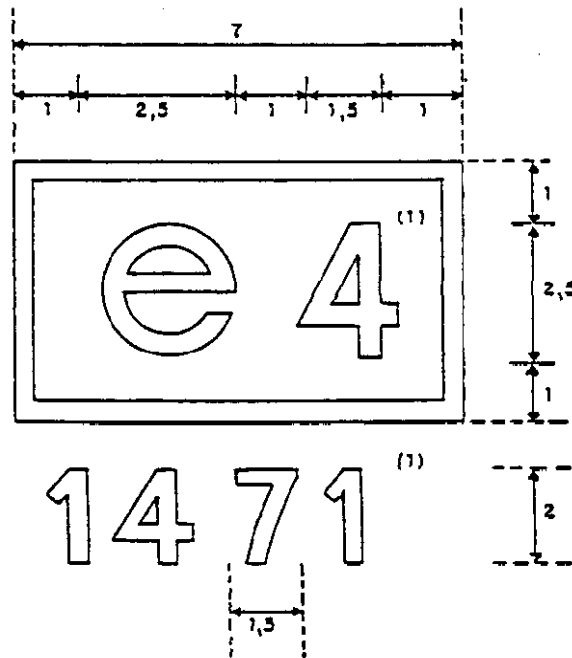
i

Broj odobrenja koji odgovara broju uverenja o odobrenju izdatom za prototip tahografa ili tahografskog listića, koji je postavljen u neposrednoj blizini ovog pravougaonika.

Napomena: da bi se i ubuduće obezbedila usklađenost između zvaničnih oznaka iz Sporazuma iz 1958. godine i zvaničnih oznaka iz AETR Sporazuma, novim stranama ugovornicama trebalo bi da se dodeli isti broj u oba sporazuma.

2. Oznaka odobrenja mora se nalaziti na natpisnoj pločici svakog tahografa i na svakom tahografskom listiću. Ona mora da bude neizbrisiva i uvek jasno čitljiva.

3. Dimenzije oznake odobrenja date u nastavku izražene su u milimetrima i predstavljaju minimalne dimenzije. Odnosi između dimenzija ne smeju se menjati.



(1) Navedene oznake date su samo kao smernice.

#### AMANDMAN 4

Član 12 – Mere za sprovođenje Sporazuma

Član 12. zamenjuje se sledećim tekstom:

„Član 12.

#### **Mere za sprovođenje Sporazuma**

1. Svaka strana ugovornica usvaja sve potrebne mere za obezbeđenje poštovanja odredaba ovog sporazuma, naročito u smislu odgovarajućeg godišnjeg obima kontrole na putu i kontrole u prostorijama preduzeća, koje obuhvataju veliki i reprezentativni broj vozača, preduzeća i vozila svih vrsta prevoza iz oblasti primene ovog sporazuma.

- a) Nadležne uprave strana ugovornica organizuju kontrole tako da:
  - tokom svake kalendarske godine kontroliše se najmanje 1% radnih dana vozača vozila na koje se primenjuje ovaj sporazum;
  - najmanje 15% od ukupnog broja kontrolisanih radnih dana kontroliše se na putu, a najmanje 25% u prostorijama preduzeća;
- b) Kontrola na putu obuhvata sledeće stavke:
  - dnevno vreme upravljanja vozilom, pauze i dnevni odmor i, ako postoje očigledne nepravilnosti, tahografske listiće za prethodne dane, koji se nalaze u vozilu;
  - prethodni nedeljni odmor, po potrebi;
  - ispravan rad tahografa.

Ove kontrole obavljaju se bez diskriminacije u pogledu države registracije vozila i prebivališta vozača.

c) Kontrola u prostorijama preduzeća obuhvata, pored stavki koje se kontrolišu na putu i usklađenosti sa članom 10. stav 3. i sledeće:

- nedeljni odmor i vreme upravljanja vozilom između ovih odmora;
- dvonedeljno ograničenje vremena upravljanja vozilom;
- nadoknadu za dnevne i nedeljne odmomore skraćene u skladu sa članom 8. stavovi 1. i 3;
- korišćenje tahografskih listića i/ili organizaciju radnog vremena vozača.

2. U okviru uzajamne saradnje, nadležni organi strana ugovornica redovno razmenjuju sve informacije na raspolaganju u vezi sa:

- povredama ovog sporazuma, koje izvrše nerezidenti, i kaznama izrečenim za te povrede;
- kaznama koje strana ugovornica izrekne rezidentima za povrede izvršene na teritoriji drugih strana ugovornica.

U slučaju ozbiljnih povreda, takva informacija treba da obuhvati i vrstu izrečene kazne.

3. Ako se na putu prilikom kontrole vozača, koji upravlja vozilom registrovanim na teritoriji druge strane ugovornice pojavi osnovana sumnja da su izvršene povrede koje se, usled nedostatka podataka, ne mogu otkriti tokom kontrole na putu, nadležni organi zainteresovanih strana ugovornica treba jedni drugima da pruže pomoć u cilju razjašnjenja situacije. U slučajevima kada, u ovu svrhu, nadležna strana ugovornica izvodi kontrolu u prostorijama preduzeća, rezultati ove kontrole dostavljaju se drugoj zainteresovanoj strani.

4. Strane ugovornice treba međusobno da sarađuju prilikom organizacije zajedničke kontrole na putu.
5. Ekonomska komisija Ujedinjenih nacija za Evropu svake druge godine treba da pripremi izveštaj o načinu na koji strane ugovornice primenjuju stav 1. ovog člana.”

-----

## AMANDMAN 5

### Izmene i dopune osnovnog teksta AETR

Član 10. menja se i glasi:

#### „Član 10 – Tahograf

1. Strane ugovornice propisuju ugradnju i korišćenje tahografa na vozilima registrovanim na svojoj teritoriji u skladu sa zahtevima ovog sporazuma, aneksa i dodataka.
2. Tahograf u smislu ovog sporazuma treba da, u pogledu konstrukcije, ugradnje, korišćenja i ispitivanja, bude u skladu sa zahtevima ovog sporazuma, aneksa i dodataka.
3. Tahograf koji je u skladu sa Uredbom Saveta (EEZ) broj 3821/85 od 20. decembra 1985. u pogledu konstrukcije, ugradnje, korišćenja i ispitivanja smatra se da je u skladu sa zahtevima ovog sporazuma, aneksa i dodataka.

Član 13. AETR-a menja se i glasi:

#### „Član 13 – Prelazne odredbe

1. Sve nove odredbe ovog sporazuma, uključujući njegov aneks i dodatke 1B i 2, u vezi sa uvođenjem digitalnog tahografa, postaju obavezujuće za države koje su strane ugovornice ovog sporazuma najkasnije četiri godine posle stupanja na snagu odgovarajućih izmena i dopuna koje su proistekle iz postupka određenog u članu 21. Shodno tome, sva vozila obuhvaćena ovim sporazumom, puštena u saobraćaj prvi put posle isteka ovog perioda, moraće da imaju ugrađen tahograf koji je u skladu sa novim zahtevima. Za vreme ovog četvorogodišnjeg perioda, strane ugovornice koje još nisu primenile ove izmene i dopune, prihvataju i kontrolišu na svojoj teritoriji vozila registrovana u drugoj strani ugovornici ovog sporazuma u koja su već ugrađeni takvi digitalni tahografi.
2. a) Strane ugovornice preduzimaju potrebne korake za izdavanje kartica vozača navedenih u Aneksu ovog sporazuma, izmenjenom i dopunjenom, najkasnije tri meseca pre isteka roka od četiri godine navedenog u stavu 1. Ovaj rok od najmanje tri meseca treba takođe da bude poštovan u slučaju da strana ugovornica primeni odredbe koje se odnose na digitalni tahograf u skladu sa Dodatkom 1B ovog aneksa pre isteka roka od četiri godine. Navedene strane ugovornice obaveštavaju sekretarijat Radne grupe za drumski prevoz Ekonomske komisije za Evropu o napretku u pogledu uvođenja digitalnog tahografa u skladu sa Dodatkom 1B ovog aneksa na svojoj teritoriji.  
b) Odredbe člana 14. Aneksa ovog sporazuma primenjuju se na vozače od kojih se zahteva da upravljaju vozilima u koje je ugrađen digitalni tahograf u skladu sa Dodatkom 1B ovog aneksa do izdavanja kartica navedenih pod a) od strana ugovornica.
3. Svaki pravni instrument o ratifikaciji ili pristupanju koji država deponuje nakon stupanja na snagu izmena i dopuna navedenih u stavu 1. smatraće se da se primenjuje na izmenjeni i dopunjeni Sporazum, uključujući krajnji rok za sprovođenje naveden u stavu 1.

Ako se pristupanje dogodi za manje od dve godine pre isteka roka navedenog u stavu 1, država obaveštava depozitara o datumu otpočinjanja korišćenja digitalnog tahografa u praksi na njenoj teritoriji prilikom deponovanja pravnog instrumenta o ratifikaciji ili pristupanju. Navedena država može da iskoristi prelazni period koji nije duži od dve godine od dana stupanja na snagu Sporazuma u toj državi. Depozitar o tome obaveštava sve strane ugovornice.

Odredbe prethodnog stava takođe se primenjuju u slučaju pristupanja države po isteku četvorogodišnjeg roka za sprovođenje navedenog u stavu 1.

U članu 21. AETR-a dodaje se novi stav 5. bis i glasi:

„5 bis. U slučaju da jedna država postane strana ugovornica ovog sporazuma u intervalu između trenutka notifikacije nacrtu amandmana i trenutka kada se on smatra prihvaćenim, sekretarijat Radne grupe za drumski transport Ekonomske komisije za Evropu obaveštava novu državu članicu o nacrtu amandmana u najkraćem roku. Ona može obavestiti generalnog sekretara o svakoj primedbi pre isteka šestomesečnog perioda od dana dostavljanja prvobitnog amandmana svim stranama ugovornicama.”

U članu 22. AETR-a dodaje se novi stav 4. bis i glasi:

„4. bis. U slučaju da jedna država postane članica ovog sporazuma u intervalu između trenutka notifikacije nacrtu amandmana i trenutka kada se on smatra prihvaćenim, sekretarijat Radne grupe za drumski transport Ekonomske komisije za Evropu obaveštava novu državu članicu o nacrtu amandmana u najkraćem roku. Ona može obavestiti generalnog sekretara o svakoj primedbi pre isteka šestomesečnog perioda od dana dostavljanja prvobitnog amandmana svim stranama ugovornicama.”

