

71. Uredba o ratifikaciji 5. in 6. spremembe Evropskega sporazuma o delu posadk na vozilih, ki opravljajo mednarodne prevoze

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI 5. IN 6. SPREMEMBE EVROPSKEGA SPORAZUMA O DELU POSADK NA VOZILIH, KI OPRAVLJAJO MEDNARODNE PREVOZE

1. člen

Ratificirata se 5. in 6. sprememba Evropskega sporazuma o delu posadke na vozilih, ki opravljajo mednarodne cestne prevoze, sestavljeni v Ženevi 1. julija 1970.

2. člen

Spremembi se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasita:

E U R O P E A N A G R E E M E N T

Concerning

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

done at Geneva on 1 July 1970
*Amendment 5**

Part one

Amendments to the body of the AETR

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.*

* Entered into force on 16 June 2006

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 IB¹ 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."

* * *

¹ As last amended by Commission Regulations (EC) No.1360/2002 of 13 June 2002 (OJ L 207 of 5 August 2002 (corrigendum OJ L 77 of 13 March 2004)) and No. 432/2004 of 5 March 2004 (OJ L 71 of 10 March 2004).

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 ¹ driving time;

(b) under the sign  or ¹ all other periods of work;

(c) under the sign  or ¹ other periods of availability, namely:

¹ Symbols used for the digital tachograph.

- 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;

(d) under the sign or  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.”

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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 transport¹, the content of this Annex is not reproduced in the AETR because of its size and its very technical character. For the complete official text and its subsequent amendments, Contracting Parties shall refer to the *Official Journal* of the European Union.

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

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

Article 2. Introductory provisions to Appendix 1B

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

2. For the purposes of Appendix 1B:

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

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

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

¹ As amended by Council Regulation (EC) No. 2135/98 of 24 September 1998 (OJ L 274 of 9 October 1998) as well as by Commission Regulations (EC) No. 1360/2002 of 13 June 2002 (OJ L 207 of 5 August 2002 (corrigendum OJ L 77 of 13 March 2004)) and No. 432/2004 of 5 March 2004 (OJ L 71 of 10 March 2004).

- 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 " "

EUROPEAN AGREEMENT

Concerning

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

done at Geneva on 1 July 1970
Amendment 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;

* Entered into force on 20 September 2010

- (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 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.

5. 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;
- (iii) 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;
- (iv) 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 ожидания, 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
<u>Replace “Serbia and Montenegro</u>	<u>10” with:</u>
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

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

1. Name of the undertaking/*Nom de l'entreprise*

2. Street address, postal code, city/*Rue, code postal, ville*

Country / Pays:

3. Telephone number (including international prefix)/*Numéro de téléphone (y compris le préfixe international)*

4. Fax number (including international prefix)/*Numéro du télécopieur (y compris le préfixe international)*

Adresse courrier électronique/*e-mail address*):

I, the undersigned (Le soussigné):

5. Name and first name/*Nom et prénom*

6. Position in the undertaking/*Fonction dans l'entreprise*

declare that the driver/ déclare que le conducteur:

8. Name and first name/*Nom et prénom*

9. Date of birth (day/month/year)/*Date de naissance: (jour/mois/année)*:

10. Driving licence or identity card or passport number/*Numéro du permis de conduire ou de la carte d'identité ou du passeport*

11. who has started to work at the undertaking on (day/month/year)/*qui a commencé travailler dans l'entreprise le (jour/mois/année)*

au cours de la période/*for the period*:

12. from (hour/day/month/year) *du (heure/jour/mois/année)*:

13. to (hour/day/month/year) / *au (heure/jour/mois/année)*:

14. was on sick leave*** / *était en congé de maladie*

15. was on annual leave*** / *était en congé annuel*

16. was on leave or rest*** / *était en congé ou repos*

17. drove a vehicle exempted from the scope of Regulation (EC) 561/2006 or the AETR*** / *conduisait un véhicule exclu du champ d'application du règlement (CE) 561/2006 ou de l'AETR*

18. performed other work than driving*** / *effectuait autre travail que la conduite*

19. was available*** / *était disponible*

20. Place /*Lieu*:

Date/*date*:

Signature/*signature*

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

22. Place/ *Lieu*: Date/*date*

Signature of the driver /*Signature du conducteur*

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

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

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

**EVROPSKI SPORAZUM
O
DELU POSADK NA VOZILIH,
KI OPRAVLJAJO MEDNARODNE CESTNE PREVOZE
(AETR),**

sestavljen v Ženevi 1. julija 1970
5. sprememba*

Prvi del

Spremembe k osnovnemu besedilu AETR

10. člen se zamenja s temi določbami:

"10. člen – Snemalna naprava

1. Pogodbenice predpišejo vgradnjo in uporabo snemalne naprave v vozilih, registriranih na njihovem območju, v skladu z zahtevami tega sporazuma in priloge ter dodatkov.

2. Skladno s tem sporazumom mora snemalna naprava glede konstrukcije, vgradnje, uporabe in preskušanja izpolnjevati zahteve tega sporazuma in priloge ter dodatkov k njemu.

3. Šteje se, da je snemalna naprava, ki je skladna z Uredbo Sveta (EGS) št. 3821/85 z dne 20. decembra 1985, glede konstrukcije, vgradnje, uporabe in preskušanja skladna z zahtevami tega sporazuma in priloge ter dodatki k njemu."

13. člen se zamenja s temi določbami:

"13. člen – Prehodne določbe

1. Vse nove določbe tega sporazuma, vključno s prilogo in dodatkom 1 B in 2, ki se nanašajo na uvedbo digitalne snemalne naprave, postanejo zavezujoče za vse države pogodbenice tega sporazuma najmanj štiri leta po začetku veljavnosti ustreznih sprememb, ki so posledica postopkov iz 21. člena. Zato morajo biti vsa vozila po tem sporazumu, ki so prvič dana v promet po poteku navedenega obdobja, opremljena s snemalno napravo, ki je skladna s temi novimi zahtevami. V tem štiriletnem obdobju pogodbenice, ki še niso uvedle teh sprememb v svojih državah, na svojem območju dopuščajo in nadzorujejo vozila, registrirana v državah drugih pogodbenic tega sporazuma, ki so že opremljena s tako digitalno snemalno napravo.

2. (a) Pogodbenice sprejmejo potrebne ukrepe, da lahko izdajo voznikove kartice iz priloge k spremenjenemu sporazumu najpozneje tri mesece pred potekom štirih let iz prvega odstavka. To najkrajše mogoče obdobje treh mesecev se upošteva tudi, če pogodbenica uporablja določbe o skladnosti digitalnih snemalnih naprav z dodatkom 1 B k tej prilogi pred potekom štirih let. Pogodbenica skladno z dodatkom 1 B k tej prilogi sproti obvešča sekretariat delovne skupine za cestni promet Gospodarske komisije za Evropo o napredku pri uvajanju digitalne snemalne naprave na svojem območju.

(b) Dokler pogodbenice ne izdajo kartic pod točko a, velja 14. člen priloge k temu sporazumu za voznike, od katerih se lahko skladno z dodatkom 1 B k tej prilogi zahteva, da vozijo vozila, opremljena z digitalno snemalno napravo.

3. Za listino o ratifikaciji ali pristopu, ki jo je država deponirala po tem, ko so začele veljati spremembe iz prvega odstavka spremenjenega sporazuma, se šteje, da se uporablja v skladu s skrajnim rokom za izvajanje iz prvega odstavka.

Če država pristopi prej kot v dveh letih pred potekom roka iz prvega odstavka, ob deponiranju listine o ratifikaciji ali pristopu obvesti depozitarja o datumu, ko se bo digitalna snemalna naprava na njenem območju začela dejansko uporabljati. Ta država lahko izkoristi prehodno obdobje, ki ni daljše od dveh let od dneva začetka veljavnosti tega sporazuma za to državo. Depozitar o tem obvesti vse pogodbenice.

Prejšnji odstavek se uporablja tudi ob pristopu države po poteku štiriletnega roka za izvajanje iz prvega odstavka."

21. členu AETR se doda peti bis odstavek, ki se glasi:

"5. bis Državo, ki postane pogodbenica tega sporazuma, sekretariat delovne skupine za cestni promet Ekonomske komisije ZN za Evropo nemudoma obvesti o osnutku spremembe v vmesnem obdobju med uradnim obvestilom o osnutku spremembe in trenutkom, ko se šteje, da je sprejet. Nova država članica lahko generalnega sekretarja obvesti o ugovoru pred potekom šestmesečnega obdobja od dneva poslanega izvirnika spremembe vsem pogodbenicam."

22. členu AETR se doda četrti bis odstavek, ki se glasi:

"4. bis Državo, ki postane pogodbenica tega sporazuma, sekretariat delovne skupine za cestni promet Ekonomske komisije ZN za Evropo nemudoma obvesti o osnutku spremembe v vmesnem obdobju med uradnim obvestilom o osnutku spremembe in trenutkom, ko se šteje, da je sprejet. Nova država članica lahko generalnega sekretarja obvesti o ugovoru pred potekom šestmesečnega obdobja od dneva poslanega izvirnika spremembe vsem pogodbenicam."

V sporazum se vstavi 22. bis člen, ki se glasi:

"22. bis člen – Postopek za spremembo dodatka 1 B

1. Dodatek 1 B priloge k temu sporazumu se spremeni skladno s postopkom, opredeljenim v tem členu.

2. Vsak predlog za spremembo uvodnih členov dodatka 1 B sprejme delovna skupina za cestni promet Ekonomske komisije ZN za Evropo z večino prisotnih in glasujočih pogodbenic. Vsako takó sprejeto spremembo sekretariat delovne skupine pošlje generalnemu sekretarju, da o njej uradno obvesti vse pogodbenice. Veljati začne tri mesece po dnevu uradnega obvestila pogodbenicam.

* Veljati je začela 16. junija 2006

3. Dodatek 1 B tega sporazuma, spremenjen zaradi priloge I B¹ Uredbe (EGS) 3821/85, navedene v 10. členu tega sporazuma, je neposredno odvisen od sprememb v navedeni prilogi, ki jih uvaja Evropska unija, tako da vsaka sprememba te priloge velja tudi za dodatek 1 B pod temi pogoji:

- sekretariat delovne skupine za cestni promet Ekonomske komisije ZN za Evropo bo uradno obvestil pristojne organe pogodbenic o objavi sprememb priloge I B uredbe Skupnosti v Uradnem listu Evropskih skupnosti in obenem to informacijo s kopijo ustreznih besedil poslal generalnemu sekretarju;
- te spremembe začnejo veljati za dodatek 1 B tri mesece po dnevu, ko je bila informacija poslana pogodbenicam.

4. Kadar predlog za spremembo priloge k temu sporazumu predvideva tudi spremembo dodatka 1 B, spremembe, ki se nanašajo na dodatek, ne morejo začeti veljati pred spremembami k prilogi. Kadar so pri tem spremembe dodatka 1 B predložene takrat kot spremembe priloge, se dan začetka njihove veljavnosti določi z dnem izvedbe postopkov iz 21. člena."

* * *

¹ Uredbi (ES) št. 1360/2002 z dne 13. junija 2002 (UL L 207 z dne 5. avgusta 2002 (popravek UL L 77 z dne 13. marca 2004) in št. 432/2004 z dne 5. marca 2004 (UL L 71 z dne 10. marca 2004), ki ju je nazadnje spremenila Komisija.

Drugi del
Spremembe priloge AETR

Priloga AETR se zamenja z:

"PRILOGA

Snemalna naprava

SPLOŠNE DOLOČBE

I. poglavje: Odobritev tipa

1. člen

V tem poglavju besedi "snemalna naprava" pomenita "snemalno napravo ali njene sestavne dele".

Vloga za odobritev tipa snemalne naprave ali vrste zapisnega lista ali pomnilniške kartice vložil proizvajalec ali njegov zastopnik v pogodbenici. Za noben tip snemalne naprave ali vrsto zapisnega lista ali pomnilniško kartico se vloga ne sme vložiti v več kot eni pogodbenici.

2. člen

Pogodbenica odobri vsak tip snemalne naprave ali vrsto zapisnega lista ali pomnilniško kartico, usklajeno z zahtevami iz dodatka 1 ali 1 B te priloge, če je pogodbenica sposobna preizkusiti skladnost proizvedenih modelov z odobrenim prototipom.

Tip snemalne naprave iz dodatka 1 B ne more biti odobren, dokler se ne dokaže, da je celoten sistem (sama snemalna naprava, vozniška kartica in električni priključki menjalnika) odporen na poskuse zlorab ali ponarejanja podatkov o času vožnje. Potrebne preizkuse delajo strokovnjaki, ki poznajo sodobne tehnike zlorab.

Za vsako spremembo odobrenega tipa ali dodatek k njemu je treba pridobiti dodatno odobritev tipa v pogodbenici, ki je odobrila prvotni tip.

