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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
(Ninety-sixth session, 7-10 October 2002,
Ad Hoc meeting of 7 October)

**HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL
ROAD TRANSPORT AND FACILITATION OF ITS OPERATION**

**Draft Consolidated Resolution on the Facilitation of
International Road Transport (R.E.4)**

Consolidated text submitted by the secretariat

The Working Party on Road Transport (SC.1) was unable at its ninety-fifth session to consider in detail the draft resolution prepared by the Ad Hoc Working Group on the Revision of R.E.4 (TRANS/SC.1/2001/5). In view of the many opinions expressed, the Working Party requested the secretariat to write to the member countries of ECE inviting them to send in their comments in writing together with specific proposals for the wording of the paragraphs they would wish to have amended and asked the secretariat to prepare a corrected version of the draft taking the replies received into account. The Working Party made it clear, however, that it did not intend to convene the Ad Hoc Working Group a third time to reconsider the draft and that its aim was to adopt the revised Consolidated Resolution R.E.4 at its ninety-sixth session so that it could be submitted to the Inland Transport Committee for approval in 2003. The Inland Transport Committee approved a special session for the purpose, to be held just prior to the session of the Working Party.

On the basis of the nine replies received (Austria, France, Germany, Lithuania, Norway, Poland, Switzerland, Turkey and United Kingdom), the secretariat prepared the text which follows, emphasizing the proposals and comments made. These appear in italics. It may be noted that Norway and Turkey agreed to the draft as a whole, as contained in document TRANS/SC.1/2001/5. Lithuania for its part proposed the inclusion of the main points for the organization of combined transport, indispensable for ensuring the follow-up to the facilitation of international transport operations.

**CONSOLIDATED RESOLUTION ON THE FACILITATION OF
INTERNATIONAL ROAD TRANSPORT (R.E.4)**

Corrected draft incorporating the proposals and comments made by the countries

These proposals and comments appear in italics

The Working Party on Road Transport,

Noting that, within the framework of this Consolidated Resolution, international treaties and other international legal instruments not developed under the aegis of the ECE should be taken into account, of which certain provisions are directly related to international road transport. They include in particular:

- the Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975),
- the 1994 Marrakesh Protocol (1994 GATT and 1994 GATS) establishing the World Trade Organization,
- the Consolidated Resolution concerning the rules to be applied for international freight transport by road, drawn up under the aegis of the European Conference of Ministers of Transport (ECMT, 2000),
- the Consolidated Resolution on Passenger Transport drawn up under the aegis of the European Conference of Ministers of Transport (ECMT, 1995),
- the Declaration “Towards a European Wide Transport Policy” adopted by the 1997 Helsinki Conference,
- the Agreement on the international occasional carriage of passengers by coach or bus (Interbus Agreement) negotiated between the European Community and several countries of Central and Eastern Europe. This Agreement, signed by the European Community and 13 third countries [...], entered into force on ... *in respect of the first parties to ratify it (proposal by the secretariat)*,

Noting that, for the purpose of facilitating the international transport of passengers and goods by road in Europe, a number of international instruments have been drawn up under the auspices of ECE (see list in annex 3 to this document),

Noting on the other hand that such instruments are not uniformly applied and do not cover all aspects of international road transport, some of which have been dealt with by a number of recommendations and resolutions adopted within the framework of the work of the Working Party on Road Transport,

Being aware of the need to update and rearrange certain of these recommendations and resolutions,

Desiring to secure the greatest possible simplification and harmonization of road transport regulations and procedures in Europe, with the aim of setting up a road transport regime which is coherent, flexible, simple and designed to promote coordination among the various means of transport,

Recommends States which have not yet done so to ratify or accede to the international instruments forthwith to the fullest extent, and if they are not yet in a position to ratify or accede to them, nevertheless to apply the provisions of these instruments forthwith and to the fullest extent possible,

Recommends States to implement rules which conform to the recommendations of this Consolidated Resolution,

Recommends that when concluding among themselves bilateral and multilateral agreements States provide, if possible, for more liberal treatment than foreseen under this resolution, in which case the relevant provisions of this resolution should not apply,

Recommends States to promote a multimodal approach to transport [favouring the environment] *in order to limit adverse effects or so as to respect the environment (proposal by France)*.