Posle člana 22. dodaje se novi član 22. bis i glasi:

„Član 22. bis – Postupak izmene i dopune Dodatka 1B

1. Dodatak 1B Aneksa ovog sporazuma menja se i dopunjava u skladu sa postupkom predviđenim u ovom članu.

2. Radna grupa za drumski transport Ekonomske komisije za Evropu usvaja svaki predlog izmena i dopuna uvodnih članova Dodatka 1B većinom glasova strana ugovornica koje su prisutne i koje glasaju. Sekretarijat Radne grupe dostavlja generalnom sekretaru svaku izmenu i dopunu usvojenu na taj način radi notifikacije svih strana ugovornica. Izmena i dopuna stupa na snagu tri meseca od datuma notifikacije strana ugovornica.

3. Dodatak 1B, prilagođen ovom sporazumu iz Aneksa 1B<sup>1</sup> Uredbe (EEZ) 3821/85 kao što je navedeno u članu 10. ovog sporazuma, koji direktno zavisi od novina unetih u ovaj aneks od strane Evropske unije, svaka izmena i dopuna ovog aneksa primenjuje se na Dodatak 1B pod sledećim uslovima:

- sekretarijat Radne grupe za drumski transport Ekonomske komisije za Evropu zvanično obaveštava nadležne organe svih strana ugovornica o objavljivanju izmena i dopuna Aneksa 1B Uredbe Zajednice u Službenom listu Evropskih zajednica i istovremeno dostavlja ovo obaveštenje generalnom sekretaru uz kopiju odgovarajućih tekstova.
- navedene izmene i dopune neposredno stupaju na snagu za Dodatak 1B tri meseca nakon datuma dostavljanja obaveštenja stranama ugovornicama.

4. Kada predlog da se Aneks ovog sporazuma izmeni i dopuni takođe podrazumeva izmene i dopune Dodatka 1B, izmene i dopune Dodatka ne mogu stupiti na snagu pre onih koji se odnose na Aneks. Ako se, u ovim okvirima, izmene i dopune Dodatka 1B iznesu u isto vreme kao i izmene i dopune ovog Aneksa, datum njihovog stupanja na snagu određuje datum koji je rezultat primene postupka navedenog u članu 21.”

\* \* \*

---

<sup>1</sup> Kao što je poslednji put izmenjena i dopunjena Uredbama Komisije (EZ) broj 1360/2002 od 13. juna 2002 (Sl. list broj L 207 od 5. avgusta 2002 (ispravka Sl. list broj L 77 od 13. marta 2004) i broj 432/2004 od 5. marta 2004 (Sl. list broj L 71 od 10. marta 2004).

Izmene i dopune Aneksa AETR-a

Aneks AETR-a se menja i glasi:

„ANEKS

Tahograf

OPŠTE ODREDBE

Poglavlje I: Odobrenje tipa

Član 1.

U svrhe ovog poglavlja, pojam „tahograf” označava „tahograf ili njegov sastavni deo”.

Proizvođač ili njegov predstavnik podnose strani ugovornici zahtev za odobrenje tipa tahografa ili modela tahografskog listića ili memorijske kartice, uz prilaganje odgovarajućih specifikacija. Zahtev za bilo koji tip tahografa ili model tahografskog listića ili memorijske kartice može se podneti samo jednoj strani ugovornici.

Član 2.

Strana ugovornica izdaje odobrenje tipa za svaki tip tahografa, svakom modelu tahografskog listića ili memorijske kartice koji ispunjava zahteve utvrđene u Dodatku 1 ili 1B ovog aneksa, pod uslovom da je strana ugovornica u mogućnosti da proveri da su proizvedeni modeli u skladu sa odobrenim prototipom.

Odobrenje tipa ne može se izdati za tahograf naveden u Dodatku 1B sve dok kompletan sistem (sam tahograf, kartica vozača i vodovi električne menjačke kutije) ne zadovolji uslove u pogledu sprečavanja neovlašćene prepravke ili izmene podataka o vremenu upravljanja vozilom. Potrebna ispitivanja u ovom smislu izvode stručnjaci koji su upoznati sa najnovijim tehnikama za neovlašćene prepravke.

Sve izmene ili dodaci koji se izvrše na odobrenom modelu moraju da dobiju dodatno odobrenje tipa od strane ugovornice koja je izdala prvobitno odobrenje tipa.

Član 3.

Strane ugovornice podnosiocu zahteva izdaju oznaku odobrenja, koja je usaglašena sa modelom u Dodatku 2, za svaki tip tahografa ili model tahografskog listića ili memorijske kartice koji odobre u skladu sa članom 2.

Član 4.

Nadležni organi strane ugovornice, kojoj je podnet zahtev za odobrenje tipa, za svaki tip tahografa ili model tahografskog listića ili memorijske kartice koji odobre ili odbiju da odobre, šalju, u roku od mesec dana, organima drugih strana ugovornica, kopiju uverenja o odobrenju zajedno sa kopijama odgovarajućih specifikacija, ili, u suprotnom, obaveštavaju ove organe da je odobrenje odbijeno; u slučaju odbijanja dužni su da dostave razloge za svoju odluku.

Član 5.

1. Ako strana ugovornica koja je izdala odobrenje tipa kako je predviđeno u članu 2. utvrdi da određeni tahograf ili tahografski listić ili memorijska kartica koji nose oznaku odobrenja tipa koju je ona izdala nije saobrazan sa odobrenim prototipom, preduzima potrebne mere da obezbedi da proizvedeni modeli budu saobrazni sa odobrenim prototipom. Preduzete mere mogu, po potrebi, biti i povlačenje odobrenja tipa.

2. Strana ugovornica koja je izdala odobrenje tipa povlači odobrenje ako odobreni tahograf ili tahografski listić ili memorijska kartica nisu u skladu sa ovim aneksom ili njegovim dodacima ili tokom korišćenja ispolje takve nedostatke koji ih čine neprikladnim za namenjenu svrhu.

3. Ako strana ugovornica koja je izdala odobrenje tipa dobije obaveštenje od druge strane ugovornice o postojanju slučajeva navedenih u stavovima 1. i 2, ona takođe, nakon konsultacija sa drugom stranom ugovornicom, preuzima korake utvrđene u ovim stavovima, u skladu sa stavom 5.

4. Strana ugovornica koja utvrdi postojanje nekog od slučajeva iz stava 2. do daljeg može da zabrani stavljanje na tržište i puštanje u rad tahografa ili tahografskog listića ili memorijske kartice. Isto se odnosi na slučajeve iz stava 1. u pogledu tahografa ili tahografskih listića ili memorijskih kartica koje su izuzete od početne provere, ako proizvođač, posle odgovarajućeg upozorenja, ne uskladi uređaj sa odobrenim modelom ili zahtevima iz ovog aneksa.

U svakom slučaju, nadležni organi strana ugovornica obaveštavaju jedni druge, u roku od mesec dana, o svakom povlačenju odobrenja tipa ili svakoj drugoj meri preduzetoj u skladu sa stavovima 1, 2. i 3. i navode razloge za takvo postupanje.

5. Ako strana ugovornica koja je izdala odobrenje tipa ospori postojanje nekog od slučajeva navedenih u stavovima 1. ili 2. o kojima je obaveštena, zainteresovane strane ugovornice nastoje da reše spor.

#### Član 6.

1. Podnosilac zahteva za odobrenje tipa modela tahografskog listića u zahtevu navodi tip ili tipove tahografa u kojima se navedeni listić koristi i prilaže odgovarajući tahograf ili tahografe u svrhu ispitivanja listića.

2. Nadležni organi svake strane ugovornice na uverenju o odobrenju modela tahografskog listića navode tip ili tipove tahografa u kojima može da se koristi taj model tahografskog listića.

#### Član 7.

Nijedna strana ugovornica ne sme da odbije da registruje vozilo sa ugrađenim tahografom, ili zabrani puštanje u saobraćaj ili korišćenje takvog vozila iz bilo kog razloga koji je u vezi sa činjenicom da je u vozilo ugrađen takav tahograf, ako tahograf nosi oznaku odobrenja navedenu u članu 3. i informativnu nalepnicu navedenu u članu 9.

#### Član 8.

U svim odlukama u skladu sa ovim aneksom kojima se odbija ili povlači odobrenje tipa za tahograf ili model tahografskog listića ili memorijske kartice detaljno se navode razlozi na kojima je ova odluka zasnovana. Odluka se dostavlja zainteresovanoj strani, koja se u isto vreme informiše o pravnim lekovima koji su joj dostupni po zakonima strane ugovornice, kao i o rokovima za podnošenje tih pravnih lekova.

### POGLAVLJE II – UGRADNJA I PREGLED

#### Član 9.

1. Tahograf mogu ugrađivati ili popravljati samo tehničari ili radionice koje su za to ovlastili nadležni organi strana ugovornica, nakon što nadležni organi, po sopstvenom nahođenju, saslušaju mišljenje proizvođača u pitanju.

Rok važenja kartica za ovlašćenu radionicu i tehničara ne sme da bude duži od godinu dana.

Ako rok važenja kartice izdate ovlašćenoj radionici ili tehničaru treba da se produži, ako je ona oštećena, neispravna, izgubljena ili ukradena, nadležni organ izdaje duplikat kartice u roku od pet radnih dana po prijemu detaljnog zahteva u tom smislu.

Prilikom izdavanja nove kartice radi zamene stare, nova kartica nosi isti informacioni broj „radionice“, s tim što je indeks uvećan za jedan. Nadležni organ koji izdaje karticu dužan je da vodi evidenciju izgubljenih, ukradenih ili neispravnih kartica.



Strane ugovornice preduzimaju sve potrebne mere za sprečavanje falsifikovanja kartica izdatih ovlašćenim tehničarima i radionicama.

2. Ovlašćeni tehničar ili radionica stavljaju posebnu oznaku na pečate koje postavljaju i, uz to, u skladu sa Dodatkom 1B, u tahograf unose elektronske bezbednosne podatke namenjene, pre svega, kontroli autentičnosti. Nadležni organi svake strane ugovornice dužni su da vode evidenciju korišćenih oznaka i elektronskih bezbednosnih podataka i izdatih kartica za ovlašćene radionice i tehničare.

3. Nadležni organi strana ugovornica razmenjuju svoje evidencije o ovlašćenim tehničarima i radionicama i izdatim karticama, kao i kopije oznaka i potrebne informacije u vezi sa korišćenim elektronskim bezbednosnim podacima.

4. Kao uverenje o ugradnji tahografa u skladu sa zahtevima ovog aneksa postavlja se informativna nalepnica u skladu sa Dodatkom 1 ili 1B.

5. Plombe mogu da uklone tehničari ili radionice koje su ovlastili nadležni organi u skladu sa odredbama stava 1. ovog člana ili pod okolnostima opisanim u Dodatku 1 ili 1B ovog aneksa.

### POGLAVLJE III – KORIŠĆENJE TAHOGRAFA

#### Član 10.

Poslodavac i vozači dužni su da se staraju o ispravnosti i pravilnom korišćenju tahografa, s jedne strane, i, sa druge, kartice vozača kada vozač upravlja vozilom sa ugrađenim tahografom u skladu sa Dodatkom 1B.