3. člen

Pogodbenice izdajo vložniku oznako odobritve skladno z vzorcem iz dodatka 2 za vsak tip snemalne naprave ali vrsto zapisnega lista ali pomnilniško kartico, ki jo odobrijo v skladu z 2. členom.

4. člen

Pristojni organi pogodbenice, v kateri je vložena vloga za odobritev tipa, za vsak tip snemalne naprave, vrsto zapisnega lista ali pomnilniško kartico, ki jo odobrijo ali za katero zavrnejo odobritev, organom drugih pogodbenic v enem mesecu pošljejo kopijo certifikata o odobritvi skupaj s kopijami ustreznih tehničnih podatkov oziroma te organe uradno obvestijo, da je bila odobritev zavrnjena; ob zavrnitvi sporočijo razloge za svojo odločitev.

5. člen

1. Če pogodbenica, ki je odobrila tip iz 2. člena, ugotovi, da snemalna naprava ali zapisni list ali pomnilniška kartica z oznako o odobritvi tipa, ki jo je izdala, ni skladna z odobrenim prototipom, sprejme ustrezne ukrepe, da zagotovi skladnost proizvedenih vzorcev z odobrenim prototipom. Sprejeti ukrepi se lahko po potrebi uporabijo tudi za preklic odobritve tipa.

2. Pogodbenica, ki je odobrila tip, ga prekliče, če odobrena snemalna naprava ali zapisni list ali pomnilniška kartica ni usklajena s to prilogo ali njenimi dodatki ali se pri uporabi pokaže kakršna koli splošna pomanjkljivost, zaradi katere je neprimeren za uporabo, za katero je namenjen.

3. Če druga pogodbenica uradno obvesti pogodbenico, ki je odobrila tip za katerega od primerov iz prvega in drugega odstavka, po posvetovanju s to pogodbenico tudi sprejme ukrepe iz teh odstavkov pod pogoji iz petega odstavka.

4. Pogodbenica, ki ugotovi, da je nastal kateri od primerov iz drugega odstavka, lahko do novega obvestila prepove dajanje snemalne naprave ali zapisnih listov ali pomnilniške kartice na trg in v uporabo. To velja tudi v primerih iz prvega odstavka za snemalno napravo ali zapisne liste ali pomnilniške kartice, za katere ni bila potrebna začetna overitev, če proizvajalec kljub ustreznemu opozorilu naprave ne uskladi z odobrenim tipom ali zahtevami te priloge.

V vsakem primeru pristojni organi pogodbenic drug drugega v enem mesecu uradno obvestijo o vsakem preklicu odobritve tipa ali drugem ukrepu, ki ga sprejmejo v skladu s prvim, drugim in tretjim odstavkom, ter navedejo razloge za tak ukrep.

5. Če pogodbenica, ki je odobrila tip, zavrača kateri koli primer iz prvega ali drugega odstavka, o katerem je bila uradno obveščena, si vpletene pogodbenice prizadevajo rešiti spor.

6. člen

1. Vložnik vloge za odobritev vrste zapisnega lista v svoji vlogi navede tip ali tipe snemalne naprave, za katere se lahko ta list uporablja, in zagotovi ustrezno napravo tega tipa ali tipov za preskus lista.

2. Pristojni organi pogodbenice v certifikatu o odobritvi vrste zapisnega lista navedejo tip ali tipe snemalne naprave, v katerih se lahko uporablja ta vrsta lista.

7. člen

Nobena pogodbenica ne sme zavrniti registracije vozila, v katerega je vgrajena snemalna naprava, ali prepovedati dajanja v uporabo ali uporabljati tako vozilo iz katerega koli razloga, povezanega s tem, da je v vozilo vgrajena taka naprava, če ima naprava oznako odobritve iz 3. člena in napisno ploščico iz 9. člena.

8. člen

Pri vseh odločitvah po tej prilogi o zavrnitvi ali odvzemu odobritve tipa snemalne naprave ali zapisnega lista ali pomnilniške kartice morajo biti razloženi razlogi, na podlagi katerih so bile sprejete. Odločitev je treba sporočiti pogodbenici in jo obvestiti o pravnih sredstvih, ki so ji na voljo po zakonodaji pogodbenice, in o rokih za uporabo takih sredstev.

II. POGLAVJE – VGRADNJA IN NADZOR

9. člen

1. Snemalno napravo lahko vgradijo ali popravijo samo serviserji ali servisne delavnice, ki jih v ta namen pooblastijo pristojni organi pogodbenic, potem ko se, če tako želijo, seznanijo z mnenji proizvajalcev.

Kartice pooblaščenih servisnih delavnic in serviserjev ne smejo veljati več kot eno leto.

Če je treba kartico pooblaščenih servisnih delavnic oziroma serviserja podaljšati, če je poškodovana, ne deluje pravilno, je izgubljena ali ukradena, organ v petih delovnih dneh od dneva, ko je prejel podrobno opredeljeno zahtevo, izda nadomestno kartico.

Če je izdana nova kartica, s katero se zamenja stara, je na novi kartici ista številka servisne delavnice, indeks pa povečan za eno. Organ, ki kartico izda, vodi register izgubljenih, ukradenih ali poškodovanih kartic.

Pogodbenice ukrepejo vse potrebno, da preprečijo ponarejanje kartic pooblaščenih serviserjev in servisnih delavnic.

2. Pooblaščen serviser ali servisna delavnica na nameščene pečate odtisne posebne oznake in poleg tega vnese elektronske varnostne podatke v snemalno napravo skladno z dodatkom 1 B, zlasti za preverjanje pristnosti. Pristojni organi pogodbenic vodijo register uporabljenih oznak in elektronskih varnostnih podatkov ter izdanih kartic pooblaščenih servisnih delavnic in serviserjev.

3. Pristojni organi pogodbenic si pošiljajo sezname pooblaščenih serviserjev in servisnih delavnic ter kartic, ki so jim bile izdane, in tudi kopije oznak in potrebnih informacij v zvezi z uporabljenimi elektronskimi varnostnimi podatki.

4. Za potrditev, da je bila snemalna naprava vgrajena v skladu z zahtevami te priloge, se uporablja napisna ploščica, ki se pritrdi, kakor je določeno v dodatku 1 ali 1 B.

5. Pečate lahko odstranijo serviserji ali servisne delavnice, ki jih pooblastijo pristojni organi v skladu s prvim odstavkom tega člena ali v okoliščinah iz dodatka 1 ali 1 B te priloge.

III. POGLAVJE – UPORABA OPREME

10. člen

Delodajalec in vozniki zagotavljajo, da snemalna naprava pravilno deluje in se ustrezno uporablja, pa tudi voznikova kartica, kadar mora voznik voziti vozilo z vgrajeno snemalno napravo v skladu z dodatkom 1 B.

11. člen

1. Delodajalec izda voznikom vozil, ki so v skladu z dodatkom 1 opremljena s snemalno napravo, dovolj zapisnih listov, pri čemer upošteva, da so ti listi namenjeni posameznemu vozniku glede na časovno obdobje in da bo morebiti treba nadomestiti poškodovane liste ali liste, ki jih je odzvel pooblaščen inšpektor. Delodajalec izda voznikom samo zapisne liste za odobreni tip, primeren za uporabo v snemalni napravi, vgrajeni v vozilo.

Če je v vozilo vgrajena snemalna naprava v skladu z dodatkom 1 B, delodajalec in voznik ob upoštevanju časovnega obdobja na zahtevo iz dodatka 1 B ob kontrolnem pregledu zagotovita pravilen izpis.

2. Podjetje shranjuje zapisne liste v dobrem stanju vsaj eno leto po njihovi uporabi in voznikom, ki jih zahtevajo, izroči kopije. Na zahtevo pooblaščenega inšpektorja se zapisni listi pokažejo ali izročijo v pregled.

3. Pristojni organ pogodbenice, v kateri ima voznik običajno prebivališče, na voznikovo zahtevo izda voznikovo kartico, opredeljeno v dodatku 1 B.

Pogodbenica lahko po tem sporazumu od vsakega voznika, ki ima običajno prebivališče na njenem območju, zahteva, da ima voznikovo kartico.

(a) V tem sporazumu je "običajno prebivališče" kraj, v katerem oseba po navadi, to je najmanj 185 dni v koledarskem letu, živi zaradi osebnih in poklicnih vezi ali brez poklicnih vezi zaradi osebnih vezi, ki kažejo tesno povezavo med to osebo in krajem, v katerem živi.

Za običajno prebivališče osebe, ki ima poklicne vezi v drugem kraju kot osebne vezi in zato živi izmenoma v različnih krajih v dveh ali več državah pogodbenicah, se šteje kraj osebnih vezi, če se tja redno vrača. Ni nujno, da je ta zadnji pogoj izpolnjen, če oseba živi v državi pogodbenici, da bi opravljala nalogo za določen čas.

(b) Vozniki morajo svoje običajno prebivališče ustrezno dokazati z osebno izkaznico ali drugim veljavnim dokumentom.

(c) Če pristojni organi pogodbenice, ki izdajo voznikovo kartico, podvomijo o verodostojnosti izjave o običajnem prebivališču, predložene v skladu s točko b, ali opravljajo poseben pregled, lahko zahtevajo dodatne informacije ali dokazila.

(d) Pristojni organ pogodbenice izdajateljice se, če je to mogoče, prepriča, da prosilec še nima veljavne voznikove kartice.

4. (a) Pristojni organ pogodbenice na voznikovo kartico vnese osebne podatke voznika v skladu z dodatkom 1 B.

Voznikova kartica velja največ pet let.

Voznik lahko ima le eno veljavno voznikovo kartico. Uporablja lahko le voznikovo kartico s svojimi osebnimi podatki. Ne sme uporabljati poškodovane voznikove kartice ali kartice, ki ji je potekla veljavnost.

Če je izdana nova voznikova kartica, ki nadomesti staro, ima nova kartica isto številko izdaje voznikove kartice, pri čemer se indeks poveča za eno. Organ, ki kartice izdaja, vodi evidenco o izdanih, ukradenih, izgubljenih ali poškodovanih voznikovih karticah najmanj toliko časa, dokler veljajo.

Če je voznikova kartica poškodovana, ne deluje pravilno, je izgubljena ali ukradena, jo organ nadomesti z novo kartico v petih delovnih dneh od dne, ko je prejel podrobno zahtevo.

Ob zahtevi za podaljšanje kartice, katere veljavnost bo kmalu potekla, jo organ pred potekom njene veljavnosti nadomesti z novo kartico, če mu je bila zahteva poslana v roku iz četrtega pododstavka prvega odstavka 12. člena.

(b) Voznikove kartice se izdajo samo prosilcem, za katere velja ta sporazum.

(c) Voznikova kartica je njegova osebna kartica. Ko velja, ne more biti odvzeta ali začasno razveljavljena iz nobenega razloga, razen če pristojni organ pogodbenice ne ugotovi, da je ponarejena ali da voznik uporablja kartico, katere imetnik ni on sam, ali da je kartico pridobil na podlagi lažnih izjav ali ponarejenih dokumentov. Če pogodbenica, ki ni pogodbenica izdajateljica, sprejme ukrepe za začasno razveljavitev ali odvzem, mora kartico vrniti organom pogodbenice, ki jo je izdala, in navesti razloge za njeno vrnitev.

(d) Pogodbenice medsebojno priznavajo voznikove kartice, ki so jih izdale.

Če imetnik veljavne voznikove kartice, ki jo je izdala pogodbenica, prijavi običajno prebivališče v drugi državi pogodbenici, lahko zaprosi za zamenjavo svoje voznikove kartice z enakovredno voznikovo kartico; pogodbenica, ki jo zamenja, mora po potrebi preveriti dejansko veljavnost predložene kartice.

Pogodbenice ob zamenjavi staro kartico vrnejo organom pogodbenice izdajateljice in navedejo razloge.

(e) Če pogodbenica nadomesti ali zamenja voznikovo kartico, se nadomestitev ali zamenjava in morebitna poznejša nadomestitev ali podaljšanje evidentirata v tej državi pogodbenici.

(f) Pogodbenice ukrenejo vse potrebno za preprečitev ponarejanja voznikovih kartic.

5. Pogodbenice zagotovijo, da so podatki, potrebni za nadzor skladnosti s tem sporazumom, zapisani in shranjeni v snemalni napravi skladno z dodatkom 1 B te priloge, najmanj 365 dni po njihovem zapisu in na voljo pod pogoji, ki zagotavljajo varnost in točnost podatkov.

Pogodbenice ukrenejo vse potrebno, da zagotovijo, da zaradi nadaljnje prodaje ali izločanja snemalnih naprav iz uporabe ne bo ogrožena pravilna uporaba iz tega odstavka.

12. člen

1. Vozniki ne smejo uporabljati umazanih ali poškodovanih zapisnih listov ali voznikovih kartic. Zato morajo biti zapisni listi ali voznikove kartice ustrezno zaščitene.