* * *

CHAPTER I

REGULATION OF INTERNATIONAL ROAD TRANSPORT

Section 1 - General provisions and principles

1.1 Introductory provisions

Road transport shall be carried out in a way that does not interfere with the public order, security, the environment, health and morality of the host country and shall comply with the latter's legislation and international commitments in this field.

1.2 Applicable principles

1.2.1 The regimes referred to in paragraphs 2.2 and 3.2 below should be implemented, without prejudice to the international commitments made, in accordance with the following:

Austria (comments): *Rejects this point in that it would introduce the principles set out in points 3.2-3.2.7.*

1.2.1.1 States should apply the principle of non-discrimination by refraining from making distinctions based on the nationality or the place of business of the carrier and the origin or destination of the vehicles, particularly in respect of tax provisions, inspections and sanctions.

Austria (comments): *Rejects this point in that the question of discrimination and non-discrimination in the European Union cannot be resolved by each country individually and is subject to Community legislation. However, if the term “particularly” were deleted, the text could be acceptable, since it would then refer only to “tax provision, inspections and sanctions”.*

1.2.1.2 When a State grants facilities on its territory to foreign transport operators, its own operators should benefit from equivalent facilities when they travel on the territory of countries to whose operators facilities have been granted.

1.2.1.3 States reserve the right to withhold certain provisions contained in this Consolidated Resolution from operators licensed in other countries which do not apply the principle of reciprocity.

1.2.1.4 States should ensure that transport operators conform to the laws and regulations of a technical or administrative character in force on the territory where the transport operation is carried out, in particular laws and regulations governing transport and road traffic and multilateral and bilateral agreements.

Austria (comments): *Points 1.2.1.5-1.2.1.16 concerning border crossings and customs questions are generally a source of problems and Austria is obliged to enter a general reservation since some of these points concern the competencies of various ministries and authorities involved in this regard and also the activities of international organizations. Austria cannot promise generally to be in a position where it can implement all the provisions stipulated. Some questions are further subject to other activities to come from ECE which have not yet been finalized, i.e. customs questions, visas and subjects concerning border crossings (International Convention on the Harmonization of Frontier Controls of Goods, 1982, new annex 8).*

1.2.1.5 In order to reduce border waiting times for formalities and checks, States shall endeavour to:

- Provide installations, if possible on a joint basis, regularly taking into account developments in traffic and checking requirements;
- Ensure an adequate number of border personnel in relation to traffic requirements and the necessary training and resources to carry out their tasks;
- Harmonize the opening times of border-crossing points and the activities of control authorities;

- Carry out checks with minimum delays and promote, together with the authorities of neighbouring countries, coordinated checking procedures;
- Give the competent authorities of other States advance notice of any new requirements concerning border checks.

Lithuania (proposal for the addition of a new subparagraph):

“- Establish a maximum deadline for customs and other checking institutions to carry out checking procedures at borders.”

- 1.2.1.6 States might consider the possibility of no longer requiring visas for professional drivers in the future. The first stages for achieving this objective should be the simplification of the formalities required from drivers to obtain the necessary visas, the limitation of the number and types of documents required and the issue of multiple-entry visas for a period of one year. The possibility that recognized transport associations should submit visa applications for professional drivers should also be studied.

Germany (comments): *As long as specific recommendations on how the procedures for issuing visas are to be carried out are mentioned under this point, they cannot be approved. Visa procedures are carried out in strict compliance with the labour and residence regulations of the State concerned and thus require detailed knowledge of these areas. The Ministries of Transport do not always have this knowledge. Moreover, the Inland Transport Committee, like ECMT, is not the appropriate body to handle these questions.*

France (proposal): *“States might study a specific arrangement to make the issue of visas for professional drivers quicker and easier. The first stages of this arrangement could be the simplification of the formalities required from drivers to obtain the necessary visas, the limitation of the number and types of documents required and the issue of multiple-entry visas for a given period. The possibility that recognized transport associations should submit visa applications for professional drivers could also be studied.”*

United Kingdom: *Enters a reservation concerning the facilitation of visas for professional drivers. This is an interim reply which may evolve in terms of subsequent consultations carried out nationally ...*

Switzerland (proposal): *It would be preferable to replace the text by that of document ECMT/CM(98)9 Final, beginning with **Recommends** ...*

- 1.2.1.7 Tolls or user charges (*terms used in European Union Directive 1999/62/EC*) may be levied for expenses incurred by this country for road construction, maintenance **and development** (*addition proposed by the secretariat*) including their impact on the environment.