#### Član 11.

1. Poslodavac mora da obezbedi dovoljan broj tahografskih listića vozačima koji upravljaju vozilima u koja su ugrađeni tahografi u skladu sa Dodatkom 1, imajući u vidu činjenicu da su ovi listići po prirodi lični, trajanje prevoza i eventualnu obavezu zamene oštećenih listića ili listića koje je oduzeo nadležni kontrolni organ. Poslodavac daje vozačima samo listiće odobrenog modela pogodne za korišćenje u tahografu koji je ugrađen u vozilo.

Kada je u vozilo ugrađen tahograf u skladu sa Dodatkom 1B, poslodavac i vozač su dužni da se staraju da, uzimajući u obzir trajanje prevoza, bude moguće na odgovarajući način realizovati ispis na zahtev naveden u Dodatku 1B u slučaju kontrole.

2. Preduzeće je dužno da čuva tahografske listiće u urednom stanju tokom perioda od najmanje godinu dana od njihovog korišćenja i da zainteresovanim vozačima izda kopije na njihov zahtev. Listići se daju na uvid ili predaju na zahtev nadležnog inspekcijskog organa.

3. Karticu vozača definisanu u Dodatku 1B, izdaje, na zahtev vozača, nadležni organ strane ugovornice u kojoj je prebivalište vozača.

Strana ugovornica može da zahteva da svaki vozač na koga se primenjuju odredbe ovog sporazuma, a ima prebivalište na njenoj teritoriji, poseduje karticu vozača.

a) U svrhe ovog sporazuma „prebivalište“ označava mesto u kome lice uobičajeno živi, odnosno najmanje 185 dana tokom kalendarske godine, usled postojanja ličnih i profesionalnih veza, ili, u slučaju da lice nema profesionalne veze, zbog ličnih veza koje pokazuju blisku povezanost tog lica sa mestom u kome živi.

Međutim, prebivalište lica čije profesionalne veze postoje u drugom mestu u odnosu na njegove lične veze i koje iz tog razloga povremeno živi na različitim mestima koja se nalaze na teritoriji dve ili više strana ugovornica smatra se mestom njegovih ličnih veza, pod uslovom da se to lice redovno vraća u to mesto. Poslednji navedeni uslov ne mora da bude ispunjen ako lice živi na teritoriji strane ugovornice u svrhu rada na određeno vreme.

b) Vozači podnose dokaz o prebivalištu odgovarajućim sredstvima kao što su lična karta ili druga važeća isprava.

c) Ako nadležni organi strane ugovornice koja izdaje karticu vozača posumnjaju u punovažnost izjave o prebivalištu date u skladu sa tačkom b), ili u svrhu izvesnih posebnih kontrola, mogu da zahtevaju podnošenje dodatnih podataka ili dokaza.

d) Nadležni organ strane ugovornice, koja izdaje karticu vozača utvrđuje, u meri u kojoj je to moguće, da podnosilac zahteva već ne poseduje važeću karticu vozača.

4. a) Nadležni organ strane ugovornice personalizuje karticu vozača u skladu sa odredbama Dodatka 1B.

Rok važenja kartice vozača ne može da bude duži od pet godina.

Vozač može da poseduje samo jednu važeću karticu vozača. Vozač je ovlašćen za korišćenje samo svoje kartice vozača. Vozač ne sme da koristi karticu vozača koja je oštećena ili kojoj je istekao rok važenja.

Ako se kartica vozača izdaje u svrhu zamene stare kartice, nova kartica nosi isti broj izdavanja kartice vozača, ali uz indeks uvećan za jedan. Organ koji izdaje kartice dužan je da vodi evidenciju o izdatim, ukradenim, izgubljenim ili neispravnim karticama vozača najmanje tokom perioda koji odgovara njihovom roku važenja.

Ako je kartica vozača oštećena, neispravna, ukradena ili izgubljena, nadležni organ izdaje novu karticu u roku od pet radnih dana po prijemu detaljnog izveštaja u tom smislu.

U slučaju zahteva za produženje kartice vozača kojoj se približava istek roka važenja, nadležni organ izdaje novu karticu pre datuma isteka važenja pod uslovom da mu je zahtev poslat u rokovima utvrđenim u četvrtom podstavu člana 12. stav 1.

b) Kartice vozača izdaju se samo podnosiocima zahteva na koje se odnose odredbe ovog sporazuma.

c) Kartica vozača je lična. Za vreme zvaničnog roka važenja ona se ne može povući ili privremeno oduzeti iz bilo kog razloga osim ako nadležni organ strane ugovornice utvrdi da je kartica falsifikovana, ili da vozač koristi tuđu karticu, ili da je kartica dobijena na osnovu lažne izjave i/ili falsifikovanih dokumenata. Ako mere privremenog oduzimanja ili povlačenja preduzme strana ugovornica koja nije izdala karticu, ona vraća karticu nadležnim organima strane ugovornice koja je izdala karticu i navodi razloge za to.

d) Kartice vozača koje izdaju strane ugovornice međusobno se priznaju.

Ako se vlasnik važeće kartice vozača koju je izdala jedna strana ugovornica nastani u drugoj strani ugovornici, on može da zatraži da njegova kartica bude zamenjena za jednakovrednu karticu vozača; strana ugovornica koja obavlja zamenu odgovorna je za proveru važenja podnete kartice u slučaju potrebe.

Strane ugovornice koje obavljaju zamenu vraćaju staru karticu nadležnim organima strane ugovornice koja je izdala karticu uz navođenje razloga za to.

e) Ako strana ugovornica obavlja zamenu ili promenu kartice vozača, navedenu zamenu i promenu, kao i svaku sledeću promenu ili produženje, mora da evidentira ta strana ugovornica.

f) Strane ugovornice preduzimaju sve potrebne mere za sprečavanje mogućnosti falsifikovanja kartica vozača.

5. Strane ugovornice obezbeđuju da podaci potrebni za kontrolu poštovanja odredaba ovog sporazuma koje evidentira i memoriše tahograf u skladu sa Dodatkom 1B ovog aneksa mogu da budu čuvani u njemu tokom 365 dana od datuma evidentiranja, kao i da budu dostupni pod uslovima koji garantuju bezbednost i tačnost podataka.

Strane ugovornice preduzimaju sve potrebne mere kako bi obezbedile da preprodaja ili otpis tahografa ne ometu, posebno, primenu ovog stava na zadovoljavajući način.

## Član 12.

1. Vozači ne smeju da koriste zaprljane ili oštećene tahografske listiće ili kartice vozača. Tahografski listići ili kartice vozača moraju u ovom smislu da budu zaštićeni na odgovarajući način.

U slučaju oštećenja tahografskog listića ili kartice vozača koji u/na sebi imaju evidentirane podatke, vozač prilaže oštećeni listić ili karticu vozača uz rezervni tahografski listić ili privremeni listić koji koristi u svrhu zamene.

Ako je kartica vozača oštećena, neispravna, izgubljena ili ukradena, vozač podnosi zahtev za novu karticu u roku od sedam kalendarskih dana nadležnim organima strane ugovornice u kojoj ima prebivalište.

Ako vozač želi da produži svoju karticu vozača, on podnosi zahtev nadležnim organima strane ugovornice u kojoj ima prebivalište najkasnije 15 radnih dana pre datuma isteka roka važenja kartice.

2. Vozači moraju da koriste tahografske listiće ili kartice vozača svakog dana tokom koga upravljaju vozilom, od trenutka preuzimanja vozila. Tahografski listić ili kartica vozača ne prestaju da se koriste pre isteka dnevnog radnog vremena osim ako prestanak korišćenja nije na drugi način dozvoljen. Tahografski listić ili kartica vozača ne smeju da se koriste tokom dužeg vremenskog perioda od onog za koji su predviđeni.

Ukoliko vozač, usled udaljenosti od vozila, nije u stanju da koristi tahograf ugrađen u vozilo, vremena naznačena u stavu 3. druge alineje b), c) i d) unose se na listić ručno, automatski ili drugim sredstvima, čitko i bez prljanja listića.

Vozači menjaju tahografske listiće po potrebi ako u vozilu ima više od jednog vozača, tako da se podaci navedeni u stavu 3. druge alineje b), c) i d) evidentiraju na tahografskom listiću vozača koji upravlja vozilom u tom trenutku.

3. Vozači se staraju da:

- obezbede da se vreme koje se evidentira na tahografskim listićima podudara sa zvaničnim vremenom države u kojoj je registrovano vozilo,
- koriste preklopnike kojima se omogućava jasno i nedvosmisleno evidentiranje sledećih vremena:

a) oznakom  ili <sup>2</sup> vreme upravljanja vozilom;

b) oznakom  ili <sup>2</sup> vreme za druge poslove;

c) oznakom  ili <sup>2</sup> ostalih vremena raspoloživosti (pripravnosti), odnosno:

- vreme čekanja, tj. period tokom koga vozači ostaju na svom radnom mestu da bi se odazvali na zahtev da otpočnu ili nastave sa upravljanjem vozilom ili da obavljaju ostale radne aktivnosti,
- vreme provedeno kao suvozač dok je vozilo u pokretu,
- vreme provedeno na ležaju u vozilu dok je vozilo u pokretu;

<sup>2</sup> Simboli koji se koriste na digitalnom tahografu.

d) oznakom  ili  pauze u radu i dnevni odmori.

4. Svaka strana ugovornica može da dozvoli da svi periodi navedeni u stavu 3. druga alineja b) i c) budu evidentirani oznakom  na tahografskim listićima koji se koriste u vozilima registrovanim na njenoj teritoriji.

5. Svaki član posade mora da unosi sledeće podatke na svoj tahografski listić:

- a) na početku korišćenja listića – svoje prezime i ime;
- b) datum i mesto početka korišćenja listića i datum i mesto prestanka korišćenja listića;
- c) registarsku oznaku svakog vozila koje mu je dodeljeno, kako na početku upravljanja prvim vozilom evidentiranim na listiću, tako i posle toga, u slučaju promene vozila, tokom korišćenja listića;
- d) stanja na odometru:
  - pre početka upravljanja prvim vozilom evidentiranim na listiću,
  - po završetku upravljanja poslednjim vozilom evidentiranim na listiću,
  - u slučaju promene vozila tokom radnog dana (stanje na vozilu sa koga prelazi i stanje na vozilu na kome započinje upravljanje);
- e) vreme svake promene vozila, ako ih je bilo.

5. bis. Vozač unosi u tahograf u skladu sa Dodatkom 1B, simbole država u kojima počinje i završava svoje dnevno radno vreme.

Vozač unosi prethodno navedene podatke, a može ih unositi u potpunosti ručno ili automatski ako je tahograf povezan sa satelitskim sistemom za praćenje vozila.