Če se zapisni list ali voznikova kartica, na kateri je že zapis, poškoduje, jo voznik priloži nadomestnemu ali začasnemu listu, ki ga uporabi namesto njiju.

Če je voznikova kartica poškodovana, ne deluje pravilno ali je izgubljena ali ukradena, voznik v sedmih koledarskih dneh pristojne organe države pogodbenice, v kateri ima običajno prebivališče, zaprosi za njeno zamenjavo.

Če želi voznik svojo voznikovo kartico podaljšati, zaprosi pristojne organe države pogodbenice, v kateri ima običajno prebivališče, najmanj 15 delovnih dni pred potekom njene veljavnosti.



2. Vozniki uporabljajo zapisne liste ali voznikovo kartico vsak dan, ko vozijo, od trenutka prevzema vozila dalje. Zapisni list ali voznikova kartica se ne sme odstraniti pred koncem delovnega časa, razen če ni drugače dovoljeno. Noben zapisni list ali voznikova kartica se ne sme uporabljati daljše obdobje, kot je predvideno.

Če voznik, ker ni v vozilu, ne more uporabiti naprave, vgrajene v vozilo, se časovna obdobja iz točk b, c in d druge alineje tretjega odstavka vnesejo na list ročno, s samodejnim zapisovanjem ali na drug način, pri čemer mora biti zapis čitljiv, list pa ne sme biti umazan.

Vozniki po potrebi zamenjajo zapisne liste, če je v vozilu več kot en voznik, tako da so podatki iz točk b, c in d druge alineje tretjega odstavka zapisani na zapisnem listu voznika, ki dejansko vozi.

3. Vozniki:

- zagotovijo, da se čas, zapisan na zapisnih listih, ujema z uradnim časom v državi, v kateri je registrirano vozilo,
- uporabljajo preklopni mehanizem, ki omogoča, da se naslednja časovna obdobja zapišejo ločeno in jasno:


(a) pod oznako  ali ¹ čas vožnje,

(b) pod oznako  ali ¹ čas drugega dela,

(c) pod oznako  ali ¹ čas pripravljenosti, in sicer:

- čas čakanja, tj. čas, ko morajo vozniki ostati na svojih delovnih mestih zaradi čakanja na poziv za začetek ali nadaljevanje vožnje ali opravljanje drugega dela;
- čas prisotnosti ob vozniku med vožnjo;
- čas prisotnosti v spalni kabini vozila med vožnjo;

(d) pod oznako ali ¹ čas odmora med delom in dnevni počitek.

4. Pogodbenica lahko dovoli, da se časovna obdobja iz točk b in c druge alineje tretjega odstavka zapisujejo pod oznako  na zapisnih listih, ki se uporabljajo v vozilih, registriranih na njenem območju.

5. Član posadke vnese v svoj zapisni list:

(a) na začetku uporabe zapisnega lista ime in priimek,

(b) datum in kraj, v katerem se uporaba lista začne, ter datum in kraj, v katerem se njegova uporaba konča,

(c) registrsko oznako vozila, ki mu je dodeljeno, na začetku prve vožnje, zapisane na zapisnem listu, in nato ob menjavi vozila med uporabo lista,

(d) stanje kilometrskega števca:

- na začetku prve vožnje, ki se zapiše na zapisni list,
- na koncu zadnje vožnje, ki se zapiše na zapisni list,
- če zamenja vozilo med delovnim dnevom (stanje števca v vozilu, ki mu je bilo dodeljeno, in v vozilu, ki mu je dodeljeno),

(e) čas vsake menjave vozila, če je potrebno.

5. bis Voznik vnese v snemalno napravo skladno z dodatkom 1 B oznake držav, v katerih začne in konča svoje dnevno delo.

Voznik vnese podatke potrdi ročno, če je snemalna naprava povezana s satelitskim sledilnim sistemom, pa so ti podatki samodejni.

¹ Oznake, ki se uporabljajo za digitalne tahografe.

6. Snemalna naprava iz dodatka 1 mora biti narejena tako, da jo lahko pooblaščen inšpektor po potrebi odpre in prebere zapise za zadnjih devet ur pred pregledom, ne da bi pri tem trajno poškodoval ali umazal list.

Poleg tega mora biti naprava narejena tako, da je mogoče brez odpiranja ohišja preveriti, ali zapisuje podatke.

7. (a) Če voznik vozi vozilo s snemalno napravo skladno z dodatkom 1, mora na zahtevo inšpektorja pokazati:

– zapisne liste za tekoči teden in v vsakem primeru za zadnji dan predhodnega tedna, ko je vozil;

– voznikovo kartico, če jo ima, in

– izpise snemalne naprave, opredeljene v dodatku 1 B, ki se nanašajo na časovna obdobja iz točk a, b, c in d druge alineje tretjega odstavka, če je v obdobju iz prve alineje tega odstavka vozil vozilo s snemalno napravo.

(b) Če voznik vozi vozilo s snemalno napravo v skladu z dodatkom 1 B, mora na zahtevo inšpektorja pokazati:

– voznikovo kartico, katere imetnik je, in

– zapisne liste, ki ustrezajo obdobju, navedenemu v prvi alineji točke a, v katerem je vozil vozilo s snemalno napravo v skladu z dodatkom 1.

(c) Pooblaščen inšpektor lahko skladnost s sporazumom preveri z analizo zapisnih listov, prikazanih ali izpisanih podatkov, shranjenih v snemalni napravi ali na voznikovi kartici, če to ni mogoče, pa z analizo katerega koli drugega dokumenta, ki utemeljuje neskladnost z določbami iz drugega in tretjega odstavka 13. člena.

8. Podatke na zapisnem listu, shranjene v snemalni napravi ali na voznikovi kartici, ali izpise, opredeljene v dodatku 1 B, je prepovedano ponarejati, zatajiti ali uničiti. To velja tudi za zlorabo snemalne naprave, zapisnega lista ali voznikove kartice, ki bi lahko povzročila ponarejanje, zatajitev ali uničenje podatkov in/ali izpisanih informacij. Na vozilu ne sme biti nobene naprave, ki bi jo bilo mogoče uporabiti v ta namen.

13. člen

1. Ob okvari ali nepravilnem delovanju snemalne naprave jo delodajalec da v popravilo pooblaščenemu serviserju ali servisni delavnici, takoj ko to dopuščajo okoliščine.

Če vozila v tednu dni od okvare oziroma odkritja nepravilnega delovanja ni mogoče vrniti na sedež podjetja, se popravi na poti.

Pogodbenice lahko pooblastijo pristojne organe, da prepovedo uporabo vozila, če okvara ali nepravilno delovanje ni bilo odpravljeno v skladu s prejšnjimi točkami.

2. Če je snemalna naprava neuporabna ali deluje nepravilno, voznik na zapisni list ali liste ali načasni list, dodan zapisnemu listu ali voznikovi kartici, vnese podatke, ki omogočajo ugotavljanje njegove istovetnosti (ime in številko vozniškega dovoljenja ali ime in številko voznikove kartice), se podpiše, označi vse podatke za različna časovna obdobja, ki jih snemalna naprava ni več pravilno zaznala ali izpisala.

Če je voznikova kartica poškodovana, ne deluje pravilno ali je izgubljena ali ukradena, voznik na koncu svoje vožnje izpiše podatke, ki se nanašajo na časovna obdobja, ki jih je zaznala snemalna naprava, in označi na tem dokumentu podrobnosti, ki omogočajo ugotavljanje njegove istovetnosti (ime in številko vozniškega dovoljenja ali ime in številko voznikove kartice), in se podpiše.

3. Če je voznikova kartica poškodovana ali ne deluje pravilno, jo voznik vrne pristojnemu organu države pogodbenice, v kateri ima običajno prebivališče. Krajo voznikove kartice uradno prijavi pristojnim organom države, v kateri se je zgodila.

Izgubo voznikove kartice uradno prijavi pristojnim organom države pogodbenice, ki je kartico izdala, in pristojnim organom države pogodbenice običajnega prebivališča, če sta različni.

Voznik lahko nadaljuje vožnjo brez voznikove kartice največ 15 koledarskih dni ali več, kadar je treba vrniti vozilo na sedež podjetja, če lahko dokaže, da v tem času kartice ni mogel predložiti ali uporabljati.

Če voznikove kartice niso izdali organi države pogodbenice, v kateri ima voznik običajno prebivališče, in so zaproseni, da jo podaljšajo, nadomestijo ali zamenjajo, obvestijo organe, ki so izdali staro kartico, o podrobnih razlogih za njeno podaljšanje, nadomestitev ali zamenjavo

14. člen

1. V skladu s točko b drugega odstavka 13. člena tega sporazuma voznik, ki vozi vozilo, registrirano v državi pogodbenici, ki mu pristojni organi še niso mogli izdati voznikove kartice in je v prehodnem obdobju iz prvega odstavka tega člena udeležen v mednarodnem prometu z vozilom z napravo skladno z dodatkom 1 B k tej prilogi, mora na zahtevo inšpektorja pokazati izpise in zapisne liste za tekoči teden, v vsakem primeru pa izpise in zapisne liste za zadnji dan prejšnjega tedna, ko je vozil vozilo.

2. Prvi odstavek ne velja za voznike vozil, registriranih v državah, v katerih je uporaba voznikove kartice obvezna. Toda na zahtevo inšpektorja voznik mora pokazati izpise.

3. Izpisi iz prvega odstavka morajo vsebovati podatke, ki omogočajo ugotavljanje voznikove istovetnosti (ime in številka vozniškega dovoljenja), vključno z njegovim podpisom."

* * *

Tretji del
Spremembe dodatkov k prilogi AETR

Za dodatkom 1 k prilogi se doda dodatek 1 B, ki se glasi:

"DODATEK 1 B

Zahteve glede konstrukcije, preskušanja, vgradnje in nadzora digitalnih snemalnih naprav,
ki se uporabljajo v cestnem prometu

1. člen. Uvod

1. Glede na to, da je ta dodatek prilagoditev priloge I B Uredbe Sveta (EGS) št. 3821/85 z dne 20. decembra 1985 o tahografu (nadzorni napravi) v cestnem prometu¹, vsebina te priloge zaradi svojega obsega in tehnične narave ni prepisana v AETR. Za celotno uradno besedilo in poznejše spremembe se pogodbenice sklicujejo na *Uradni list* Evropske unije.

Vsebina dodatka 1 B je torej omejena na uvod, ki se sklicuje na ustrezna besedila Evropske unije in uradne liste, v katerih so bila objavljena, ter v obliki sklicevanja poudarja posamezne točke, v katerih je treba to prilogo prilagoditi vsebini AETR.

2. Za lažjo uporabo te priloge, ki vsebuje prilagoditve AETR, ter zato da se omogoči pregled celotnega besedila, bo sekretariat Ekonomske komisije ZN za Evropo pripravil prečiščeno različico tega dodatka. Toda ta različica ne bo pravnoveljavna. Ta različica, pripravljena v uradnih jezikih Ekonomske komisije ZN za Evropo, se bo po potrebi posodabljala.

2. člen. Uvodne določbe k dodatku 1 B

1 Skladno s prvim odstavkom 1. člena se pogodbenice pozivajo, naj se pri upoštevanju priloge I B sklicujejo na uredbi Komisije št. 1360/2000 z dne 13. junija 2002 in št. 432/2004 z dne 5. marca 2004 (glej opombo glede datumov objave v Uradnem listu Evropske unije), ki sedmič in osmič prilagajata Uredbo Sveta (EGS) št. 3821/85 o tahografu (nadzorni napravi) v cestnem prometu tehničnemu napredku.

2 V dodatku 1 B:

2.1 Izrazi v levem stolpcu se nadomestijo z ustreznimi izrazi v desnem stolpcu:

Izrazi v prilogi 1 B		Izrazi v AETR
države članice	se nadomestijo z:	pogodbenice
DČ		P
priloga (I B)		dodatek (1 B)
dodatek		poddodatek
uredba		sporazum ali AETR
skupnost		UNECE
tahograf (nadzorna naprava) (le v angleški različici)		snemalna naprava (le v angleški različici)

2.2 Sklicevanja na pravna besedila v levem stolpcu se nadomestijo z ustreznimi v desnem stolpcu:

Pravna besedila Evropske skupnosti		Pravna besedila Ekonomske komisije OZN za Evropo
Uredba Sveta (EGS) št. 3821/85	se nadomesti(jo) z	AETR
Uredba Sveta št. 92/23/EGS		Uredba ECE 54
Direktiva Komisije št. 95/54/ES o prilagoditvi tehničnemu napredku direktive Sveta 72/245/EGS		Uredba ECE 10

2.3 V nadaljevanju je seznam besedil ali določb, za katere ni enakovrednega dokumenta Ekonomske komisije ZN za Evropo oziroma za katere je potrebnih več podatkov. Ta besedila ali podatki so navedeni samo informativno.