Secretariat (proposal): *In order to bring these provisions closer to the Community context, the secretariat suggests the following addition to this paragraph, based on the above-mentioned Directive: “These tolls and user charges should be imposed only for the highest category of road from the technical point of view (for example, motorways, dual carriageways with similar characteristics or, where no such network exists, roads used for the international and interregional carriage of goods (‘E’ type roads)) and, where applicable, for the use of bridges, tunnels and roads over mountain passes. Except in the case of the use of the last-mentioned infrastructures, tolls and user charges may not both be imposed at the same time for a single road section.”*

“User charges” consist in the payment of a specific sum giving the right of use to a vehicle during a given period (e.g. a week, one or several months, a year, etc.) of the road infrastructures referred to in the first paragraph and situated on the territory of the country where that charge is levied. The practical implementation of such charges might take the form of a vignette. *Any such charges established by domestic legislation or by bilateral or multilateral agreement should be commensurate to the actual costs caused by road traffic. (The secretariat proposes that this sentence should be inserted at the end of this paragraph rather than at the end of the first paragraph and that the following provisions, taken from the Community Directive, should be added to it: “Rates shall be differentiated in terms of the costs to which road vehicles give rise. States may provide that vehicles registered in them shall be subject to user charges for the use of the whole road network in their territory.”)*

Secretariat (proposed addition):

“‘Toll’ means payment of a specified amount for a vehicle travelling the distance between two points on the infrastructures referred to in the first paragraph above. The amount shall be based on the distance travelled and the type of the vehicle. The weighted average tolls shall be related to the costs of constructing, operating and developing the infrastructure network concerned.” (Definition taken from Directive 1999/62/EC and proposed by the secretariat).

Germany (comments): *The definition of road infrastructures liable to charges should appear first in that it applies both to user charges and to tolls. To go from technical aspects to aspects of transport within the definition does not seem satisfactory. It would be clearer if States which have no motorways or similar networks were authorized to levy charges on roads corresponding to the highest technical level in that country.*

A more precise distinction should be made between user charges and tolls:

- *In accordance with Directive 1999/62/EC, user charges should be linked to the period of use of the roads in question. Maximum levels of rates should be determined in a concern to ensure harmonization;*

- *Also in accordance with the Directive, the costs of the construction, operation and development of toll roads (distance-related charges), but not costs relating to environmental impact, are included in what are termed infrastructure costs. Until a reliable model exists for quantifying environmental impact costs, they should not be part of infrastructure costs.*

Switzerland (comments): *The Community Directive on tolls and user charges is in the process of amendment. Road taxes based on kilometres travelled and types of vehicle emissions could be discussed (cf. White Paper) and are already materializing in some member States (Germany). Reference should be made to this in paragraph 1.*

Paragraph 2 does not correspond to the Swiss system of taxation (service-related heavy vehicle tax (RPLP) which is applied throughout the territory). Switzerland therefore enters a reservation.

- 1.2.1.8 Each State, circumstances permitting, shall apply, to any of its laws and regulations or international agreements any necessary amendments to harmonize them with the principles defined above, and shall refrain from decreeing further laws or entering into further agreements which would be contrary to these principles.
- 1.2.1.9 With respect to tolls, user charges, regulations and formalities in connection with transit and bilateral traffic, and without prejudice to the principles defined in paragraphs 1.2.1.1, 1.2.1.2, 1.2.1.3 and 1.2.1.12, each State shall accord to road vehicles and their crews registered in the territory of any other Government having accepted the principles set out above, treatment no less favourable than the treatment accorded to traffic to or from any third country.
- 1.2.1.10 Governments having in their country a system of authorizations for bilateral road transport should if possible issue, on request, an authorization to the carriers of any country other than those with which they have concluded bilateral or multilateral agreements.
- 1.2.1.11 Without prejudice to other provisions of these principles, freedom of transit shall be granted on major international traffic routes (E-roads in Europe, similar roads on other continents). Traffic should not be banned or subjected to such measures as transit duties, taxes or quotas.

Switzerland (comments): *The second sentence is confusing in that it provides for exemption from transit duties or taxes. All traffic in Switzerland is subject to user charges in the form of the service-related heavy vehicle tax (RPLP). Is this a customs transit duty?*

Former 1.2.1.12.1 and 1.2.1.12.2 deleted.