6. Tahograf definisan u Dodatku 1 treba da bude konstruisan tako da nadležni kontrolni organ može da očita, po potrebi nakon otvaranja uređaja, evidentirane podatke koji se odnose na devet prethodnih sati u odnosu na vreme kontrole bez trajnog deformisanja, oštećenja ili prljanja listića.

Osim navedenog, tahograf mora da bude konstruisan tako da je bez otvaranja moguće proveriti da se evidentiranje obavlja.

7. a) Ako vozač upravlja vozilom u koje je ugrađen tahograf u skladu sa Dodatkom 1, on mora da bude u mogućnosti da, uvek kada to kontrolni organ zahteva, pruži na uvid:

- tahografske listiće za tekuću nedelju, a u svakom slučaju, listić za poslednji dan tokom koga je upravljao vozilom tokom prethodne nedelje,
- karticu vozača ako je poseduje, i
- ispise iz tahografa navedenog u Dodatku 1B koji se odnose na vremena naznačena u stavu 3. druga alineja a), b), c) i d) ako je upravljao vozilom u koje je ugrađen takav tahograf tokom perioda navedenog u prvoj alineji ovog stava.

b) Ako vozač upravlja vozilom u koje je ugrađen tahograf u skladu sa Dodatkom 1B, on mora da bude u mogućnosti da, uvek kada kontrolni organ to zahteva, pruži na uvid:

- svoju karticu vozača i,
- tahografske listiće za isti period naveden u prvoj alineji podstava a) tokom koga je upravljao vozilom sa ugrađenim tahografom u skladu sa Dodatkom 1.

c) Nadležni kontrolni organ može da proveri poštovanje odredaba Sporazuma na osnovu analize tahografskih listića, podataka prikazanih na ekranu (displeju) ili odštampanih podataka koji su evidentirani na tahografu ili na kartici vozača ili, u protivnom, na osnovu analize bilo kog drugog pratećeg dokumenta koji opravdava nepoštovanje odredbe, kao što su oni utvrđeni u članu 13. stavovi 2 i 3.

8. Zabranjeno je falsifikovanje, brisanje ili uništavanje podataka evidentiranih na tahografskom listiću, memorisanih u tahografu ili na kartici vozača, kao i na ispisima sa digitalnog tahografa iz Dodatka 1B. Isto važi i za manipulacije sa tahografom, tahografskim listićem ili karticom vozača koje mogu da dovedu do falsifikovanja, brisanja ili uništavanja podataka i/ili štampanih podataka. U vozilu ne sme da se nalazi uređaj koji može da se koristi u svrhu izvršenja navedenih manipulacija.

#### Član 13.

1. U slučaju otkaza ili neispravnosti tahografa, poslodavac mora da obezbedi opravku koju izvodi ovlašćeni tehničar ili ovlašćena radionica, u najkraćem mogućem roku imajući u vidu okolnosti.

Ako vozilo ne može da se vrati u prostorije preduzeća u roku od nedelju dana od dana otkaza ili otkrivanja neispravnosti, opravka mora da se obavi na putu.

Mere koje preduzimaju strane ugovornice mogu dati nadležnim organima pravo da zabrane korišćenje vozila u slučaju kada otkaz ili neispravnost nisu otklonjeni na način predviđen u prethodnim podstavovima.

2. Dok je uređaj u otkazu ili neispravan, vozač evidentira na tahografskom listiću ili listićima, ili na privremenom listiću koji se prilaže uz tahografski listić ili karticu vozača, na kome upisuje podatke kojim se utvrđuje njegov identitet (ime i prezime i broj njegove vozačke dozvole ili ime i prezime i broj njegove kartice vozača), uključujući i potpis vozača, sve podatke u vezi sa različitim vremenima koje tahograf više ne evidentira ili ne štampa na ispravan način.

Ako je kartica vozača oštećena, neispravna, izgubljena ili ukradena, po završetku upravljanja vozilom, vozač štampa podatke koji se odnose na vremena koja je evidentirao tahograf i naznačava na ispravi detalje kojima se utvrđuje njegov identitet (ime i prezime i broj njegove vozačke dozvole ili ime i prezime i broj njegove kartice vozača), uključujući i potpis vozača.

3. Ako je kartica vozača oštećena ili neispravna, vozač je dužan da je vrati nadležnom organu strane ugovornice u kojoj ima prebivalište. Krađa kartice vozača mora da se prijavi nadležnim organima države u kojoj se ona odigrala.

Gubitak kartice vozača mora da se prijavi nadležnim organima strane ugovornice koja ju je izdala, kao i nadležnim organima strane ugovornice prebivališta, u slučaju da su to različiti organi.

Vozač može da nastavi da upravlja vozilom bez kartice vozača najduže tokom 15 kalendarskih dana ili duže ako je to potrebno da bi se vozilo vratilo u bazu preduzeća, pod uslovom da podnese dokaz da karticu ne može da pruži na uvid niti da koristi tokom ovog perioda.

Ako se nadležni organi strane ugovornice u kojoj vozač ima prebivalište razlikuju od organa koji su izdali karticu i ako se od grupopomenutih organa zahteva produženje, zamena ili promena kartice vozača, ovi organi obaveštavaju organe koji su izdali staru karticu o detaljnim razlozima za njeno produženje, zamenu ili promenu.

#### Član 14.

1. U skladu sa članom 13. stav 2. tačka b) Sporazuma, vozači koji upravljaju vozilom koje je registrovano u strani ugovornici, a kojima nadležni organi još nisu izdali karticu vozača i koji,

za vreme prelaznog perioda iz stava 1. ovog člana, u međunarodnom prevozu upravljaju vozilom u koje je ugrađen digitalni tahograf u skladu sa Dodatkom 1B ovog aneksa, moraju da budu u mogućnosti da uvek kada kontrolni organ to zahteva pruže na uvid ispise i/ili tahografske listiće za tekuću nedelju i, u svakom slučaju, ispise i/ili tahografske listiće za poslednji dan prethodne nedelje kada su upravljali vozilom.

2. Stav 1. ne primenjuje se na vozače vozila koja su registrovana u državi u kojoj je kartica vozača obavezna. Međutim, vozači moraju uvek da daju ispise na uvid na zahtev kontrolnog organa.

3. Ispisi navedeni u stavu 1. moraju da imaju detalje koji omogućavaju utvrđivanje identiteta vozača (ime i prezime i broj vozačke dozvole), uključujući i potpis vozača.“

\* \* \*

Izmene i dopune Dodataka Aneksa AETR-a

Posle Dodatka 1 Aneksa, dodati novi Dodatak 1B, tako da glasi:

„DODATAK 1B

ZAHTEVI U VEZI SA KONSTRUKCIJOM, ISPITIVANJEM, UGRADNJOJ I PROVEROM  
DIGITALNIH TAHOGRAFA KOJI SE KORISTE U DRUMSKOM PREVOZU

Član 1.

Preambula

1. Pošto ovaj dodatak predstavlja prilagođavanje Aneksa 1B Uredbe Saveta (EEZ) broj 3821/85 od 20. decembra 1985. o uređajima za evidentiranje podataka u drumskom prevozu<sup>3</sup>, sadržaj ovog aneksa se ne ponavlja u AETR zbog svoje veličine i izrazito tehničkog karaktera. Za potpuni službeni tekst i njegove naknadne izmene i dopune, strane ugovornice se upućuju na *Službeni list Evropske unije*.

Sadržaj ovog dodatka 1B je iz tog razloga ograničen na uvodni deo u kome se navode upućivanja na odgovarajuće tekstove Evropske unije i Službeni list u kom su oni objavljeni i ističu, međusobnim upućivanjem, određene tačke gde je ovaj aneks morao da bude prilagođen smislu AETR-a.

2. U svrhu lakšeg upoređivanja teksta tog aneksa sa učinjenim prilagođavanjima kako bi se uzeo u obzir AETR i kako bi se omogućio pregled celokupnog teksta, sekretarijat Ekonomske komisije Ujedinjenih nacija za Evropu izrađuje prečišćenu verziju ovog dodatka. Međutim, ova verzija nema bilo kakvu pravnu snagu. Ova verzija, izrađena na službenim jezicima UNEKE, biće ažurirana prema potrebi.

Član 2.

Uvodne odredbe na Dodatak 1B

1. U skladu sa stavom 1. prethodno navedenog člana 1, strane ugovornice pozivaju se da, u cilju tumačenja Aneksa 1B, pogledaju Uredbe Komisije broj 1360/2002 od 13. juna 2002. i broj 432/2004 od 5. marta 2004 (videti fusnotu za datume njihovog objavljivanja u *Službenom listu Evropske unije*), kojima se po sedmi i osmi put vrši prilagođavanje tehničkom napretku Uredbe Saveta (EEZ) br. 3821/85 o uređajima za evidentiranje podataka u drumskom prevozu.

2. U svrhe Dodatka 1B:

2.1. Termini u dalje navedenoj levoj koloni zamenjuju se odgovarajućim terminima u desnoj koloni:

<b>Termini koji se koriste u Aneksu 1B</b>		<b>Termini koji se koriste u AETR</b>
Države članice	<b>Zamenjuju se sa</b>	Strane ugovornice
DČ		SU
Aneks (1B)		Dodatak (1B)
Dodatak		Pod-dodatak
Uredba		Sporazum ili AETR
Zajednica		UNEKE
Uređaj za evidentiranje podataka		Tahograf

<sup>3</sup> Izmenjena i dopunjena Uredbom Saveta (EZ) broj 2135/98 od 24. septembra 1998 (Sl. list broj L 274 od 9. oktobra 1998), kao i Uredbama Komisije (EZ) broj 1360/2002 od 13. juna 2002 (Sl. list broj L 207 od 5. avgusta 2002 (ispravka Sl. list broj L 77 od 13. marta 2004)) i broj 432/2004 od 5. marta 2004 (Sl. list broj L 71 od 10. marta 2004).

2.2. Upućivanja na pravne akte u levoj koloni dole zamenjuju se sa onima u desnoj koloni:

Pravni akti Evropske zajednice	Zamenjuju se sa	Pravni akti Ekonomske komisije Ujedinjenih nacija za Evropu
Uredba Saveta (EEZ) broj 3821/85		AETR
Direktiva Saveta broj 92/23/EEZ		EKE Pravilnik 54
Direktiva Komisije broj 95/54/EZ o prilagođavanju Direktive Saveta 72/245/EEZ tehničkom napretku		EKE Pravilnik 10

2.3. Spisak tekstova ili odredaba za koje ne postoji odgovarajući EKE ekvivalent ili za koje je potrebno više podataka naveden je u nastavku. Ovi tekstovi ili podaci navode se samo kao upućivanje.