2.3.1 Omejitev za nastavitve naprave za omejevanje hitrosti, navedena v I. poglavju (opredelitev pojmov), točka bb priloge I B/dodatek 1 B, je skladna z Direktivo Sveta št. 92/6/EGS z dne 10. februarja 1992 (UL L 57, 2. 3. 1992).

2.3.2 Merjenje razdalj, navedeno v I. poglavju (opredelitev pojmov), točka u priloge I B/dodatek 1 B je skladno z Direktivo Sveta št. 97/27/ES z dne 22. julija 1997, nazadnje spremenjene 25. 8. 1997 (UL L 233, 25. 8. 1997).

¹ Spremenjena z Uredbo Sveta (ES) št. 2135/98 z dne 24. septembra 1998 (UL L 274 z dne 9. oktobra 1998) in uredbama Komisije (ES) št. 1360/2002 z dne 13. junija 2002 (UL L 207 z dne 5. avgusta 2002 (popravek v UL L 77 z dne 13. marca 2004) in št. 432/2004 z dne 5. marca 2004 (UL L 71 z dne 10. marca 2004).

- 2.3.3 Identifikacija vozila iz I. poglavja (opredelitev pojmov), točka nn priloge I B/dodatek 1 B, je skladna z Direktivo Sveta št. 76/114/EGS z dne 18. decembra 1975 (UL L 24, 30. 1. 1976).
- 2.3.4 Določbe o varnosti so usklajene s priporočili Sveta št. 95/144/ES z dne 7. aprila 1995 o skupnih merilih za vrednotenje varnosti informacijske tehnologije (ITSEC) (UL L 93, 26. 4. 1995).
- 2.3.5 Zaščita posameznikov v zvezi z obdelavo osebnih podatkov in prostega pretoka takih podatkov je usklajena z Direktivo Sveta št. 95/46/ES z dne 24. oktobra 1995, nazadnje spremenjeno 23. 11. 1995 (UL L 281, 23. 11. 1995).
- 2.4 Druge določbe, ki jih je treba spremeniti ali izbrisati:
- 2.4.1 Vsebina zahteve 172 se izbriše in nadomesti z besedo "pridržek".
- 2.4.2 Zahteva 174 se spremeni:
"razpoznavni znak pogodbenice, ki izdaja kartico. Razpoznavni znaki pogodbenic, ki niso članice EU, so bili uvedeni na podlagi Dunajske konvencije o cestnem prometu (1968) oziroma Ženevske konvencije o cestnem prometu (1949)".
- 2.4.3 Sklicevanje na zastavico EU s črkama DČ, ki pomenita "država članica", v zahtevi 178, se nadomesti s črko "P", ki pomeni "pogodbenica", zastavica pogodbenice, ki ni članica EU, je neobvezna.
- 2.4.4 Zahteva 181 se spremeni:
"Po posvetovanju s sekretariatom Ekonomske komisije ZN za Evropo lahko pogodbenice ne glede na druge določbe tega dodatka dodajo barve ali oznake, kakor so varnostne oznake."
- 2.4.5 Zahteva 278 se spremeni:
"Preizkuse povegljivosti opravlja en sam pristojni organ."
- 2.4.6 Zahteve 291–255 se zbršejo in nadomestijo z besedo "pridržek".
- 2.4.7 V dodatku 9/poddodatku 9 AETR (Odobritev tipa – Seznam minimalnih zahtevanih preskusov), 1, 1–1, se spremeni uvodni stavek:
"Postopek za odobritev tipa snemalne naprave (ali sestavnega dela) ali zapisnega lista temelji na:"

Naslov dodatka 2 se spremeni:

"OZNAKA IN CERTIFIKATI O ODOBRTVI TIPA"

Seznam držav iz prvega odstavka I. poglavja priloge 2 "Oznaka odobritve" se dopolni in spremeni:

"Madžarska	7
Švica	14
Finska	17
Lihtenštajn	33
Bolgarija	34
Kazahstan	35
Litva	36
Turčija	37
Turkmenistan	38
Azerbajdžan	39
Nekdanja jugoslovanska republika Makedonija	40
Andora	41
Uzbekistan	44
Ciper	49
Malta	50
"Jugoslavija	101" se nadomesti z:
"Srbija in Črna gora	10"

Naslov II. poglavja "CERTIFIKAT O ODOBRTVI" v dodatku 2 se spremeni:

"II. CERTIFIKAT O ODOBRTVI ZA IZDELKE V SKLADU Z DODATKOM 1 B"

Nov III. oddelek se doda dodatku 2:

"III. CERTIFIKAT O ODOBRTVI ZA IZDELKE V SKLADU Z DODATKOM 1 B"

Ko je pogodbenica izdala certifikat, prosilcu izda certifikat o odobritvi, vzorec katerega je v nadaljnjem besedilu. Pogodbenice uporabljajo kopije tega dokumenta za obveščanje drugih pogodbenic o odobrenih ali preklicanih odobritvah.

CERTIFIKAT O ODOBRTVI ZA IZDELKE V SKLADU Z DODATKOM 1 B

Ime pristojnega organa.....

Sporočilo o (1):.....

 Odobritev..... Preklic odobritve:..... tipa snemalne naprave sestavnega dela snemalne naprave (2)..... kartice voznika..... servisne kartice..... kartice podjetja..... kartice o pregledu.....

št. odobritve.....

1. blagovna znamka ali trgovsko ime.....

2. ime modela.....

3. ime proizvajalca.....

4. naslov proizvajalca.....

5. predloženo v odobritev dne.....

6. preizkusni laboratorij ali laboratoriji.....

7. datum in številka poročil.....

8. datum odobritve.....

9. datum preklica odobritve.....

10. model(i) sestavnega dela (sestavnih delov) snemalne naprave, v kateri naj bi se ta sestavni del uporabljal

11. kraj.....

12. datum.....

13. priloženi dokumenti:.....

14. opombe (vključno z žigi po potrebi)

(podpis)

*(1) Označite v ustreznem okencu.**(2) Navedite sestavni del."*

EVROPSKI SPORAZUM
O
DELU POSADK NA VOZILIH,
KI OPRAVLJAJO MEDNARODNE CESTNE PREVOZE
(AETR),

sestavljen v Ženevi 1. julija 1970
6. sprememba

Prvi del

Spremembe k osnovnemu besedilu AETR
(skladno s postopkom iz prvega do šestega odstavka 21. člena)

1. člen (opredelitev pojmov)

V 1. členu AETR se opredelitev pojmov spremeni, tako da se glasi:

- "(f) **"največja dovoljena masa"** je največja masa naloženega vozila, ki jo določi pristojni organ države, v kateri je vozilo registrirano";
- "(g) **"cestni prevoz"** je vožnja praznega ali naloženega vozila za prevoz potnikov ali blaga, ki v celoti ali delno poteka po javnih cestah";
- "(j) **"voznik"** je oseba, ki vozi vozilo, čeprav krajši čas, za plačo ali ne, ali je v vozilu zaradi svojih delovnih obveznosti, da je po potrebi na voljo za vožnjo";
- "(m) **"počitek"** je vsako neprekinjeno obdobje najmanj ene ure, ko lahko voznik svobodno razpolaga s svojim časom".

V 1. členu AETR se dodajo te opredelitive pojmov:

- "(n) **"odmor"** je obdobje, v katerem voznik ne sme voziti ali opravljati drugega dela in je namenjeno izključno za oddih;
- (o) **"dnevni počitek"** je dnevno obdobje, v katerem lahko voznik svobodno razpolaga s svojim časom ter zajema "redni dnevni počitek" in "skrajšani dnevni počitek":
- **"redni dnevni počitek"** je počitek, ki traja vsaj 11 ur. Druga možnost je, da se redni dnevni počitek izkoristi v dveh obdobjih, od katerih mora prvo trajati neprekinjeno vsaj tri ure, drugo pa mora trajati neprekinjeno vsaj devet ur;
 - **"skrajšani dnevni počitek"** je počitek, ki traja vsaj devet ur, vendar manj kot 11 ur;
- (p) **"tedenski počitek"** je čas v tednu, v katerem lahko voznik svobodno razpolaga s svojim časom ter zajema "redni tedenski počitek" in "skrajšani tedenski počitek":
- **"redni tedenski počitek"** je počitek, ki traja vsaj 45 ur,
 - **"skrajšani tedenski počitek"** je počitek, ki traja manj kot 45 ur in se lahko ob upoštevanju pogojev iz šestega odstavka 8. člena sporazuma skrajša na najmanj 24 zaporednih ur;
- (q) **"drugo delo"** je vse delo, razen vožnje, vključno z delom za istega ali drugega delodajalca, ki se nanaša na prevoze ali ne. To ne vključuje časa čakanja in časa, ki ni namenjen vožnji in ga preživi na vozilu, ki se premika, ter časa na trajektu ali vlaku;
- (r) **"čas vožnje"** je trajanje vožnje, ki je samodejno, polsamodejno ali ročno zapisano v skladu s pogoji iz tega sporazuma;
- (s) **"dnevni čas vožnje"** je skupni čas vožnje med koncem enega dnevnega počitka in začetkom naslednjega dnevnega počitka ali med dnevnim počitkom in tedenskim počitkom;
- (t) **"tedenski čas vožnje"** je skupni čas vožnje v enem tednu;
- (u) **"čas vožnje"** je skupni čas vožnje voznika od enega začetka vožnje s počitkom ali odmorom do drugega počitka ali odmora. Čas vožnje je lahko neprekinjen ali prekinjen;
- (v) **"vožnja z več vozniki"** pomeni, da sta v vsakem trenutku vožnje med zaporednima dnevnima počitkoma ali med dnevnim in tedenskim počitkom v vozilu vsaj dva voznika, ki vozita. Za prvo uro vožnje z več vozniki je prisotnost drugega voznika ali voznikov neobvezna, v nadaljevanju vožnje pa je obvezna;
- (w) **"prevozno podjetje"** je fizična ali pravna oseba, združenje ali skupina oseb, ki ni pravna oseba, ne glede na to, ali opravlja pridobitno ali nepridobitno dejavnost, ali uradni organ, ki je pravna oseba ali pa je odvisen od drugega organa, ki je pravna oseba, ki opravlja prevoz po cesti za najem ali plačilo ali lastne potrebe."

2. člen (področje uporabe)

2. člen AETR se spremeni, tako da se glasi:

"1. Ta sporazum se uporablja na ozemlju pogodbenic za vse mednarodne cestne prevoze, ki jih opravlja vozilo, registrirano na ozemlju navedene pogodbenice ali na ozemlju druge pogodbenice.

2. Toda če se pogodbenice, v katerih se opravljajo prevozi, ne dogovorijo drugače, ta sporazum ne velja za mednarodne cestne prevoze, ki jih opravljajo:

- (a) vozila za prevoz blaga, katerih skupna dovoljena masa vozila, vključno s priklopnikom ali polpriklopnikom, ne presega 3,5 tone;
- (b) vozila za prevoz potnikov, ki zaradi svoje konstrukcije in opreme ne morejo prevažati več kot devet oseb skupaj z voznikom, in so za to tudi namenjena;

* Veljati je začela 20. septembra 2010

- (c) vozila za prevoz potnikov v linijskem prometu, kadar pot ni daljša od 50 kilometrov;
- (d) vozila, katerih največja dovoljena hitrost ni več kot 40 kilometrov na uro;
- (e) vozila, ki jih imajo v lasti ali najemu brez voznika oborožene sile, civilna zaščita, gasilci in službe, ki skrbijo za javni red, kadar se prevozi opravljajo zaradi nalog, ki so bile dodeljene tem službam, in so pod njihovim nadzorom;
- (f) vozila, ki se uporabljajo v nujnih primerih ali reševalnih akcijah, vključno z nekomercialnim prevozom humanitarne pomoči;
- (g) posebna vozila, ki se uporabljajo za zdravstvene namene;
- (h) posebna vozila za vleko vozil v okvari v oddaljenosti 100 kilometrov od njihove poslovne enote;
- (i) vozila, s katerimi se opravljajo preizkusne cestne vožnje zaradi tehničnega razvoja, popravila ali vzdrževanja, ter nova ali predelana vozila, ki še niso bila dana v uporabo;
- (j) vozila z največjo dovoljeno maso, ki ne presega 7,5 tone, ki se uporabljajo za nekomercialne prevoze blaga;
- (k) komercialna vozila z zgodovinskim statusom po zakonodaji države pogodbenice, v kateri se vozijo, in se uporabljajo za nekomercialne prevoze potnikov ali blaga."

3. člen

(uporaba nekaterih določb Sporazuma o cestnem prometu, ki ga opravljajo vozila, registrirana v državah nepogodbenicah)

Drugi odstavek 3. člena AETR se spremeni, tako da se glasi:

"2. (a) Za vozilo, registrirano v državi, ki ni pogodbenica tega sporazuma, pa je vsaki državi pogodbenici prepuščeno, da namesto snemalne naprave, skladne s specifikacijami v prilogi k temu sporazumu, zahteva dnevne zapisne liste, ki jih član posadke izpolni ročno ob vstopu v prvo pogodbenico.