- 1.2.1.12 *States should grant vehicles carrying passengers or perishable foodstuffs or vehicles under cover of a customs transit document, priority over other vehicles performing transport operations, when crossing a border.*

- 1.2.1.13 *States* should endeavour to harmonize their requirements regarding the permissible maximum weight or dimensions for vehicles involved in international road transport and subject non-standard vehicles to a special authorization.
- 1.2.1.14 Any State may, provided that no distinction is made between the road vehicles of countries having accepted these principles and that such rights are not abused, exercise the following rights:
- Temporarily suspend, on specific sections of major international traffic routes on its territory, the right of transit of road vehicles, provided that such suspension be indispensable to the safeguarding of the country's public order, security or public health;
 - Temporarily introduce, on specific sections of major international traffic routes on its territory, any traffic diversions as necessary to road construction and maintenance or dictated by exceptional circumstances resulting from the road traffic situation;
 - Decide on an appropriate timing or specific route to be followed by oversized or overweight transport operations and by transport operations of dangerous goods;
 - Ensure favourable conditions for transit on the sections of major international traffic routes on its territory and, in particular, eliminate any bottlenecks on these roads and at the *State* borders they cross and facilitate transit traffic flows with other special measures.
- 1.2.1.15 In countries where periods of traffic restriction have been introduced, the competent authorities of these countries shall endeavour to harmonize these periods with those introduced in neighbouring countries and shall inform the other countries of any changes relating to such periods within a reasonable length of time.
- 1.2.1.16 No provision contained in the principles set out above shall preclude the right of *States* forming a customs or other union or an economic area to adopt other rules or specific rules to govern, within the area under consideration, reciprocal road transport, cabotage, traffic with third countries and transit traffic.

Section 2 - Passenger transport

2.1 Definitions

For the purpose of this Section:

- 2.1.1 The expression "passenger service by road" means:
- The carriage of passengers by road by means of passenger transport vehicles which by virtue of their construction and their equipment are suitable for carrying more than nine persons, including the driver, and are intended for that purpose;

- Journeys of the above-mentioned vehicles when unladen, with a view to a carriage operation as referred to above.

2.1.2 A passenger service is said to be “in transit” in a particular country if it passes through that country in the course of a journey in another country and if, unless otherwise authorized, no passengers are picked where the points of departure and destination are located up or set down on the territory of the country passed through.

2.1.3 “Regular services” are services which provide for the carriage of passengers according to a given frequency and along specified routes, whereby passengers may be taken up or set down during a journey at predetermined stopping points. Regular services may be subject to the obligation to respect previously established timetables and tariffs.

2.1.4 “Special regular services” (cf. *INTERBUS Agreement*) are services, whatever their organizer, which provide for the carriage of specified categories of passengers to the exclusion of all other passengers, provided that such services are operated under the conditions set out in paragraph 2.1.3. Such services include:

- The carriage of workers between their home and their place of work;
- The carriage of children and young people to and from their educational establishment.

The fact that a special regular service may vary according to users’ needs does not affect its classification as a regular service.

2.1.5 “Shuttle services” are services whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single destination. Each group consisting of the passengers who made the outward journey, shall be carried back to the place of departure on a later journey by the same transport operator (cf. *INTERBUS Agreement*). The places of departure and destination mean respectively the place where the journey begins and the place where the journey ends, and, in each case, the surrounding localities within a radius of 50 kilometres.

Shuttle services shall meet the following conditions:

- In the course of shuttle services, no passenger may be taken up or set down during the journey;
- The first return journey and the last outward journey of a series of shuttles are made unladen.

However, the classification of a transport operation as a shuttle service is not affected by the fact that, with the agreement of the competent authority in the countries concerned:

- Passengers make the return journey with another group or another transport operator (cf. INTERBUS *Agreement*);
- Passengers are taken up or set down along the way;
- The first outward journey and the last return journey of the series of shuttles are made unladen.

2.1.6 “Occasional international services” are services on the territory of at least two *States* falling neither within the definition of a regular service, including special regular services, nor within that of a shuttle service. Such services may operate with some degree of frequency without ceasing to be occasional services (cf. INTERBUS *Agreement*). Unless authorized by the competent authorities of the countries concerned, no passenger may be taken up or set down in the course of a journey by an occasional service. They include the following types of service:

- “Closed-door tours” are services whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them back to their place of departure;
- “Outward laden, return unladen services” are services in which passengers are carried during the outward journey and the vehicles return empty except for the crew.

