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Brussels, 10 December 2009

ENTRY INTO FORCE OF AMENDMENTS TO THE AETR AGREEMENT CONCERNING NEW DRIVING AND REST TIME RULES

URGENT AND IMPORTANT - Postponement of the 21 December 2009 deadline for the entry into force of the new AETR driving and rest time rules.

I. SUMMARY

In October 2008, the UNECE Working Party on Road Transport reached a compromise agreement to establish an alignment between the AETR's provisions on driving and rest time rules and EU Regulation 561/2006/EC on the same subject. As required by the AETR Agreement these amendments were transmitted to the UN Treaty Section in New York.

On 20 March 2009, this transmission was notified to AETR Contracting Parties by the UNECE and in accordance with article 21 of the Agreement, this initiated a period of 6 months during which any Contracting Party was able to object to the amendments or alternatively to indicate that while they do not intend to oppose the amendments they were not yet in a position to notify acceptance. If no objections were tabled by the end of this six month period (20 September 2009), a further three months would be required before the rules would enter into force.

On the expiry of the six month deadline for comments it was indicated to the IRU that no substantive objection had been tabled by Contracting Parties and that subsequently the amendments would enter into force on 21 December 2009.

However, new information has now come to light indicating that **the new driving and rest time rule amendments will not come into force on 21 December 2009.**

Nevertheless, it should be emphasised that this does not affect in any way **the deadline for the introduction of the Digital Tachograph for non EU AETR countries which remains 16 June 2010.** (The introduction of the digital tachograph is not part the 2008 amendment package dealt with here).

II. DETAILS CONCERNING A NEW DATE FOR ENTRY INTO FORCE OF NEW AETR DRIVING AND REST TIME RULES

On the 8 December 2009 the IRU received a notice from the UNECE that both the Netherlands and Finland had - within the six month period highlighted above and in accordance with article 21.2(b) of the AETR - notified the UN Secretary General that while they intend to accept the proposed amendments, the conditions necessary for this acceptance were not yet in place in these countries.

The result of this action by the Netherlands and Finland is that following the expiry of the six month period mentioned above (i.e. on 20 September 2009), the period during which the two concerned

countries may either notify their acceptance or objection to the amendments is extended by 9 months (article 21.3), namely until 20 June 2010.

There are thus three possible outcomes from this situation which will determine the amendments' date of entry into force or alternatively the rejection of these amendments:

1. If during the new period of 9 months (until 20 June 2010) these countries (Netherlands and Finland) issue an objection, the amendments will become null and void (article 21.4).
2. If during this period of 9 months (until 20 June 2010) both countries notify their acceptance, the amendments will enter into force 3 months following the date by which both countries have formally given such notice to the UN (article 21.5b).
3. If at the end of these 9 months (20 June 2010) neither country has issued an objection nor notifications of acceptance, the amendments will be deemed accepted and will enter into force three months later (article 21.5b) on 21 September 2010.

III. ACTIONS

- Members are urged to inform operators urgently that they should continue to follow the existing un-amended AETR driving and rest time rules until such a time as a date for the entry into force of the new rules is confirmed.
- The IRU Secretariat will work to ensure that all national authorities and enforcers are properly informed by the UNECE that the new rules will not come into force on 21 December 2009. In the meantime IRU members may wish to inform their national authorities of the situation as described in this document.
- The IRU will keep members informed of all developments.

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