2.3.1. Granica za podešavanje graničnika brzine, prema definiciji datoj u I (Definicije), bb) Aneksa IB/Dodatak 1B u skladu je sa odredbama Direktive Saveta broj 92/6/EEZ od 10. februara 1992 (Sl. list broj L57, 02/03/1992).

2.3.2. Merenje pređenog puta, prema definiciji datoj u I (Definicije), u) Aneksa 1B/Dodatak 1B u skladu je sa odredbama Direktive Saveta broj 97/27/EZ od 22. jula 1997, kao što je poslednji put izmenjena i dopunjena (Sl. list broj L 233, 25/08/1997).

2.3.3. Identifikacija vozila, prema definiciji datoj u I (Definicije), nn) Aneksa IB/ Dodataka 1B u skladu je sa odredbama Direktive Saveta broj 76/114/EEZ od 18. decembra 1975 (Sl. list broj L 24, 30/01/1976).

2.3.4. Odredbe o sigurnosti u skladu su sa odredbama utvrđenim u Preporuci Saveta broj 95/144/EZ od 7. aprila 1995, o zajedničkim kriterijumima za ocenu sigurnosti informacionih tehnologija (ITSEC) (Sl. list broj L 93, 26/04/1995).

2.3.5. Zaštita fizičkih lica u vezi sa obradom ličnih podataka i slobodnim protokom takvih podataka u skladu je sa odredbama Direktive Saveta broj 95/46/EZ od 24. oktobra 1995, kao što je poslednji put izmenjena i dopunjena (Sl. list broj L 281, 23/11/1995).

2.4. Ostale odredbe koje se menjaju ili brišu:

2.4.1. Sadržaj zahteva 172 briše se i zamenjuje se sa 'Rezervisan'.

2.4.2. Zahtev 174 menja se i glasi:

'karakteristična oznaka strane ugovornice koja izdaje karticu. Karakteristične oznake strana ugovornica koje nisu članice EU izražene su u skladu sa Bečkom konvencijom o drumskom prevozu iz 1968. ili Ženevskom konvencijom o drumskom prevozu iz 1949'.

2.4.3. Upućivanje na zastavu EU u kojoj se nalaze slova 'DČ' koja znače 'država članica' u zahtevu 178 zamenjuju se slovima 'SU' što znači 'strana ugovornica', s tim da zastava strane ugovornice koja nije članica EU nije obavezna.

2.4.4. Zahtev 181 menja se i glasi:

'Posle savetovanja sa sekretarijatom UN/EKE, strane ugovornice mogu da dodaju boje ili oznake, npr. u smislu povećanja sigurnosti, ne dovodeći u pitanje druge odredbe ovog dodatka.'

2.4.5. Zahtev 278. menja se i glasi:

'Ispitivanja interoperabilnosti izvodi jedno nadležno telo.'

2.4.6. Zahtevi 291. do 195. brišu se i zamenjuju sa 'Rezervisano'.

2.4.7. U Dodatku 9/Pod-dodatak 9 AETR (Odobrenje tipa – Spisak minimalno potrebnih ispitivanja), 1, 1-1, uvodna rečenica se menja i glasi:



'Postupak odobrenja tipa za tahograf (ili njegov sastavni deo) ili memorijsku karticu tahografa zasniva se na:'"

Naziv Dodatka 2 menja se i glasi:

„OZNAKA ODOBRENJA I UVERENJA”

*Spisak država u stavu 1. Poglavlja 1. Dodatka 2. „Oznaka odobrenja” dopunjava se, menja i glasi:*

„ Mađarska	7	
Švajcarska	14	
Finska	17	
Lihtenštajn	33	
Bugarska	34	
Kazahstan	35	
Litvanija	36	
Turska	37	
Turkmenistan	38	
Azerbejdžan	39	
Bivša Jugoslovenska Republika Makedonija	40	
Andora	41	
Uzbekistan	44	
Kipar	49	
Malta	50	
'Jugoslavija	10'	zamenjuje se sa
'Srbija i Crna Gora	10'	”

*Naziv poglavlja II „UVERENJE O ODOBRENJU” Dodatka 2 menja se i glasi:*

„II. UVERENJE O ODOBRENJU PROIZVODA U SKLADU SA DODATKOM 1”

*Dodaje se novi odeljak III Dodatku 2:*

„III. UVERENJE O ODOBRENJU PROIZVODA U SKLADU SA DODATKOM 1B

Kada strana ugovornica sprovede odobrenje ona izdaje podnosiocu uverenje o odobrenju, izrađeno u skladu sa u produžetku navedenim modelom. Strane ugovornice koriste kopije ovog dokumenta kako bi dostavile ostalim stranama ugovornicama izdata odobrenja ili njihova eventualna povlačenja.

---

UVERENJE O ODOBRENJU PROIZVODA U SKLADU SA DODATKOM 1B

---

Naziv nadležne uprave .....

Saopštenje o <sup>(1)</sup>:

odobrenju

povlačenju odobrenja

modela tahografa

modela sastavnog dela tahografa <sup>(2)</sup> .....

kartice vozača

kartice radionice

kartice preduzeća

kartice kontrolora

---

Odobrenje br. ....

1. Proizvodna ili komercijalna oznaka .....
  2. Naziv modela .....
  3. Ime proizvođača .....
  4. Adresa proizvođača .....
  - .....
  5. Datum podnošenja zahteva za odobrenje .....
  6. Laboratorija ili laboratorije za ispitivanje .....
  7. Datum i broj izveštaja .....
  8. Datum odobrenja .....
  9. Datum povlačenja odobrenja .....
  10. Model(i) sastavnog dela (delova) tahografa sa kojima sastavni deo treba da se koristi .....
  - .....
  11. Mesto .....
  12. Datum .....
  13. Priložene specifikacije .....
- 
14. Primedbe (uključujući plombiranje u slučaju potrebe)
- .....
- .....
- .....

(potpis)

---

<sup>(1)</sup> Označiti potrebna polja

<sup>(2)</sup> U saopštenju navesti koji je sastavni deo u pitanju „ ”

## AMANDMAN 6

### Prvi deo

#### Izmene i dopune osnovnog teksta AETR

(u skladu sa postupkom predviđenim u članu 21. stavovi 1. do 6)

*Sledeće definicije iz člana 1. AETR-a, menjaju se i glase:*

„f) 'najveća dozvoljena ukupna masa' je najveća masa opterećenog vozila koju je nadležni organ države u kojoj je vozilo registrovano proglasio kao dozvoljenu;”

„g) 'drumski prevoz' je svako kretanje, koje se delimično ili u potpunosti obavlja na javnom putu, vozila za prevoz putnika ili robe, bez obzira na to da li je ono natovareno ili ne;”

„j) 'vozač' je svako lice, plaćeno ili ne, koje upravlja vozilom, makar i za kratko vreme, ili koje se nalazi u vozilu u okviru svojih obaveza kako bi po potrebi moglo da preuzme upravljanje vozilom;”

„m) 'odmor' je neprekidni period vremena tokom koga vozač može slobodno da raspolaže svojim vremenom;”

*Dodaju se sledeće nove definicije u članu 1. AETR-a:*

„n) 'pauza' je vreme tokom koga vozač ne sme da upravlja vozilom, niti da obavlja druge poslove i koje se isključivo koristi za oporavak;

o) 'dnevni odmor' je period u toku dana tokom koga vozač može slobodno da raspolaže svojim vremenom, a obuhvata 'puni dnevni odmor' i 'skraćeni dnevni odmor':

- 'puni dnevni odmor' označava dnevni odmor koji neprekidno traje najmanje 11 časova. Pored toga, puni dnevni odmor se može podeliti na dva dela i to tako da prvi deo odmora traje neprekidno najmanje tri časa, a drugi neprekidno najmanje devet časova;
- 'skraćeni dnevni odmor' označava dnevni odmor koji neprekidno traje najmanje 9 časova, ali manje od 11 časova;

p) 'nedeljni odmor' je period u toku nedelje tokom kojeg vozač može slobodno da raspolaže svojim vremenom, a obuhvata 'puni nedeljni odmor' i 'skraćeni nedeljni odmor':

- 'puni nedeljni odmor' označava vreme odmora koje traje najmanje 45 časova;
- 'skraćeni nedeljni odmor' označava neprekidni odmor kraći od 45 časova, koji, pod uslovima iz člana 8. stav 6. ovog sporazuma, može da bude skraćen tako da traje neprekidno najmanje 24 časa;

lj) 'drugi poslovi' označava sve radne aktivnosti osim upravljanja vozilom, uključujući i svaki rad za istog ili drugog poslodavca, u okviru sektora prevoza ili izvan njega. Ovo ne obuhvata vreme čekanja ni vreme provedeno u vozilu u pokretu, osim vremena upravljanja, odnosno dok se vozilo prevozi trajektom ili vozom;

r) 'vreme upravljanja vozilom' je trajanje aktivnosti upravljanja vozilom koje se evidentira automatski, poluautomatski ili ručno pod uslovima predviđenim u ovom sporazumu;

s) 'dnevno vreme upravljanja vozilom' je ukupno vreme upravljanja vozilom između završetka jednog dnevnog odmora i početka narednog dnevnog odmora, ili između dnevnog i nedeljnog odmora;

t) 'nedeljno vreme upravljanja vozilom' je ukupno vreme upravljanja vozilom tokom nedelje;

u) 'period upravljanja vozilom' je ukupno vreme upravljanja vozilom od početka upravljanja, posle odmora ili pauze pa sve do novog odmora ili pauze. Period upravljanja vozilom može biti neprekidan ili podeljen;

v) 'višečlana posada' označava slučaj kada se, tokom svakog perioda upravljanja vozilom između dva uzastopna dnevna odmora ili između dnevnog i nedeljnog odmora, u vozilu nalaze najmanje dva vozača koja mogu da upravljaju vozilom. Prisustvo drugog, odnosno drugih vozača nije obavezno jedino tokom prvog časa upravljanja vozilom;

nj) 'prevoznik' je svako fizičko ili pravno lice, svako udruženje ili grupa lica koje nema status pravnog lica, bilo profitno ili neprofitno, ili zvanični organ bilo da on sam ima status pravnog lica ili je zavisan od drugog organa koji ima taj status, koje obavlja drumski prevoz, bilo javni ili za sopstvene potrebe."

## **Član 2. (Oblast primene)**

*Član 2. AETR-a menja se i glasi:*

„1. Ovaj sporazum primenjuje se na teritoriji svake strane ugovornice na svaki međunarodni prevoz drumom koji se obavlja vozilom registrovanim na teritoriji pomenute strane ugovornice ili na teritoriji svake druge strane ugovornice.