2.1.6.1 “Other services” are services which according to the preceding definitions are neither closed-door tours, nor trips comprising the laden outward and unladen return journey. They include in particular some services where the outward journey is made unladen and the return laden.

2.1.7 The term “carrier” means any physical or legal person who is authorized in conformity with the applicable national laws and regulations to perform the carriage of passengers.

2.1.8 “Own-account transport operations” (cf. EC Regulation 684/92) are taken to mean transport operations carried out by a physical or legal person for non-profit-making and non-commercial purposes, provided that:

- The transport activity is only an ancillary activity for that physical or legal person;
- The vehicles used are the property of that physical or legal person, or were bought by them on credit, or were made available to them under a long-term leasing contract and are driven by the physical person himself or by an employee of the company.

They may be subject to the obtaining of an authorization or certificate issued by the competent authorities of the country where the transport operation takes place, if the latter does not meet the conditions defined in 2.2.3 below.

2.2 Regime applicable

2.2.1 Regular services

- 2.2.1.1 Regular and special regular services as defined in paragraphs 2.1.3 and 2.1.4 above shall, as the case may be, be operated under a regular service authorization or under a special regular service authorization (hereinafter called “authorization”).
- 2.2.1.2 Decisions on an application to introduce a regular service, to vary the conditions subject to which a service is operated, or to renew an authorization are to be made by the competent authorities of the countries concerned.
- 2.2.1.3 The competent authorities of the country to which the application is made should endeavour to grant or deny the authorization as rapidly as possible taking into account however the checks which the authorities may consider necessary.
- 2.2.1.4 Every authorization shall specify the following (*The information indicated by (*) should be annexed to the authorization*):
- The route of the service, giving in particular frontier-crossing points, stopping points where passengers are taken up or set down and, in the case of special regular services, the category of persons accepted for carriage and their destinations;
 - The period of operation of the services;
 - The frequency of services;
 - Timetables; (*)
 - The name of the transport operators involved in the regular services; (*)
 - Special conditions (if any). (*)
- 2.2.1.5 States should attach to the authorizations they grant for regular services a validity of not less than three years, or, if their legislation does not allow them to issue authorizations valid for a period other than one year, to consider the possibility of so acting that the carriers may be assured of having their authorizations renewed at least twice, on the understanding that whatever the term of the authorization there shall be no impediment to the cancellation of an authorization if the conditions under which it was granted are not being fulfilled. The dates of entry into force or expiry of authorizations when issued by more than one country should be harmonized.
- 2.2.1.6 While the authorization is valid for that portion of the itinerary which lies in the territory of the country issuing the authorization, States should, whenever possible, make bilateral or multilateral arrangements providing for authorizations issued by the countries of origin to cover also countries passed through in transit.

2.2.1.7 When, in the context of a regular service for the carriage of passengers, the authorities of the countries of departure and destination are prepared to issue the necessary authorizations, the authorities of the countries passed through where passengers are not taken up or set down, should also, on presentation of an application indicating the route, the frequency and the timetables, grant the necessary transit authorizations.

2.2.2 Shuttle services

2.2.2.1 Shuttle services as defined in paragraph 2.1.5 above shall be operated under a shuttle service authorization (hereinafter called “authorization”). Provision of accommodation may be required as a condition for the issue of the authorization.

2.2.2.2 Applications for such authorizations must be addressed to the competent authorities of the countries in whose territories the carrier intends to effect the carriage.

2.2.2.3 The competent authority receiving the application shall grant or deny the authorization if possible within 30 days.

2.2.2.4 Each authorization shall specify the following (*The information indicated by (*) should be annexed to the authorization*):

- The form of shuttle service;
- The route of the service, giving in particular the place of departure, place of destination, stopping points, and frontier-crossing points;
- The duration of validity of the authorization;
- The timetables; (*)
- The number and dates of the journeys; (*)
- The name of the transport operators involved in the shuttle services; (*)
- Any exemptions or facilities granted under the provisions of paragraphs 2.1.5 and 2.2.2.5; (*)

2.2.2.5 The following facilities shall also be available:

- The holder of an authorization shall be permitted, exceptionally, to accept on any return journey some of the passengers who made the outward journey with another group.
- The holder of an authorization may be authorized to take up passengers during the outward journey, on the territory of the country of departure of the service, and to set down passengers on the return journey, on the territory of the country of destination of the service.