(b) Član posadke zato na zapisni list zapiše podatke o svojih poklicnih dejavnostih in času počitka, pri čemer uporablja ustrezne grafične oznake iz 12. člena priloge tega sporazuma."

6. člen (čas vožnje)

6. člen AETR se spremeni, tako da se glasi:

"1. Dnevni čas vožnje, opredeljen v točki s 1. člena tega sporazuma, ne sme presegati devet ur. Lahko se podaljša na največ deset ur, vendar ne več kot dvakrat v enem tednu.

2. Tedenski čas vožnje, opredeljen v točki t 1. člena tega sporazuma, ne sme presegati 56 ur.

3. Skupni čas vožnje v dveh zaporednih tednih ne sme preseči 90 ur.

4. Čas vožnje vključuje vso vožnjo po ozemlju pogodbenic in nepogodbenic.

5. Voznik zapisuje kot drugo delo ves čas, ki ga preživi tako, kot je opredeljeno v točki q 1. člena, prav tako ves čas, ki ga porabi na vožnji za komercialne namene, ki niso vključeni v ta sporazum, in zapiše tudi vsa obdobja razpoložljivosti, določena v točki c tretjega odstavka 12. člena priloge tega sporazuma. Ti zapisi se vnesejo ročno na zapisni list ali izpis ali pa se ročno vnesejo v zapisovalno opremo."

7. člen (odmori)

Prvi do tretji odstavek 7. člena AETR se spremeni, tako da se glasi:

"1. Po štirih urah in pol vožnje ima voznik vsaj 45 minut neprekinjenega odmora, razen če takrat ne začne počitka.

2. Po točki n 1. člena tega sporazuma se lahko odmor nadomesti z odmorom, ki traja vsaj 15 minut, ki mu sledi najmanj 30-minutni odmor, pri čemer sta oba razporejena med vožnjo ali takoj po njej v skladu s prvim odstavkom.

3. V tem členu se čas čakanja ter čas, ki ga voznik preživi v premikajočem se vozilu, ne da bi sam vozil, na trajektu ali vlaku, ne šteje za "drugo delo", opredeljeno v točki q 1. člena tega sporazuma, ampak se lahko opredeli kot "odmor"."

8. člen (počitki)

7. člen AETR se spremeni, tako da se glasi:

"1. Voznik ima dnevne in tedenske počitke, kakor je opredeljeno v točki o in p 1. člena.

2. V vsakem obdobju 24 ur po končanem predhodnem dnevnem ali tedenskem počitku mora voznik izkoristiti nov dnevni počitek.

Če je del dnevnega počitka v 24 urah najmanj 9 ur, toda manj kot 11 ur, potem se dnevni počitek šteje kot skrajšani dnevni počitek.

3. Ne glede na drugi odstavek mora voznik, ki opravlja vožnjo z več vozniki, v 30 urah po koncu dnevnega ali tedenskega počitka izkoristiti nov dnevni počitek, ki traja najmanj 9 ur.

4. Dnevni počitek se lahko podaljša, tako da se nadaljuje kot redni ali skrajšani tedenski počitek.

5. Voznik lahko ima največ tri skrajšane dnevne počitke med dvema tedenskima počitkoma.

6. (a) V dveh zaporednih tednih ima voznik vsaj:

(i) dva redna tedenska počitka ali

(ii) en redni tedenski počitek in en skrajšani tedenski počitek, ki traja vsaj 24 ur. Skrajšanje pa se nadomesti z enakovrednim neprekinjenim počitkom pred koncem tretjega tedna ali po koncu tega tedna.

Tedenski počitek se začne najpozneje po koncu šestih 24-urnih obdobj po končanem predhodnem tedenskem počitku.

(b) Ne glede na točko a šestega odstavka lahko voznik, ki občasno opravlja enkratni mednarodni prevoz potnikov, preloži tedenski počitek za največ 12 zaporednih 24-urnih obdobj po predhodnem rednem tedenskem počitku, če:

(i) je prevoz trajal vsaj 24 zaporednih ur v pogodbenici ali tretji državi, v kateri se prevoz ni začel, in

(ii) ima voznik ne glede na to:

a. dva redna tedenska počitka

b. ali en redni tedenski počitek in en skrajšani tedenski počitek, ki traja najmanj 24 ur. Skrajšanje pa se nadomesti z enakovrednim neprekinjenim počitkom pred koncem tretjega tedna po koncu izkoriščene izjeme

in

(iii) štiri leta po tem, ko je država, v kateri je vozilo registrirano, uvedla digitalni tahograf, mora biti vozilo opremljeno z zapisovalno opremo skladno z zahtevami iz dodatka 1 B priloge;

(iv) po 1. januarju 2014 mora imeti vozilo več voznikov, kadar traja vožnja med 22. in 6. uro ali pa mora biti vožnja iz 7. člena skrajšana na tri ure.

(c) Ne glede na točko a šestega odstavka imajo vozniki, ki opravljajo vožnjo z več vozniki, vsak teden redni tedenski počitek, ki traja najmanj 45 ur. Skrajša se lahko na najmanj 24 ur (skrajšani tedenski počitek). Skrajšanje pa se nadomesti z enakovrednim neprekinjenim počitkom pred koncem tretjega tedna ali po koncu tega tedna.

Tedenski počitek se začne najpozneje po koncu šestih 24-urnih obdobij po končanem predhodnem tedenskem počitku.

7. Počitek, ki nadomešča skrajšani tedenski počitek, se prišteje drugemu vsaj 9-urnemu počitku.

8. Če se voznik tako odloči, lahko dnevne počitke in skrajšane tedenske počitke zunaj kraja podjetja preživi v vozilu, če ima ležišče za vsakega voznika, kakor je predvideno v načrtu proizvajalca vozila, in če vozilo miruje.

9. Tedenski počitek, ki se podaljša v naslednji teden, se sme šteti k enemu od obeh, ne pa k obema."

K sporazumu AETR se doda 8. bis člen, ki se glasi:

8. bis člen (izjeme 8. člena)

1. Dnevni počitek voznika, ki spremlja vozilo, ki se prevaža s trajektom ali vlakom, se lahko zaradi drugih dejavnosti ne glede na 8. člen prekine največ dvakrat, če so izpolnjene te zahteve:

(a) del dnevnega počitka, preživetega na kopnem, se mora izkoristiti pred delom dnevnega počitka, preživetega na trajektu ali vlaku, ali po njem;

(b) čas med dvema deloma dnevnega počitka mora biti čim krajši in pred vkrcavanjem in po izkrcavanju v nobenem primeru ne sme biti daljši od ene ure, pri čemer so carinske formalnosti vključene v vkrcavanje in izkrcavanje.

Voznik mora imeti v obeh delih počitka dostop do ustreznega ležišča na trajektu ali vlaku.

2. Čas, ko voznik potuje v kraj, da bi prevzel vozilo, na katero se nanaša ta sporazum, ali da bi se vrnil s tega kraja, kadar vozilo ni v kraju voznikovega doma niti v kraju delodajalčevega operativnega centra, v katerem ima voznik običajno delovno mesto, se ne šteje kot počitek ali odmor, razen če je voznik na trajektu ali vlaku in ima dostop do ustreznega ležišča.

3. Čas, ko voznik vozi vozilo, na katero se ne nanaša ta sporazum, k vozilu ali od vozila, na katero se nanaša ta sporazum, in ni v kraju voznikovega doma ali v kraju delodajalčevega operativnega centra, v katerem ima voznik običajno delovno mesto, se šteje kot "drugo delo."

9. člen (izjeme)

Zadnji stavek 9. člena AETR se spremeni, tako da se glasi:

"... Voznik mora vrsto in razloge za neupoštevanje navedenih določb navesti na zapisnem listu ali izpisu iz snemalne naprave ali urniku dela najpozneje ob prihodu na ustrezen kraj, na katerem se lahko ustavi."

11. člen (nadzor, ki ga opravlja podjetje)

Prvi odstavek 11. člena AETR se spremeni, tako da se glasi:

"1. Podjetje mora organizirati cestne prevoze in dati ustrezna navodila članom posadk, da lahko upoštevajo ta sporazum."

V tretji odstavek 11. člena AETR se doda:

"... ali ne spodbujajo kršitve tega sporazuma."

11. členu AETR se dodata dva odstavka:

"4. Prevozno podjetje je odgovorno za kršitve, ki jih povzročijo vozniki podjetja, tudi če je kršitev storjena v drugi pogodbenici ali nepogodbenici.

Ne glede na pravico pogodbenic, da zahtevajo polno odgovornost prevoznih podjetij, podjetja pod določenimi pogoji niso odgovorna za kršitve iz prvega in drugega odstavka. Pogodbenice lahko upoštevajo vsak dokaz, da prevozno podjetje ne more biti odgovorno za storjeno kršitev.

5. Podjetja, pošiljatelji, špediterji, organizatorji potovanj, glavni izvajalci, podizvajalci in agencije za zaposlovanje voznikov zagotavljajo, da se pri pogodbenih urnikih vožnje upošteva ta sporazum."

12. člen (ukrepi za nadzor izvajanja sporazuma)

Točke od a do c 12. člena AETR se spremenijo, tako da se glasijo:

"(a) Pristojni upravni organi pogodbenic organizirajo preverjanja, tako da se:

(i) vsako leto preveri najmanj 1% delovnih dni voznikov vozil, za katere se uporablja ta sporazum. Od 1. januarja 2010 se ta delež poveča na vsaj 2% in od januarja 2012 na vsaj 3%;

(ii) od skupnega števila preverjenih delovnih dni najmanj 15% preveri na cesti in najmanj 25% v prostorih podjetij. Od 1. januarja 2010 se vsaj 30% skupnega števila preverjenih delovnih dni preveri na cesti in vsaj 50% v prostorih podjetij.

(b) Cestno preverjanje vključuje:

(i) dnevne in tedenske vožnje, prekinitve ter dnevne in tedenske počitke;

(ii) zapisne liste preteklih dni, ki morajo biti v vozilu, in/ali podatke, ki so za isto obdobje shranjeni na voznikovi kartici in/ali na pomnilniški kartici snemalne naprave in/ali na izpisih, kadar se zahtevajo;

(iii) pravilno delovanje snemalne naprave.

Preverja se brez razlikovanja med vozili, podjetji in vozniki glede na to, ali je rezident ali ne in ne glede na začetni kraj ali cilj vožnje ali vrsto tahografa.

(c) Preverjanje v prostorih podjetja vključuje poleg tistega, kar se preverja na cesti in v skladu z drugim odstavkom

11. člena priloge:

(i) tedenske počitke in čas vožnje med njimi,

(ii) dvotedenske omejitve ur vožnje,

(iii) nadomestilo za tedenske počitke, skrajšane v skladu s šestim odstavkom 8. člena,

(iv) uporabo zapisnih listov in/ali podatkov iz naprave in z voznikove kartice ter izpisov in/ali voznikov

"delovni čas".

12. členu AETR se dodajo šesti do osmi odstavek, ki se glasijo:

"6. (a) Pogodbenice morajo pooblastiti pristojne organe, da naložijo voznikom kazen zaradi kršitev tega sporazuma, ki so bile ugotovljene na njenem ozemlju in za katere še ni bila naložena kazen, tudi če bi bila kršitev storjena v drugi pogodbenici ali nepogodbenici.

(b) Pogodbenice morajo pooblastiti pristojne organe, da naložijo podjetjem kazen zaradi kršitev tega sporazuma, ki so bile ugotovljene na njenem ozemlju in za katere še ni bila naložena kazen, tudi če bi bila kršitev storjena v drugi pogodbenici ali nepogodbenici.

Ko je kršitev ugotovljena in jo je povzročilo podjetje, ki ima sedež v drugi pogodbenici ali nepogodbenici, mora biti izjemoma naložena kazen usklajena s postopkom iz dvostranskega sporazuma o cestnem prometu med pogodbenicama.

Pogodbenice od leta 2011 naprej na podlagi pripravljenosti vseh pogodbenic preverjajo možnost umika izjeme iz točke b šestega odstavka.

7. Kadar pogodbenica sproži postopek ali naloži kazen zaradi kršitve, mora dati vozniku ustrezen pisni dokaz o tem.

8. Pogodbenice zagotovijo, da sistem sorazmernih kazni, ki vključuje denarne kazni, za kršitve tega sporazuma velja za podjetja ali združenja pošiljateljev, špediterje, organizatorje potovanj, glavne izvajalce in podizvajalce ter agencije za zaposlovanje voznikov."