2. Međutim, osim ako se strane ugovornice na čijoj se teritoriji prevoz obavlja drugačije ne dogovore, ovaj sporazum se ne primenjuje na međunarodni drumski prevoz koji se obavlja:

a) vozilima za prevoz robe, čija najveća dozvoljena ukupna masa, uključujući i prikolicu ili poluprikolicu, ne prelazi 3,5 tone;

b) vozilima za prevoz putnika koja, po svojoj konstrukciji i opremi nisu pogodna za prevoz više od devet osoba, uključujući i vozača, a namenjena su za tu svrhu;

c) vozilima za prevoz putnika u linijskom prevozu na linijama dužine do 50 kilometara;

d) vozilima čija najveća dozvoljena brzina ne prelazi 40 kilometara na čas;

e) vozilima koja su u svojini ili u zakupu, bez vozača, oružanih snaga, službi civilne zaštite, vatrogasnih službi i/ili snaga za održavanje javnog reda i mira, kada se prevoz obavlja u svrhu izvršavanja zadataka ovih službi i pod njihovim nadzorom;

f) vozilima koja se koriste u vanrednim situacijama ili akcijama spasavanja, uključujući i vozila koja se koriste za nekomercijalni prevoz humanitarne pomoći;

g) specijalizovanim vozilima koja se koriste u medicinske svrhe;

h) vozilima specijalizovanim za prevoz oštećenih vozila, a koja rade najdalje do 100 km od baze vozila;

i) vozilima koja se testiraju na putu u svrhu tehničkog razvoja, popravke ili održavanja i novim ili obnovljenim vozilima koja još nisu puštena u saobraćaj;

j) vozilima čija najveća dozvoljena ukupna masa ne prelazi 7,5 tona i koja se koriste za nekomercijalni prevoz robe;

k) komercijalnim vozilima, koja imaju muzejsku vrednost, prema propisima strane ugovornice u kojoj su registrovana, i koja se koriste za nekomercijalni prevoz putnika ili robe."

## **Član 3.**

**(Primena nekih odredaba Sporazuma na drumske prevoze koji se obavljaju vozilima registrovanim na teritoriji država koje nisu strane ugovornice)**

*Član 3. stav 2. AETR-a menja se i glasi:*

„2. a) Međutim, svaka strana ugovornica ima pravo, u slučaju vozila koje je registrovano u državi koja nije strana ugovornica ovog sporazuma, da umesto tahografa koji je u skladu sa

specifikacijama iz aneksa ovog sporazuma, zahteva dnevne tahografske listiće, koje svaki član posade ručno popunjava za vreme od ulaska na teritoriju prve strane ugovornice.

b) U tu svrhu, svaki član posade mora da upiše na svom tahografskom listiću podatke vezane za sve svoje radne aktivnosti i vremena odmora, korišćenjem odgovarajućih grafičkih simbola definisanih u članu 12. Aneksa ovog sporazuma.”

### **Član 6. (Vreme upravljanja vozilom)**

*Član 6. AETR-a menja se i glasi:*

1. Dnevno vreme upravljanja vozilom, kako je definisano u članu 1. stav s) ovog sporazuma, ne sme da bude duže od 9 časova. Ono može, najviše dva puta nedeljno, da se produži na 10 časova.
2. Nedeljno vreme upravljanja vozilom, kako je definisano u članu 1. stav t) ovog sporazuma, ne sme da bude duže od 56 časova.
3. Ukupno vreme upravljanja vozilom u toku bilo koje dve uzastopne nedelje ne sme da bude duže od 90 časova.
4. Vremena upravljanja vozilom obuhvataju sva vremena upravljanja vozilom na teritoriji strana ugovornica i država koje nisu strane ugovornice.
5. Vozač evidentira kao druge poslove svako vreme provedeno kako je predviđeno u članu 1. tačka lj), kao i vreme upravljanja vozilom prilikom obavljanja komercijalnog prevoza koji ne spada u oblast primene ovog sporazuma, a vreme raspoloživosti, kako je navedeno u članu 12. stav 3. tačka c) Aneksa ovog sporazuma. Ove evidencije se unose ručno na tahografske listiće ili na štampane ispise, ili preko instalacije tahografa za ručni unos.

### **Član 7. (Pauze)**

*Član 3. stavovi 1. do 3. AETR-a menjaju se i glase:*

- „1. Nakon perioda upravljanja vozilom od četiri i po časa, vozač mora da koristi neprekidnu pauzu od najmanje 45 minuta, osim ako ne započinje sa korišćenjem odmora.
2. Ova pauza, kako je definisana u članu 1. stav n) ovog sporazuma, može da se zameni prvom pauzom od najmanje 15 minuta i drugom od najmanje 30 minuta, raspoređenim tokom pomenutog perioda upravljanja vozilom ili neposredno nakon njega tako da budu u skladu sa odredbama iz prvog stava.
3. U svrhe ovog člana vreme čekanja i vreme provedeno u vozilu u pokretu, osim vremena upravljanja, odnosno dok se vozilo prevozi trajektom ili vozom ne smatra se 'drugim poslovima', kako je definisano u članu 1. stav lj) ovog sporazuma, a može da se smatra 'pauzom'.”

### **Član 8. (Odmori)**

*Član 8. AETR-a menja se i glasi:*

- „1. Vozač mora da koristi dnevne i nedeljne odmore, kako su definisani u članu 1. stavovi o) i p).
2. U roku od 24 časa nakon završetka prethodnog dnevnog ili nedeljnog odmora, vozač mora da iskoristi novi dnevni odmor.
- Ako deo dnevnog odmora koji ulazi u pomenuti rok od 24 časa traje najmanje 9 a manje od 11 časova, takav dnevni odmor smatra se skraćenim dnevnim odmorom.
3. Odstupanjem od stava 2, u roku od 30 časova od završetka dnevnog ili nedeljnog odmora, vozač koji je član višečlane posade mora da iskoristi novi dnevni odmor u trajanju od najmanje devet časova.

4. Dnevni odmor može da se produži tako da postane pun nedeljni odmor ili skraćeni nedeljni odmor.

5. Vozač može imati najviše tri skraćena dnevna odmora između svaka dva nedeljna odmora.

6. a) U toku bilo koje dve uzastopne nedelje, vozač mora da koristi najmanje:

(i) dva puna nedeljna odmora; ili

(ii) jedan pun nedeljni odmor i jedan skraćeni nedeljni odmor u trajanju od najmanje 24 časa. Međutim, skraćenje nedeljnog odmora mora da se nadoknadi ekvivalentnim trajanjem odmora koji se koristi odjednom pre završetka treće nedelje posle navedene nedelje.

Nedeljni odmor mora da započne najkasnije po završetku šestog 24-časovnog perioda od završetka prethodnog nedeljnog odmora.

b) Odstupanjem od stava 6, tačka a), vozač koji obavlja međunarodni vanlinijski prevoz putnika, može da odloži nedeljni odmor najkasnije do završetka dvanaest uzastopnih 24-časovnih perioda od završetka prethodnog punog nedeljnog odmora, pod uslovom da:

(i) prevoz traje najmanje 24 uzastopna časa u strani ugovornici ili trećoj državi osim one u kojoj je prevoz započeo, i

(ii) vozač posle korišćenja odstupanja koristi:

a. dva puna nedeljna odmora,

b. ili jedan pun nedeljni odmor i jedan skraćeni nedeljni odmor u trajanju od najmanje 24 časa. Međutim, skraćenje mora da se nadoknadi ekvivalentnim trajanjem odmora koji se koristi odjednom pre završetka treće nedelje po završetku perioda odstupanja.

i

(iii) četiri godine od kada je država u kojoj je vozilo registrovano započela sa primenom digitalnog tahografa, vozilo opremljeno tahografom u skladu sa zahtevima iz Dodatka 1B Aneksa, i

(iv) od 1. januara 2014. godine, u slučaju upravljanja tokom perioda između 22:00 i 6:00, vozilom upravlja višečlana posada ili se period upravljanja vozilom iz člana 7. skraćuje na tri časa.

c) Odstupanjem od stava 6, tačka a), vozači koji su članovi višečlane posade moraju svake nedelje da koriste po jedan pun nedeljni odmor u trajanju od najmanje 45 časova. Ovaj nedeljni odmor može da se skрати na najmanje 24 časa (skraćeni nedeljni odmor). Međutim, svako skraćenje nedeljnog odmora mora da se nadoknadi ekvivalentnim trajanjem odmora koji se koristi odjednom pre završetka treće nedelje posle navedene nedelje.

Nedeljni odmor mora da započne najkasnije po završetku šestog 24-časovnog perioda od završetka prethodnog nedeljnog odmora.

7. Svaki odmor kojim se nadoknađuje skraćeni nedeljni odmor mora da bude povezan sa drugim odmorom u trajanju od najmanje devet časova.

8. Ako to želi, vozač može van baze vozila da koristi dnevni odmor i skraćeni nedeljni odmor u vozilu, ukoliko u njemu postoji projektom proizvođača predviđen uređeni prostor za spavanje svakog vozača, i ako je vozilo u stanju mirovanja.

9. Nedeljni odmor koji se proteže u dve nedelje može da se računa u bilo kojoj, ali samo u jednoj od te dve nedelje.

Posle člana 8. AETR-a dodaje se član 8. bis koji glasi:

**„Član 8. bis (Odstupanja od člana 8)**

1. Odstupanjem od člana 8, ako vozač prati vozilo koje se prevozi trajektom ili vozom, a koristi pun dnevni odmor, on se može prekinuti, najviše dva puta, ostalim aktivnostima ako su ispunjeni sledeći uslovi:

a) da deo dnevnog odmora koji se koristi na kopnu mora biti u mogućnosti da se koristi pre ili posle dela dnevnog odmora koji se koristi na trajektu ili u vozu;

b) vreme između delova dnevnog odmora mora da bude što je moguće kraće, a ni u kom slučaju ne sme da bude duže od jednog časa pre ukrcavanja ili posle iskrcavanja, pri čemu su carinske formalnosti obuhvaćene ukrcavanjem ili iskrcavanjem.

Tokom svih delova odmora vozač mora da ima na raspolaganju ležaj ili kušet.

2. Vreme putovanja vozača do mesta preuzimanja vozila na koje se odnosi ovaj sporazum, ili u povratku sa tog mesta, pri čemu se vozilo o kome je reč ne nalazi u mestu boravka vozača, niti u sedištu poslodavca gde je uobičajena baza vozača, ne smatra se odmorom ili pauzom, osim ako se vozač prevozi trajektom ili vozom i ima pristup odgovarajućem uređenom prostoru za spavanje.

3. Vreme upravljanja vozilom na koje se ne odnosi ovaj sporazum od ili do vozila na koje se ovaj sporazum odnosi, pri čemu se drugo pomenuto vozilo ne nalazi u mestu boravka vozača, niti u sedištu poslodavca gde je uobičajena baza vozača, smatra se 'drugim poslovima'.