AETR se dodajo 12. bis, 13. bis in 22. člen:

"12. bis člen (poenoteni vzorčni obrazci)

1. Da se poenostavijo mednarodna cestna preverjanja, bodo po potrebi za uporabo uvedeni poenoteni vzorčni obrazci v prilogi k temu sporazumu, ki bo ustrezno dopolnjena z novim dodatkom 3. Obrazci bodo uvedeni ali spremenjeni skladno s postopkom iz 22. ter člena.

2. Vzročni obrazci iz dodatka 3 nikakor niso zavezujoči. Če pa se ti obrazci uporabljajo, mora biti vsebina taka, kot je opredeljena, zlasti številčenje, vrstni red in poimenovanje točk.

3. Pogodbenice lahko dopolnijo te podatke z dodatnimi informacijami, da bi izpolnile notranjepravne ali regionalne zahteve. Dodatne informacije se nikakor ne smejo zahtevati za prevoz, ki se začne v drugi pogodbenici ali tretji državi. Zaradi tega morajo biti na obrazcu povsem ločene od podatkov, ki se nanašajo na mednarodni promet.

4. Ti obrazci se upoštevajo pri vsakem cestnem preverjanju v pogodbenicah tega sporazuma.

13. bis člen (prehodne določbe)

Točki a in b sedmega odstavka 12. člena priloge k temu sporazumu se začeta uporabljati tri mesece po začetku veljavnosti te spremembe.

22. ter člen (postopek za spremembo dodatka 3)

1. Dodatek 3 priloge tega sporazuma se spremeni skladno s tem postopkom.

2. Predlog za vnos vzorčnih obrazcev v dodatek 3 po 12. bis členu tega sporazuma ali za spremembo veljavnih obrazcev se predloži v sprejetje delovni skupini za cestni promet Ekonomske komisije ZN za Evropo. Predlog je sprejet z večino prisotnih in glasujočih pogodbenic.

Sekretariat Ekonomske komisije ZN za Evropo uradno obvesti pristojne organe vseh pogodbenic tega sporazuma o vsaki sprejeti spremembi in hkrati pošlje to informacijo generalnemu sekretarju skupaj s kopijo ustreznega besedila.

3. Sprejeti vzorčni obrazec se lahko uporabi tri mesece po dnevu poslanih informacij pogodbenicam tega sporazuma."

Drugi del**Spremembe priloge AETR****(skladno s postopkom iz osmega odstavka 21. člena)****11. člen***Drugi odstavek 11. člena priloge AETR se nadomesti s tem besedilom:*

"2. (a) Podjetje hrani zapisne liste in izpise, če so skladni s prvim odstavkom 12. člena, v kronološkem vrstnem redu in v berljivi obliki vsaj eno leto po njihovi uporabi in izroči kopije voznikom, ki to zahtevajo. Podjetje izroči voznikom, ki to zahtevajo, tudi kopije prenesenih podatkov z voznikove kartice ter izpise teh kopij. Zapisni listi, izpisi in preneseni podatki se pokažejo ali izročijo na zahtevo pooblaščenega inšpektorja.

(b) Podjetje, ki uporablja vozilo s snemalno napravo v skladu z dodatkom 1 B te priloge in za katero velja ta sporazum:

(i) zagotovi, da se vsi podatki prenesejo iz naprave in z voznikove kartice tako pogosto, kot določi pogodbenica, in da se pomembni podatki prenesejo pogosteje, da se zagotovi, da so vsi podatki o opravljenih dejavnostih podjetja in za podjetje preneseni;

(ii) zagotovi, da se preneseni podatki iz naprave in z voznikove kartice hranijo še vsaj 12 mesecev po zapisu in morajo biti dostopni na zahtevo inšpektorja neposredno ali na daljavo iz prostorov podjetja.

V tej podtočki se "prenesen" razume v skladu z opredelitvijo iz točke s I. poglavja dodatka 1 B."

12. člen*V prvem odstavku 12. člena priloge AETR**– Samo v francoski različici se drugi in tretji pododstavek spremenita, tako da se glasita:*

"Če se poškoduje en list ali voznikova kartica, ki vsebuje zapise, mora voznik priložiti poškodovani list ali poškodovano voznikovo kartico k nadomestnemu listu ali ustreznemu listu, ki ga zamenja.

Kadar je voznikova kartica poškodovana, nepravilno deluje, je izgubljena ali ukradena, morajo vozniki pri pristojnem organu pogodbenice, v kateri je njihovo običajno prebivališče, v sedmih koledarskih dneh zaprositi za nadomestno kartico."

– Le v angleški različici, v drugem pododstavku:

Zamenja se beseda "začasen" z besedo "ustrezen":

Drugi odstavek 12. člena priloge AETR se spremeni, tako da se glasi:

"2. (a) Vozniki morajo uporabljati zapisne liste ali voznikovo kartico vsak dan vožnje od prevzema vozila dalje. Zapisni list ali voznikova kartica se ne sme odstraniti pred koncem delovnega dneva, razen če ni drugače dovoljeno. Zapisni list ali voznikova kartica se ne sme uporabljati za daljše obdobje od predvidenega.

Kadar je v vozilu s snemalno napravo v skladu z dodatkom 1 B več voznikov, mora vsak voznik poskrbeti, da je njegova kartica vstavljena v ustrezno režo tahografa.

(b) Kadar voznik ne more uporabiti snemalne naprave, vgrajene v vozilo, ker sam ni v vozilu, se časovna obdobja iz točk b, c in d druge alineje tretjega odstavka:

(i) zapišejo na zapisni list ročno, samodejno ali kako drugače, čitljivo, list pa ne sme biti umazan, če je v vozilo vgrajena snemalna naprava v skladu z dodatkom 1, ali

(ii) zapišejo na voznikovo kartico z ročnim vnosom, ki ga omogoča snemalna oprema, če je v vozilo vgrajena snemalna naprava v skladu z dodatkom 1 B.

(c) Če je v vozilu več kot en voznik, vozniki vnesejo potrebne spremembe na zapisne liste tako, da se podatki iz točk b, c in d druge alineje tretjega odstavka zapišejo na zapisni list voznika, ki dejansko vozi vozilo."

Točki a in b sedmega odstavka 12. člena priloge AETR se spremenita, tako da se glasita:

"7. (a) Če voznik vozi vozilo s snemalno napravo v skladu z dodatkom 1, mora na zahtevo inšpektorja vedno pokazati:

(i) zapisne liste za tekoči teden in liste, ki jih je voznik uporabljal v predhodnih 15 koledarskih dneh,

(ii) voznikovo kartico, če je imetnik kartice, in

(iii) ročni zapis in izpis za tekoči teden in predhodnih 15 koledarskih dni, kakor zahteva ta sporazum.

Od datuma uporabe iz 13. bis člena tega sporazuma se morajo časovna obdobja iz podtočk i in iii nanašati na tekoči dan in predhodnih 28 koledarskih dni.

(b) Če voznik vozi vozilo s snemalno napravo v skladu z dodatkom 1 B, mora na zahtevo inšpektorja vedno pokazati:

(i) voznikovo kartico, katere imetnik je,

(ii) ročni zapis in izpis za tekoči teden in predhodnih 15 koledarskih dni, kakor zahteva ta sporazum,

(iii) zapisne liste, ki ustrezajo obdobju iz prejšnje podtočke, ko je vozil vozilo s snemalno napravo v skladu z dodatkom 1.

Od datuma uporabe iz 13. bis člena tega sporazuma se morajo časovna obdobja iz podtočke ii nanašati na tekoči dan in predhodnih 28 koledarskih dni."

13. člen*Drugi odstavek 13. člena priloge AETR se spremeni, tako da se glasi:*

"2. (a) Če je snemalna naprava neuporabna ali deluje nepravilno, voznik na zapisni list ali liste ali na začasni list, dodan zapisnemu listu ali voznikovi kartici, vnese podatke, ki omogočajo njegovo istovetnost (ime in številko vozniškega dovoljenja ali ime in številko voznikove kartice) in ga podpiše, označi vse podatke za različna časovna obdobja, ki jih snemalna naprava ni več pravilno zapisala ali izpisala.

(b) Če je voznikova kartica poškodovana, ne deluje pravilno ali je izgubljena ali ukradena ali je voznik nima, voznik:

(i) na začetku vožnje natisne podatke o vozilu, ki ga vozi, in jih vnese na izpisni list:

– podatke, ki omogočajo njegovo istovetnost (ime in številko vozniškega dovoljenja ali ime in številko voznikove kartice), in ga podpiše;

– obdobja iz točk b, c in d druge alineje tretjega odstavka 12. člena;

(ii) na koncu vožnje natisne podatke o obdobjih, ki jih je zapisala snemalna naprava, izpiše vsa obdobja, ko je opravljal drugo delo, čas razpoložljivosti in počitek po zapisu, narejenem pred začetkom vožnje, če jih ni zapisal tahograf, in na ta dokument zapiše podatke, ki omogočajo njegovo istovetnost (ime in številko vozniškega dovoljenja ali ime in številko voznikove kartice), in ga podpiše."

Tretji del

Spremembe dodatkov k prilogi AETR

(v skladu s postopkom iz 22. člena)

Dodatek 1

(zahteve glede konstrukcije, preskušanja, vgradnje in nadzora)

Samo v ruski različici se zamenja prva alineja podtočke iii točke a 4. člena oddelka C III. poglavja:

" – čas čakanja, tj. čas, ko morajo vozniki ostati na svojih delovnih mestih zaradi čakanja na poziv za začetek ali nadaljevanje vožnje ali opravljanje drugega dela,".

Dodatek 2 (OZNAKE IN CERTIKATI O ODOBRITVI TIPA)

Na seznam iz prvega odstavka I. poglavja "Oznaka odobritve" se dodajo te države:

Albanija	54
Armenija	55
Črna gora	56
San Marino	57
Monako	59
<i>"Srbija in Črna gora"</i>	<i>10" se nadomesti z:</i>
Srbija	10

Nov dodatek 3

Za dodatkom 2 priloge AETR se doda nov dodatek 3, ki se glasi:

"VZORČNI OBRAZCI

V skladu z 12. bis členom tega sporazuma lahko cestni prevozniki uporabljajo te vzorčne obrazce, da poenostavijo cestna preverjanja:

1. Obrazec POTRDILO O DEJAVNOSTIH se uporablja, kadar je bil voznik na bolniškem dopustu, letnem dopustu ali ko je vozil vozilo, za katero ne velja AETR, kot je opredeljeno v 2. členu tega sporazuma.

Navodila za uporabo (po možnosti se natisnejo na zadnji strani obrazca)

- Vsa polja tega obrazca morata pred vožnjo izpolniti prevozno podjetje in voznik.
- Besedilo obrazca se ne sme spreminjati.
- Da je obrazec veljaven, ga morata podpisati pooblaščen predstavnik prevoznega podjetja in voznik. Pri podjetnikih posameznikih se voznik podpiše enkrat v imenu podjetja in enkrat kot voznik. Veljaven je le podpisan izvornik.
- Obrazec se lahko natisne na papir z logotipom podjetja. Točke od 1 do 5 se lahko natisnejo vnaprej. Podpis podpisnika se ne sme nadomestiti z žigom podjetja, lahko pa se žig doda.
- Morebitni dodatni podatki države ali regionalni podatki morajo biti na drugi strani obrazca.
- Kadar je obrazec izpisan v jeziku, ki ni angleščina ali francoščina, mora biti naslov v domačem jeziku pod angleškim ali francoskim naslovom, ki morata ostati napisana. Poimenovanja točk iz obrazca se morajo ponoviti v angleščini, če izvorni dokument ni napisan v angleškem jeziku (glej priloženi vzorec).

2. (prostor za morebitni drugi obrazec) ..."

DODATEK 3 PRILOGE K AETR
 POTRDILO O DEJAVNOSTIH*/(UREDBA (ES) 561/2006 ALI AETR**)

Izpolnite s tiskanimi črkami in podpišite pred vožnjo.
 Hranite skupaj z izvirnimi tahografskimi zapisi na mestu, določenem za to.

LAŽNA POTRDILO SO PREKRŠEK.

Del, ki ga izpolni podjetje	
1.	Ime podjetja:
2.	Ulica, poštna številka, kraj

Država:	
3.	Telefonska številka (vključno z mednarodno dohodno številko).....
4.	Številka telefaksa (vključno z mednarodno dohodno številko).....
5.	Elektronski naslov:
Spodaj podpisani/a:	
6.	ime in priimek
7.	položaj v podjetju

izjavljam, da je bil voznik:	
8.	ime in priimek
9.	datum rojstva (dan, mesec, leto):
10.	številka vozniškega dovoljenja ali osebne izkaznice ali potnega lista:
11.	ki je nastopil delo v podjetju dne (dan, mesec, leto):
v času:	
12.	od (ura, dan, mesec, leto):
13.	do (ura, dan, mesec, leto):
14.	<input type="checkbox"/> na bolniškem dopustu***
15.	<input type="checkbox"/> na letnem dopustu***
16.	<input type="checkbox"/> na dopustu ali počitku***
17.	<input type="checkbox"/> je vozil vozilo, izvzeto s področja uporabe Uredbe (ES) št. 561/2006 ali AETR***
18.	<input type="checkbox"/> je opravljal drugo delo, ni vozil***
19.	<input type="checkbox"/> je bil dosegljiv***
20.	Kraj: Dne:

Podpis	

21. Voznik vozila potrjujem, da v navedenem času nisem vozil vozila, ki spada na področje uporabe Uredbe (ES) št. 561/2006 ali AETR.

22. Kraj: Datum:

.....
 Podpis voznika

* Ta obrazec je na voljo v elektronski in natisljivi obliki na naslednjem naslovu: <http://www.unece.org/trans/main/sc1/aetr.html>

** Evropski sporazum o delu posadk vozil, ki opravljajo mednarodne cestne prevoze.

*** Izberite le en kvadratik.

3. člen

Za izvajanje 5. in 6. spremembe Evropskega sporazuma o delu posadk na vozilih, ki opravljajo mednarodne prevoze skrbi Ministrstvo za promet.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 00724-40/2011

Ljubljana, dne 25. avgusta 2011

EVA 2011-1811-0036

Vlada Republike Slovenije

Borut Pahor l.r.

Predsednik

72. Uredba o ratifikaciji Sporazuma med Ministrstvom za zunanje zadeve Republike Slovenije in Prostovoljci Združenih narodov

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) izdaja Vlada Republike Slovenije

U R E D B O**O RATIFIKACIJI SPORAZUMA MED MINISTRSTVOM ZA ZUNANJE ZADEVE REPUBLIKE SLOVENIJE IN PROSTOVOLJCI ZDRUŽENIH NARODOV**

1. člen

Ratificira se Sporazum med Ministrstvom za zunanje zadeve Republike Slovenije in Prostovoljci Združenih narodov, sklenjen 23. septembra 2010.

2. člen

Besedilo sporazuma se v izvorniku v angleškem in prevodu v slovenskem jeziku glasi:

A G R E E M E N T
BETWEEN THE MINISTRY
OF FOREIGN AFFAIRS OF THE REPUBLIC
OF SLOVENIA AND THE UNITED NATIONS
VOLUNTEERS (UNV)

Whereas the United Nations Volunteers (UNV) programme is the UN organization that contributes to peace and development through volunteerism worldwide. Volunteerism is a powerful means of engaging people in tackling development challenges, and it can transform the pace and nature of development. Volunteerism benefits both society at large and the individual volunteer by strengthening trust, solidarity and reciprocity among citizens, and by purposefully creating opportunities for participation. UNV contributes to peace and development by advocating for recognition of volunteers, working with partners to integrate volunteerism into development programming, and mobilizing an increasing number and diversity of volunteers, including experienced UN Volunteers, throughout the world. UNV embraces volunteerism as universal and inclusive, and recognizes volunteerism in its diversity as well as the values that sustain it: free will, commitment, engagement and solidarity,

Whereas the Ministry of Foreign Affairs, of the Republic of Slovenia (hereinafter referred to as "The Donor") is representing the Government of the Republic of Slovenia.

Whereas the Donor hereby agrees to contribute funds to UNV for the financing of the full cost associated with the UNV assignment(s) for Slovenian nationals,

Whereas UNV is prepared to receive and administer the contribution for the fielding of the UNV volunteer assignment(s) as per the priorities agreed upon between the donor and UNV,

Now therefore, UNV and the Donor hereby agree as follows:

Article I. The Contribution

1. a) The Donor shall contribute to UNV the amount of EUR 78,140.00 to fund UNV assignment(s). The first part of the contribution in the amount of EUR 66,140.00 was deposited by the Donor on 30 December 2009, and the second part of the contribution amounting to EUR 12,000.00 shall be deposited by the Donor by the end of November 2010 into the following account:

UNV Contributions Account
Number 014-1-050658
JP Morgan Chase Bank
Swift code: CHASUS33
ABA routing number: 021000021
International Agencies Banking Centre
633 Third Avenue, New York, N.Y. 10017, U.S.A

S P O R A Z U M
MED MINISTRSTVOM ZA ZUNANJE ZADEVE
REPUBLIKE SLOVENIJE IN PROSTOVOLJCI
ZDRUŽENIH NARODOV

Glede na to, da je program Prostovoljci Združenih narodov (v nadaljnjem besedilu: UNV) organizacija Združenih narodov, ki s prostovoljstvom prispeva k miru in razvoju po vsem svetu. Prostovoljstvo je močna motivacija za dejavno vključevanje posameznikov v spopadanje z izzivi razvoja in lahko spremeni njegov potek in naravo. Hkrati koristi širši družbi in prostovoljcu posamezniku, ker krepi zaupanje, solidarnost in vzajemnost med državljani in namenoma ustvarja priložnosti za sodelovanje. UNV prispeva k miru in razvoju, tako da se zavzema za priznanje prostovoljcem, sodeluje s partnerji pri vključevanju prostovoljstva v razvojno načrtovanje in pridobiva vse več najrazličnejših prostovoljcev, tudi izkušenih prostovoljcev ZN, po vsem svetu. Prostovoljstvo sprejema kot univerzalno in vseobsežno in ga priznava v njegovi različnosti ter priznava tudi vrednote, na katerih temelji: svobodno voljo, predanost, aktivno sodelovanje in solidarnost;

ker Ministrstvo za zunanje zadeve Republike Slovenije (v nadaljnjem besedilu: donator) predstavlja Vlado Republike Slovenije;

ker donator soglaša, da bo prispeval sredstva za UNV, namenjena financiranju vseh stroškov naporitev slovenskih državljanov v UNV;

ker je UNV pripravljen sprejeti in razporejati prispevek za izvedbo naporitev prostovoljcev UNV skladno s prednostnimi področji, o katerih se dogovorita donator in UNV,

sta se donator in UNV dogovorila:

I. člen Prispevek

1. Donator prispeva UNV znesek 78.140,00 EUR za financiranje naporitev v UNV. Prvi del prispevka v znesku 66.140,00 EUR je donator nakazal 30. decembra 2009, drugi del prispevka v znesku 12.000,00 EUR pa bo nakazal do konca novembra 2010 na račun:

UNV Contributions Account
številka 014-1-050658
JP Morgan Chase Bank
Swift koda: CHASUS33
številka ABA: 021000021
International Agencies Banking Centre
633 Third Avenue, New York, N.Y. 10017, ZDA

The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNV of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNV shall inform the Donor with a view to determining whether any further financing could be provided by the Donor. Should such further financing not be available, the assistance to be provided to the fully funded assignments may be reduced, suspended or terminated by UNV.

3. The schedule of payments agreed with the exchange of letters takes into account the requirement that the payments shall be made in advance of the execution/implementation of planned activities. It may be amended to be consistent with the progress of the activities.

4. UNV shall receive and administer the payment in accordance with the regulations, rules and directives and Procedures of United Nations Development Programme (UNDP) as UNV is administered by UNDP.

5. All financial accounts and statements shall be expressed in United States dollars.

Article II. Utilization of the Contribution

1. The implementation of the responsibilities of UNV pursuant to this agreement shall be dependent on receipt by UNV of the contribution in accordance with the schedule of payment.

2. If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNV shall submit to the Donor on a timely basis a supplementary estimate showing the further financing that will be necessary. The Donor shall use its best endeavours to obtain the additional funds required.

3. The amount budgeted for the UNV assignment(s) is based on the proforma estimate of in-country and external costs. Should the actual costs of the assignment(s) exceed the amount estimated (within the framework of the applicable Conditions of Service for UN Volunteers), UNV shall submit to the Donor on a timely basis a report showing the actual costs incurred and a request for the additional funds that will be required. The Donor shall use its best endeavours to obtain the additional funds required.

4. If the payments referred to in Article I above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraphs 2 and 3 above is not forthcoming from the Donor, the assistance to be provided under this Agreement may be reduced, suspended or terminated by UNV.

5. The UN Volunteers recruited under this agreement shall, for the duration of the assignment, be subject to the Rules of Conduct and Conditions of Service of UNV and to the terms contained in the Letter of Offer made by UNV.

6. Any interest income attributable to the contribution shall be credited to UNV Account and shall be utilized in accordance with established UNDP procedures.

Article III. Administration and reporting

1. The UNV assignment(s) management and expenditures shall be governed by the regulations, rules and directives of UNDP and, where applicable, the regulations, rules and directives of UNV.

2. UNV shall provide to the Donor all or parts of the following reports prepared in accordance with UNDP/UNV accounting and reporting procedures.

(a) From UNV, Finance Section, an annual certified financial statement as of 31 December to be submitted no later than 30 June of the following year.

Če vplačilo ni izvršeno v ameriških dolarjih, se njegova vrednost določi po menjalnem tečaju Združenih narodov, ki velja na dan vplačila. Če se menjalni tečaj Združenih narodov spremeni, preden UNV v celoti porabi vplačana sredstva, se vrednost preostanka sredstev, ki so takrat še na voljo, ustrezno uskladi. Če se v takem primeru vrednost preostanka sredstev zmanjša, UNV o tem obvesti donatorja in preveri, ali ta lahko prispeva dodatna sredstva. Če dodatnega financiranja ni mogoče zagotoviti, lahko UNV pomoč za napotitve, ki se financirajo v celoti, zmanjša, začasno ustavi ali popolnoma ustavi.

3. Pri razporedu vplačil, dogovorjenem z izmenjavo pisem, se upošteva zahteva, da se vplačilo izvrši vnaprej, pred izvedbo načrtovanih dejavnosti. Razpored vplačil se lahko spremeni glede na potek dejavnosti.

4. UNV sprejme vplačilo in z njim gospodari v skladu s predpisi, pravili, smernicami in postopki Programa Združenih narodov za razvoj (UNDP), ki upravlja UNV.

5. Vsi finančni obračuni in finančna poročila so v ameriških dolarjih.

II. člen Uporaba prispevka

1. UNV svoje obveznosti po tem sporazumu izvaja glede na prejete prispevke v skladu z razporedom vplačil.

2. Če se pričakujejo ali nastanejo nepredvidena povišanja izdatkov ali obveznosti (zaradi inflacije, nihanja menjalnih tečajev ali nepredvidenih dogodkov), UNV donatorju pravočasno predloži predračun, iz katerega je razvidno, kakšno nadaljnje financiranje bo potrebno. Donator si po svojih najboljših zmogljivostih prizadeva pridobiti potrebna dodatna sredstva.

3. Znesek, namenjen za napotitve v UNV, temelji na predračunu stroškov v državi in zunaj nje. Če dejanski stroški napotitve presežejo ocenjeni znesek (v okviru pogojev za delovanje prostovoljcev ZN), UNV donatorju pravočasno predloži poročilo, v katerem so prikazani dejanski nastali stroški, in zaprosilo za dodatna sredstva. Donator si po svojih najboljših zmogljivostih prizadeva pridobiti potrebna dodatna sredstva.

4. Če vplačila po I. členu niso prejeta v skladu z razporedom vplačil ali donator ne more zagotoviti dodatnega financiranja po drugem in tretjem odstavku, lahko UNV pomoč, zagotovljeno po tem sporazumu, zmanjša, začasno ustavi ali popolnoma ustavi.

5. Prostovoljci ZN, napoteni po tem sporazumu, morajo med trajanjem napotitve upoštevati pravila ravnanja in pogoje za delovanje UNV ter pogoje iz pisma o nameri UNV.

6. Prihodki od obresti iz prispevka se knjižijo v dobro računa UNV in se uporabijo v skladu z ustaljenimi postopki UNDP.

III. člen Upravljanje in poročanje

1. Upravljanje napotitev v UNV in izdatke urejajo predpisi, pravila in smernice UNDP in, kjer je to ustrezno, predpisi, pravila in smernice UNV.

2. UNV donatorju pošlje celotna ali delna poročila, ki so navedena v nadaljevanju in so pripravljena v skladu z računovodskimi postopki in postopki poročanja UNDP/UNV:

a) finančni sektor UNV predloži potrjen računovodski izkaz na dan 31. decembra najpozneje do 30. junija naslednjega leta,

(b) From UNV, Finance Section- upon completion of the UNV assignment(s), a certified financial statement to be submitted no later than 30 June of the year following the payment of all financial obligations.

(c) A copy of the periodic and final reports from the UN Volunteer(s).

Article IV. Administrative and support services

1. In accordance with the decisions and directives of UNDP/ UNV's Executive Board, the cost for the UNV assignment(s) shall include ten per cent (10%) support costs, which amount shall, in accordance with UNDP/UNV regulations, rules and directives, be utilized by the UNV for reimbursement of support services and for any other support services required.

2. The aggregate of the amounts budgeted for the UNV assignment(s), together with the estimated costs of reimbursement of related support services, shall not exceed the total resources available under this Agreement.