#### **Član 9. (Izuzeci)**

*Poslednja rečenica člana 9. AETR-a menja se i glasi:*

„...Vozač mora da naznači prirodu i razlog odstupanja od ovih odredaba na tahografskom listiću ili na ispisu iz tahografa ili na svom rasporedu rada vozača, najkasnije po dolasku na pogodni prostor za zaustavljanje.”

#### **Član 11. (Kontrola koju obavlja preduzeće)**

*Član 11. stav 1. AETR-a menja se i glasi:*

„1. Preduzeće organizuje drumski prevoz i adekvatno obučava članove posade tako da budu u stanju da poštuju odredbe ovog sporazuma.”

*Na kraju člana 11. stav 3. AETR-a dodaje se sledeći tekst:*

„... ili podstiče kršenje ovog sporazuma.”

*U članu 11. AETR-a posle stava 3. dodaju se stavovi 4. i 5.*

„4. Prevoznik je odgovoran za povrede koje učine njegovi vozači, čak i ako je povreda učinjena na teritoriji druge strane ugovornice ili na teritoriji države koja nije strana ugovornica.

Ne dovodeći u pitanje pravo strana ugovornica da smatraju prevoznika u potpunosti odgovornim, strane ugovornice mogu usloviti ovu odgovornost povredama stavova 1. i 2. od strane prevoznika. Strane ugovornice mogu da razmatraju svaki dokaz da prevoznik ne može osnovano da bude odgovoran za učinjenu povredu.

5. Prevoznici, pošiljaoci robe, špediteri, turoperator, glavni ugovarači, podugovarači i agencije koje zapošljavaju vozače moraju da se pobrinu da ugovorom utvrđen plan prevoza bude u skladu sa ovim sporazumom.”

#### **Član 12. (Mere za sprovođenje Sporazuma)**

*Član 12. stavovi a) do c) AETR-a menjaju se i glase:*

„a) Nadležne uprave strana ugovornica organizuju kontrole na sledeći način:

(i) tokom svake kalendarske godine kontroliše se najmanje 1% radnih dana vozača vozila na koje se primenjuje ovaj sporazum. Od 1. januara 2010. godine ovaj procenat će iznositi najmanje 2%, a od 1. januara 2012. godine najmanje 3%;



(ii) najmanje 15% od ukupnog broja kontrolisanih radnih dana kontroliše se na putu, a najmanje 25% u prostorijama preduzeća. Od 1. januara 2010. godine najmanje 30% od ukupnog broja kontrolisanih radnih dana kontroliše se na putu, a najmanje 50% kontroliše se u prostorijama preduzeća.

b) Kontrola na putu obuhvata sledeće:

(i) dnevna i nedeljna vremena upravljanja vozilom, pauze i dnevne i nedeljne odmomore;

(ii) tahografske listiće za prethodne dane koji se nalaze u vozilu, i/ili podatke memorisane za isti period na kartici vozača i/ili u memoriji tahografa i/ili na štampanim ispisima, ako je to neophodno;

(iii) ispravan rad tahografa.

Ove kontrole se obavljaju bez diskriminacije između vozila, preduzeća i vozača, bez obzira na to da li su oni rezidenti ili ne, i bez obzira na izvor ili cilj putovanja ili tip tahografa.

c) Kontrola u prostorijama preduzeća obuhvata, pored stavki koje se kontrolišu na putu i usklađenosti sa odredbama člana 11. stav 2. Aneksa:

(i) nedeljni odmor i vreme upravljanja vozilom između ovih odmora;

(ii) dvonedeljno ograničenje vremena upravljanja vozilom;

(iii) nadoknadu nedeljnih odmora skraćenih u skladu sa članom 8. stav 6;

(iv) korišćenje tahografskih listića i/ili tahografa i kartica vozača i štampane ispise i/ili organizaciju radnog vremena vozača."

*U članu 12. AETR-a posle stava 5. dodaju se stavovi 6. do 8. koji glase:*

„6. a) Strana ugovornica ovlašćuje svoje nadležne organe da izreknu kaznu vozaču za povredu ovog sporazuma primećenu na njenoj teritoriji, a za koju nije već izrečena kazna, čak i ako je ta povreda učinjena na teritoriji druge strane ugovornice ili države koja nije strana ugovornica;

b) Strana ugovornica ovlašćuje svoje nadležne organe da izreknu kaznu preduzeću za povredu ovog sporazuma primećenu na njenoj teritoriji, a za koju nije već izrečena kazna, čak i ako je ta povreda učinjena na teritoriji druge strane ugovornice ili države koja nije strana ugovornica.

Izuzetno, ako se primeti povreda koju je učinilo preduzeće sa sedištem u drugoj strani ugovornici ili državi koja nije strana ugovornica, izricanje sankcija mora biti u skladu sa postupkom predviđenim bilateralnim ugovorima o drumskom prevozu između zainteresovanih strana.

Strane ugovornice će počev od 2011. godine, razmotriti mogućnost ukidanja izuzetka iz stava 6. tačka b) na osnovu spremnosti svih strana ugovornica.

7. Uvek kada strana ugovornica pokrene postupak ili izrekne kaznu za određenu povredu, dužna je da vozaču dostavi pismeni dokaz o tome.

8. Strane ugovornice staraju se da postoji sistem srazmernih kazni, uključujući i novčane kazne, za povrede ovog sporazuma od strane preduzeća ili udruženih pošiljalaca robe, špeditera, glavnih ugovarača, podugovarača, turoperatora i agencija koje zapošljavaju vozače."

*Posle člana 12. dodaje se novi član 12. bis koji glasi:*

#### **„Član 12. bis (Model standardizovanog obrasca)**

1. Kako bi se olakšala kontrola na putu, biće uvedeni modeli standardizovanih obrazaca, za korišćenje po potrebi, u Aneksu ovog sporazuma, koji će biti shodno dopunjavan novim

Dodatkom 3. Ovi obrasci će biti uvedeni ili izmenjeni i dopunjeni u skladu sa postupkom definisanim u članu 22. ter.

2. Modeli obrasca prikazani u Dodatku 3 nisu ni na koji način obavezujući. Međutim, ako se koriste, mora se poštovati definisani sadržaj, posebno u pogledu numeracije, redosleda i naslova stavki.

3. Strane ugovornice mogu da dopunjavaju ove podatke dodatnim informacijama kako bi ispunile nacionalne ili regionalne zahteve. Ove dodatne informacije ne smeju ni pod kakvim okolnostima da budu obavezne za prevoze koji potiču iz drugih strana ugovornica ili trećih država. Iz tog razloga, oni se pojavljuju na obrascu potpuno odvojeno od podataka predviđenih za međunarodni saobraćaj.

4. Ovi obrasci se prihvataju prilikom kontrola na putu na teritoriji strana ugovornica ovog sporazuma.”

*Posle člana 13. dodaje se novi član 13. bis koji glasi:*

#### **„Član 13. bis (Prelazne odredbe)**

Odredbe navedene na kraju člana 12. stava 7. tačka a) i b) Aneksa ovog sporazuma primenjuju se tri meseca od datuma stupanja na snagu ovog amandmana.”

*Posle člana 22. bis dodaje se novi član 22. ter koji glasi:*

#### **„Član 22. ter (Postupak za izmene i dopune Dodatka 3)**

1. Dodatak 3 Aneksa ovog sporazuma menja se i dopunjava u skladu sa sledećim postupkom.

2. Svaki predlog da se u Dodatak 3 uvedu modeli obrazaca u skladu sa članom 12. bis ovog sporazuma ili da se izmene ili dopune postojeći obrasci podnosi se na usvajanje Radnoj grupi za drumski transport Ekonomske komisije za Evropu. Predlog se smatra prihvaćenim ako je usvojen većinom glasova prisutnih strana ugovornica, koje glasaju.

Sekretarijat Ekonomske komisije za Evropu zvanično će obavestiti nadležne organe svih strana ugovornica ovog sporazuma o svim izmenama i dopunama usvojenim na ovaj način i istovremeno će proslediti ovo obaveštenje generalnom sekretaru uz kopiju odgovarajućeg teksta.

3. Svaki model obrasca usvojen na ovaj način može da se koristi tri meseca nakon datuma prosleđivanja obaveštenja stranama ugovornicama ovog sporazuma.”

### **Drugi deo**

#### **Izmene i dopune Aneksa AETR-a**

***(u skladu sa postupkom predviđenim u članu 21. stav 8)***

#### **Član 11.**

*Član 11. stav 2. Aneksa AETR-a menja se i glasi:*

„2. a) Preduzeće čuva tahografske listiće i ispise, kada god su ti ispisi štampani radi poštovanja člana 12. stav 1, po hronološkom redu i u čitljivom obliku najmanje godinu dana nakon datuma njihovog korišćenja i, daje njihove kopije zainteresovanim vozačima, koji ih zatraže. Preduzeće takođe daje odgovarajućim vozačima, koji to zatraže, kopije podataka preuzetih sa njihovih kartica vozača kao i odštampane ispise kopija tih podataka. Ovi tahografski listići, štampani ispisi i preuzeti podaci daju se na uvid ili uručuju na zahtev ovlašćenog inspekcijuskog službenika.

b) Preduzeće koje koristi vozila u koja je ugrađen tahograf u skladu sa Dodatkom 1B ovog aneksa i koja se nalaze u okviru u oblasti primene sporazuma:

(i) stara se o redovnom preuzimanju svih podataka sa tahografa i kartice vozača prema propisima strane ugovornice, kao i o češćem preuzimanju relevantnih podataka kako bi se obezbedilo da svi podaci o preduzetim aktivnostima od strane preduzeća ili za njega budu preuzeti;

(ii) obezbeđuje da svi preuzeti podaci kako sa tahografa tako i sa kartice vozača budu sačuvani tokom najmanje 12 meseci nakon njihovog evidentiranja i da na zahtev ovlašćenog inspekcijuskog službenika budu dostupni, bilo neposredno ili daljinski, iz prostorija preduzeća.

U svrhu ovog podstava, izraz „preuzeti” tumačiće se u skladu sa definicijom iz Dodatka 1B, Poglavlja I, tačke s).“

## **Član 12.**

### *Član 12. stav 1. Aneksa AETR-a*

– Samo u francuskoj verziji, drugi i treći podstavovi menjaju se i glase:

„U slučaju oštećenja tahografskog listića ili kartice vozača koji u/na sebi imaju evidentirane podatke, vozač prilaže oštećeni listić ili karticu vozača uz rezervni tahografski listić ili odgovarajući listić koji se koristi u svrhu zamene.

Ako je kartica vozača oštećena, neispravna, izgubljena ili ukradena, vozač u roku od sedam kalendarskih dana podnosi zahtev za duplikatom nadležnom organu strane ugovornice u kojoj ima prebivalište.”