Article V. Auditing

The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP. Should the biennial Audit Report of the Board of Auditors of UNDP to its governing body contain observations relevant to the contributions, such information shall be made available to the Donor.

Article VI. Completion of the Agreement

1. UNV shall notify the Donor when all activities relating to the UNV assignment(s) have been completed.

2. Notwithstanding the completion of the UNV assignment(s), UNV shall continue to hold unutilized payments until all commitments and liabilities incurred in the execution/ implementation of the UNV assignment(s) have been satisfied and the activities brought to an orderly conclusion.

3. If the unutilized payments prove insufficient to meet such commitments and liabilities, UNV shall notify the Donor and consult with the Donor on the manner in which such commitments and liabilities may be satisfied.

4. Any payments that remain unexpended after such commitments and liabilities have been satisfied shall be disposed of by UNV in consultation with the Donor.

Article VII. Termination of the Agreement

1. After consultations have taken place between the Donor and UNV and provided that the payments already received are sufficient to meet all commitments and liabilities related to the UNV assignment(s), this Agreement may be terminated by UNV or by the Donor. The Agreement shall cease to be in force 30 (thirty) days after either UNV or the Donor has given notice in writing to the other party of its decision to terminate the Agreement.

2. Notwithstanding termination of all or part of this Agreement, UNV shall continue to hold unutilized payments until all commitments and liabilities related to the UNV assignment(s), for which this Agreement has been terminated, have been satisfied and the volunteer assignment(s) brought to an orderly conclusion.

3. Any payments that remain unexpended after such commitments and liabilities have been satisfied shall be disposed of by UNV in consultation with the Donor.

Article VIII. Amendment of the Agreement

The Agreement may be amended through an exchange of letters between the Donor and UNV. The letters exchanged to this effect shall become an integral part of the Agreement. Such amendments shall take effect in compliance with the procedure referred to in Article IX. of the Agreement.

b) finančni sektor UNV po izteku napotitev predloži potrjen računovodski izkaz najpozneje do 30. junija v letu, ki sledi plačilu vseh finančnih obveznosti,

c) kopijo vmesnih in končnih poročil prostovoljcev ZN.

IV. člen Administrativne in podporne storitve

1. V skladu s sklepi in smernicami izvršnega odbora UNDP/UNV stroški za napotitve v UNV vključujejo deset odstotkov (10%) stroškov podpore; ta znesek UNV v skladu s predpisi, pravili in smernicami UNDP/UNV porabi za povračilo stroškov podpornih storitev in drugih potrebnih vrst podpore.

2. Vsota zneskov, namenjenih za napotitve v UNV, skupaj z ocenjenim zneskom povračil stroškov podpornih storitev ne sme presegati skupnih sredstev po tem sporazumu.

V. člen Revizija

Za prispevek se uporabljajo izključno notranji in zunanji revizijski postopki, določeni v finančnih predpisih, pravilih in smernicah UNDP. Če dveletno revizijsko poročilo, ki ga revizijski odbor UNDP pošlje svojem upravljavskemu organu, vsebuje pripombe glede prispevkov, se o tem obvesti donator.

VI. člen Izpolnitev sporazuma

1. UNV obvesti donatorja o dokončanju dejavnosti v zvezi z napotitvami v UNV.

2. Tudi če se napotitve v UNV iztečejo, UNV zadrži neporabljena vplačila, dokler niso v celoti poravnane vse obveznosti in terjatve, nastale pri izvajanju teh napotitev, in so dejavnosti v celoti dokončane.

3. Če se izkaže, da neporabljena vplačila ne zadoščajo za kritje takih obveznosti in terjatev, UNV obvesti donatorja in se z njim posvetuje o načinu poravnave obveznosti in terjatev.

4. Po poravnavi vseh obveznosti in terjatev UNV razpolaga z vsemi neporabljenimi vplačili v dogovoru z donatorjem.

VII. člen Odpoved sporazuma

1. UNV ali donator lahko ta sporazum odpove po medsebojnem posvetu, in če že prejeta vplačila zadoščajo za poravnavo vseh obveznosti in terjatev, povezanih z napotitvami v UNV. Sporazum preneha veljati 30 (trideset) dni po tem, ko UNV ali donator pisno uradno obvesti drugo pogodbenico, da sporazum odpoveduje.

2. Ne glede na popolno ali delno odpoved sporazuma UNV zadrži neporabljena vplačila, dokler niso poravnane vse obveznosti in terjatve, povezane z napotitvami v UNV, na katere se odpoved nanaša, in se napotitve v celoti ne dokončajo.

3. Po poravnavi vseh obveznosti in terjatev UNV razpolaga z vsemi neporabljenimi vplačili na podlagi posveta z donatorjem.

VIII. člen Spremembe sporazuma

Sporazum se lahko spremeni z izmenjavo pisem med UNV in donatorjem. V ta namen izmenjena pisma postanejo sestavni del sporazuma. Spremembe sporazuma začnejo veljati v skladu s postopkom iz IX. člena tega sporazuma.

Article IX. Entry Into Force

This Agreement shall enter into force on the date of receipt of the written notification by the Donor to UNV that the internal legal requirements for its entry into force have been fulfilled in the Republic of Slovenia and shall apply provisionally from the date of its signature.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Agreement in the English language in two copies

For the Ministry
of Foreign Affairs of the
Republic of Slovenia

Samuel Žbogar (s)
Minister

For the United Nations
Volunteers

Flavia Pansieri (s)
Executive Coordinator

Ljubljana, 23 September 2010 Bonn, 16 September 2010

Annex I – Implementation Process of the Agreement

IX. člen Začetek veljavnosti

Ta sporazum začne veljati z dnem prejema pisnega uradnega obvestila donatorja UNV, da so v Republiki Sloveniji izpolnjene notranjepravne zahteve, potrebne za začetek njegove veljavnosti; začasno se uporablja od dne podpisa.

V potrditev tega sta podpisana, ki sta bila za to pravilno pooblaščenca, podpisala ta sporazum v dveh izvornikih v angleškem jeziku.

Za Ministrstvo
za zunanje zadeve
Republike Slovenije

Samuel Žbogar l.r.
Minister

Za Prostovoljce
Združenih narodov

Flavia Pansieri l.r.
Izvršna koordinatorica

Ljubljana, 23. septembra 2010 Bonn, 16. septembra 2010

Priloga 1 – Potek izvajanja sporazuma

Annex 1

Implementation Process for UNV assignments

(fully funded by the Government of the Republic of Slovenia)

	Action	Responsible party
1.	Sign Agreement of co-operation between the Ministry of Foreign Affairs (MoFA), Slovenia and the United Nations Volunteers (UNV) to recruit and field Slovenian candidate(s) as UNV Volunteer.	UNV, Bonn & MoFA, Slovenia
2.	Transfer funds to UNV, Bonn as per the signed Agreement	MoFA, Slovenia
3.	Submit to MoFA, Slovenia UNV Terms of References (TOR) from the countries & areas of interest indicated by the Ministry.	UNV, Bonn
4.	Review and approve TOR and advertise the post(s) on Ministry's website or any other website deemed appropriate. Candidates should be instructed to apply directly to the UNV Roster through " Online Application " process by following the link http://one.unv.org/main/?Lang=en	MoFA, Slovenia
5.	Once application deadline is over, shortlist candidates from the UNV Roster and submit the Fact Sheets (candidate profiles) of each candidate to MoFA, Slovenia for review and clearance.	UNV, Bonn
6.	Review the profiles of candidates and provide clearance of candidates to UNV Bonn.	MOFA, Slovenia
7.	Submit cleared candidates (minimum 3 candidates) to the UNV Country Office Team (UNV/COT) in the country of assignment	UNV, Bonn
8.	Review, interview & select candidate in order of preference.	UNV COT/UNDP/ Host Organization
9.	Communicate to UNV HQ Bonn the results of the selection and submit Interview Report and a letter of selection by the host organization.	UNV COT
10.	Submit Interview Report and letter of acceptance of the candidate to MoFA, Slovenia alongwith the proforma cost estimate of the assignment.	UNV, Bonn
11.	Contact and proceed with the recruitment of the selected candidate and make travel arrangements.	UNV, Bonn
12.	Make arrangements to the receive the candidate at the country of assignment and provide necessary briefings	UNV COT
13.	The UNV volunteer begins his/her assignment	

Priloga 1**Potek izvajanja napotitev v UNV****(ki jih v celoti financira Vlada Republike Slovenije)**

	Dejavnost	Pristojna pogodbenica
1.	Podpis sporazuma o sodelovanju med Ministrstvom za zunanje zadeve Republike Slovenije in Prostovoljci Združenih narodov (UNV) za izbor in napotitev slovenskih kandidatov za prostovoljce Združenih narodov.	UNV Bonn in Ministrstvo za zunanje zadeve Republike Slovenije
2.	Prenos sredstev na UNV Bonn v skladu s podpisanim sporazumom.	Ministrstvo za zunanje zadeve Republike Slovenije
3.	Predložitev opisa nalog UNV iz držav in interesnih področij, ki jih navede ministrstvo.	UNV Bonn
4.	Pregled in odobritev opisa nalog in objava razpisa za napotitev na spletni strani ministrstva ali drugi ustrežni strani. Kandidati se prijavijo neposredno na seznam kandidatov UNV prek spletne prijavnice na naslovu http://one.unv.org/main/?Lang=en .	Ministrstvo za zunanje zadeve Republike Slovenije
5.	Po izteku roka za prijave sledi ožji izbor kandidatov s seznama UNV, njihovi podatki (profili kandidatov) se predložijo Ministrstvu za zunanje zadeve Republike Slovenije v pregled in odobritev.	UNV Bonn
6.	Pregled profilov kandidatov in predložitev odobritve UNV Bonn.	Ministrstvo za zunanje zadeve Republike Slovenije
7.	Predložitev imen odobrenih kandidatov (najmanj treh) izpostavi UNV (UNV/COT) v državi napotitve.	UNV Bonn
8.	Pregled, razgovori in uvrstitev kandidatov na prednostni seznam.	UNV COT/UNDP/ organizacija gostiteljica
9.	Predložitev rezultatov izbora sedežu UNV Bonn ter poročila o razgovoru in pisma o izboru gostiteljske organizacije.	UNV COT
10.	Predložitev poročila o razgovoru in pisma o izboru kandidata Ministrstvu za zunanje zadeve Republike Slovenije skupaj s predvideno oceno stroškov napotitve.	UNV Bonn
11.	Obvestilo izbranemu kandidatu, nadaljevanje postopka napotitve; uredi se mu vse potrebno za pot.	UNV Bonn
12.	Potrebni postopki za sprejem kandidata v državi napotitve in podrobna seznanitev kandidata z napotitvijo.	UNV COT
13.	Začetek napotitve prostovoljca UNV.	

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 00724-39/2011
Ljubljana, dne 25. avgusta 2011
EVA 2011-1811-0024

Vlada Republike Slovenije

Borut Pahor l.r.
Predsednik

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

73. Obvestilo o začetku veljavnosti Sporazuma o spremembi Sporazuma o socialnem zavarovanju med Republiko Slovenijo in Bosno in Hercegovino

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je dne 2. septembra 2011 začel veljati Sporazum o spremembi Sporazuma o socialnem zavarovanju med Republiko Slovenijo in Bosno in Hercegovino, podpisan na Brdu pri Kranju 17. decembra 2010 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 3/11 (Uradni list Republike Slovenije, št. 23/11).

Ljubljana, dne 5. septembra 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

74. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Republike Črne gore o sodelovanju na obrambnem področju

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 23. februarja 2011 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Črne gore o sodelovanju na obrambnem področju, podpisan v Ljubljani 18. 6. 2007 ter objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 7/08 (Uradni list Republike Slovenije, št. 28/08).

Ljubljana, dne 7. septembra 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

75. Obvestilo o začetku veljavnosti Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenega kraljestva Velika Britanija in Severna Irska o izvedbi vojaških vaj in usposabljanja in zagotavljanju podpore države gostiteljice

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 18. septembra 2009 začel veljati Memorandum o soglasju med Vlado Republike Slovenije in Vlado Združenega kraljestva Velika Britanija in Severna Irska o izvedbi vojaških vaj in usposabljanja in zagotavljanju podpore države gostiteljice, podpisan v Ljubljani 30. 6. 2004 ter objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 11/05 (Uradni list Republike Slovenije, št. 68/05).

Ljubljana, dne 7. septembra 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

76. Obvestilo o začetku veljavnosti Sporazuma o ustanovitvi Mednarodne akademije za boj proti korupciji kot mednarodne organizacije

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 10. julija 2011 za Republiko Slovenijo začel veljati Sporazum o ustanovitvi Mednarodne akademije za boj proti korupciji kot mednarodne organizacije, sestavljen na Dunaju 2. 9. 2010 ter objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 3/11 (Uradni list Republike Slovenije, št. 23/11).

Ljubljana, dne 7. septembra 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

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