– Samo u engleskoj verziji, drugi podstav menja se i glasi:

Izraz „privremeni“ zamenjuje se izrazom „odgovarajući“.

### *Član 12. stav 2. Aneksa AETR-a menja se i glasi:*

„2. a) Vozači moraju da koriste tahografske listiće ili karticu vozača svakog dana tokom koga upravljaju vozilom, od trenutka preuzimanja vozila. Tahografski listić ili kartica vozača ne vadi se iz tahografa pre završetka dnevnog radnog vremena osim ako je to posebno dozvoljeno. Tahografski listić ili kartica vozača ne smeju da se koriste duže od perioda za koji su predviđeni.

Ako se u vozilu u koje je ugrađen tahograf u skladu sa Dodatkom 1B nalazi više od jednog vozača, svaki se stara da svoju karticu vozača umetne u odgovarajući čitač na tahografu.

b) Ako, zbog udaljenosti od vozila, vozač nije u stanju da koristi tahograf ugrađen u vozilo, vremena naznačena u stavu 3, druga alineja b), c) i d) se:

(i) ako je u vozilo ugrađen tahograf u skladu sa Dodatkom 1, unose na tahografski listić ručno, automatski ili drugim sredstvima, čitko i bez prljanja listića; ili

(ii) ako je u vozilo ugrađen tahograf u skladu sa Dodatkom 1B, unose na karticu vozača korišćenjem instalacije tahografa za ručni unos.

c) Vozači menjaju i dopunjuju tahografske listiće po potrebi ako se u vozilu nalazi više od jednog vozača, tako da se podaci navedeni u stavu 3. druge alineje b), c) i d) evidentiraju na tahografskom listiću vozača koji upravlja vozilom u tom trenutku.

### *Član 12. stav 7. tačke a) i b) Aneksa AETR-a menjaju se i glase:*

„7. a) Ako vozač upravlja vozilom u koje je ugrađen tahograf u skladu sa Dodatkom 1, on mora biti u mogućnosti da pruži na uvid, uvek kada to kontrolni organ zahteva:

(i) tahografske listiće za tekuću nedelju i listiće koje je koristio vozač tokom prethodnih 15 kalendarskih dana; i

(ii) karticu vozača ako je poseduje; i

(iii) sve ručne unose ili štampane ispise koji se odnose na tekuću nedelju i prethodnih 15 kalendarskih dana, u skladu sa zahtevima ovog sporazuma.

Od datuma primene predviđenog u članu 13. bis ovog sporazuma, periodi navedeni u (i) i (ii) obuhvataju tekući dan i prethodnih 28 kalendarskih dana.

b) Ako vozač upravlja vozilom u koje je ugrađen tahograf u skladu sa Dodatkom 1B, on mora biti u mogućnosti da pruži na uvid, uvek kada to kontrolni organ zahteva:

(i) svoju karticu vozača;

(ii) sve ručne unose ili štampane ispise koji se odnose na tekuću nedelju i prethodnih 15 kalendarskih dana, u skladu sa zahtevima ovog sporazuma;

(iii) tahografske listiće za isti period naveden u prethodnom podstavu tokom koga je upravljao vozilom sa ugrađenim tahografom u skladu sa Dodatkom 1.

Od datuma primene predviđenog u članu 13. bis ovog sporazuma, periodi navedeni u (ii) obuhvataju tekući dan i prethodnih 28 kalendarskih dana.

### **Član 13.**

*Član 13. stav 2. Aneksa AETR-a menja se i glasi:*

„2. a) Dok uređaj nije moguće koristiti ili je neispravan, vozač evidentira na tahografskom listiću ili listićima, ili na odgovarajućem listiću koji se prilaže uz tahografski listić ili karticu vozača, na kome upisuje podatke kojim se utvrđuje njegov identitet (ime i prezime i broj njegove vozačke dozvole ili ime i prezime i broj njegove kartice vozača), uključujući i potpis vozača, sve podatke u vezi sa različitim vremenima koje tahograf više ne evidentira ili ne štampa na ispravan način.

b) Ako je kartica vozača oštećena, neispravna, izgubljena ili ukradena, ili nije u državi vozača, tada vozač:

(i) na početku upravljanja vozilom, štampa podatke koji se odnose na vozilo kojim upravlja, i unosi na tom štampanom ispisu:

- podatke kojima se utvrđuje njegov identitet (ime i prezime i broj njegove vozačke dozvole ili ime i prezime i broj njegove kartice vozača), uključujući i njegov potpis;
- vremena navedena u članu 12. stav 3. druga alineja, tačke b), c) i d);

(ii) po završetku upravljanja vozilom, štampa podatke koji se odnose na vremena koja je evidentirao tahograf, evidentira vreme za druge poslove, vreme raspoloživosti i odmora koja je koristio od štampanja ispisa na početku upravljanja vozilom, ako nisu evidentirana tahografom, i naznačava na ispravi podatke kojima se utvrđuje njegov identitet (ime i prezime i broj njegove vozačke dozvole ili ime i prezime i broj njegove kartice vozača), uključujući i njegov potpis.”

### **Treći deo**

#### **Izmene i dopune dodataka Aneksa AETR-a**

*(u skladu sa postupkom predviđenim u članu 22)*

#### **Dodatak 1**

##### **(Zahtevi u pogledu konstrukcije, ispitivanja, ugradnje i pregleda)**

Samo u ruskoj verziji, poglavlje III, Odeljak C, stav 4, tačka a) podtačka iii), prva alineja zamenjuje se sledećim tekstom:

„– vreme čekanja, tj. period tokom koga su vozači obavezni da ostanu na dužnosti da bi se eventualno odazvali na poziv za otpočinjanje ili nastavak upravljanja vozilom ili obavljanje ostalih aktivnosti,”

#### **Dodatak 2 (OZNAKA ODOBRENJA I UVERENJA)**

Dodaju se sledeće države spisku koji se nalazi u stavu 1. tačke I „Oznaka odobrenja”

Albanija	54
Jermenija	55
Crna Gora	56
San Marino	57
Monako	59

„Srbija i Crna Gora 10” zamenjuje se tekstem:  
Srbija 10

Posle dodatka 2. Aneksa AETR-a dodaje se novi Dodatak 3 koji glasi:

„MODEL OBRAZACA

U skladu sa članom 12. bis ovog sporazuma, prevoznici mogu da koriste sledeće modele obrazaca kako bi pojednostavili kontrole na putu:

1. UVERENJE O AKTIVNOSTIMA koristi se kada je vozač bio na bolovanju ili godišnjem odmoru ili kada je upravljao vozilom koje je izuzeto iz oblasti primene AETR-a kako je definisano u članu 2. ovog sporazuma.

Uputstvo za korišćenje (da se naznači, ako je moguće, na poleđini obrasca)

a) Sva polja na ovom obrascu moraju da budu popunjena, pre početka putovanja, od strane prevoznika i vozača na koga se to odnosi.

b) Tekst na obrascu se ne sme menjati.

c) Kako bi bio punovažan, obrazac mora da potpiše i ovlašćeni predstavnik prevoznika i sam vozač. Za prevoznike privatne preduzetnike vozač potpisuje jednom u ime prevoznika, a jednom kao vozač. Samo potpisani original je punovažan.

d) Obrazac može da se štampa na memorandumu preduzeća. Odeljci 1 do 5 mogu da budu unapred odštampani. Pečat preduzeća ne može da zameni potpis, ali se može dodati uz potpis.

e) Sve dodatne nacionalne ili regionalne informacije moraju biti navedene na poleđini obrasca.

f) Ako se ovaj obrazac sačinjava na nekom drugom jeziku osim engleskog ili francuskog, naslov na nacionalnom jeziku mora da stoji ispod engleskog i francuskog naslova, koji se moraju zadržati. Naslovi odeljaka u osnovnom tekstu obrasca moraju se ponoviti na engleskom jeziku ako je originalni dokument sačinjen na bilo kom drugom jeziku (videti model u prilogu).

2. (rezervisano za druge moguće obrasce)...”

Dodatak 3 Aneksa AETR-a

POTVRDA O AKTIVNOSTIMA<sup>4</sup>  
(Uredba (EZ) 561/2006 ili AETR<sup>5</sup>)

Popunjava se u štampanom obliku na latiničnom pismu i potpisuje pre početka putovanja.  
Čuva se uz originalne tahografske listiće ili štampane ispise kada god je to potrebno.

UNOS NETAČNIH PODATAKA U POTVRDU PREDSTAVLJA PREKRŠAJ

Deo koji popunjava preduzeće

1. Naziv preduzeća
2. Ulica, poštanski broj, grad
- Država
3. Broj telefona (uključujući i međunarodni pozivni broj)
4. Broj faksa (uključujući i međunarodni pozivni broj)
5. Adresa elektronske pošte:

Ja, dole potpisani:

6. Prezime i ime
7. Na radnom mestu u preduzeću
- izjavljujem da je vozač:
8. Prezime i ime
9. Datum rođenja (dan/mesec/godina)
10. Broj vozačke dozvole ili lične karte ili pasoša
11. koji je otpočeo sa radom u preduzeću (dan, mesec, godina)

za period

12. od (čas/dan/mesec/godina):
13. do (čas/dan/mesec/godina):
14.  bio na bolovanju<sup>\*\*\*</sup>
15.  koristio godišnji odmor<sup>\*\*\*</sup>
16.  odsustvovao sa posla ili koristio slobodne dane<sup>\*\*\*</sup>
17.  upravljao vozilom izuzetim iz oblasti primene Uredbe (EZ) 561/2006 ili AETR-a<sup>\*\*\*</sup>
18.  obavljao druge poslove osim upravljanja vozilom<sup>\*\*\*</sup>
19.  bio raspoloživ<sup>\*\*\*</sup>

20. Mesto: ..... Datum: .....

Potpis

21. Ja, vozač, potvrđujem da nisam upravljao vozilom na koje se primenjuje Uredba (EZ) 561/2006 ili AETR-a tokom prethodno pomenutog perioda.

22. Mesto: ..... Datum: .....

Potpis vozača

<sup>4</sup> Ovaj formular je dostupan u elektronskom obliku i obliku podobnom za štampanje na sledećoj adresi:  
<http://www.unece.org/trans/main/sc1/aetr.html>

<sup>5</sup> Evropski sporazum o radu posade na vozilima koja obavljaju međunarodne drumske prevoze.

<sup>\*\*\*</sup> Izabрати samo jedno polje

**Član 3.**

O prihvatanju izmena i dopuna tehničkih propisa koji su sastavni deo Evropskog sporazuma o radu posada na vozilima koja obavljaju međunarodne drumske prevoze (AETR) i njihovoj primeni u Republici Srbiji odlučuje Vlada.

O objavljivanju tehničkih propisa iz stava 1. ovog člana stara se ministarstvo nadležno za poslove saobraćaja.

**Član 4.**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.