- In the case of passengers coming from third countries and formed into groups at an airport or in a port on arrival by vessel, and travelling under a contract concluded before their arrival in the country where they are to be taken up, it shall be possible to make the first outward journey and the last return journey of a shuttle series unladen, subject to a special authorization issued by the competent authorities of the countries concerned.

2.2.3 Occasional international services

2.2.3.1 Closed-door tours (see paragraph 2.1.6 above).

Authorization shall not be required on the territory of any country other than that in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)].

2.2.3.2 Outward laden, return unladen services (see paragraph 2.1.6).

Authorization shall not be required on the territory of any country other than that in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)].

2.2.3.3 Outward unladen, return laden services (see paragraph 2.1.6).

Authorization shall not be required in any country other than that in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)] provided that, for the return journey, all the passengers are taken up in the same place and that one of the following conditions is met [*Wording similar to that of the INTERBUS Agreement*]:

- (a) The passengers constitute groups formed in the territory of a country other than that in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)] or that in which they are taken up, under contracts of carriage concluded before their arrival in that territory, and are carried into the territory of the country in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)];
- (b) The passengers have previously been brought by the same carrier, in the circumstances provided for in the provisions concerning services comprising the outward journey laden and the return journey unladen (para. 2.1.6) into the territory of the country where they are taken up again, and are carried into the territory of the country in which the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)];

(c) The passengers have been invited to travel into the territory of another country, the cost of transport being borne by the person issuing the invitation. Such passengers shall constitute a homogeneous group, which has not been formed solely with a view to undertaking that particular journey and which is brought into the territory of the country where the vehicle is registered [**Lithuania (proposal)** “*in which the transport operator is established*” (*INTERBUS Agreement*)].

2.2.3.4 Other services where entry is unladen (see para. 2.1.6.1)

Where none of the conditions laid down in (a), (b) and (c) of paragraph 2.2.3.3 are met, these other services may be made subject to transport authorization in the territory of the country concerned.

Section 3 - Goods transport

3.1 Definitions

Austria (comments): Points 3.1-3.1.9: *Austria would like to state that it is essential to harmonize these definitions with the respective definitions of the EU and ECMT, if necessary.*

For the purpose of this section:

- 3.1.1 “Carrier” means any physical or legal person who carries goods by road for hire or reward or on his own account in accordance with the national laws and regulations of the country where he is established.
- 3.1.2 “Goods transport by road” means transport involving the use of vehicles for the carriage of goods by road, and “international goods transport by road” means such transport where the place of loading is in one country and the place of unloading is in the same country when the vehicle transits through another country or the place of unloading is in another country whether or not the vehicle transits through third countries.
- 3.1.3 “Vehicle” means a motor vehicle registered in a country, or a combination of coupled vehicles in which at least the motor vehicle is registered in a country, intended for the carriage of goods. The vehicle can either be the property of a carrier or can be put at its disposal through a hiring or leasing contract.
- 3.1.4 “Authorization” means a document authorizing the use of a vehicle in the territory of a given country in connection with the international transport of goods by road.
- 3.1.5 “Quota” means the maximum number of authorizations available admitting vehicles from one country to another country within a specified period.
- 3.1.6 “Transit” means transport of goods by road through a country which is neither the country of loading nor of unloading of the goods.

- 3.1.7 “Cabotage” means a road transport operation of goods loaded at a point in a given country and unloaded at another point in the same country by a vehicle registered in another country.
- 3.1.8 “Third country traffic” means the transport of goods loaded in a country and unloaded in a second country by a vehicle registered in a country other than that in which the transport originates or terminates.
- 3.1.9 “Transport on own account” (cf. ECMT resolution) means the carriage of goods which are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking. The purpose of the transport must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements. The motor vehicles used for such carriage must be driven by employees of the undertaking and must be owned by the undertaking or put at its disposal through a hiring or leasing contract. The transport must be an ancillary activity of the undertaking.

3.2 Regime applicable

- 3.2.1 States should consider progressively relaxing limitations imposed by authorization systems.

Austria (comments): *Rejects this point. Austria cannot promise generally to “progressively relax limitations imposed by authorization systems” insofar as this is not linked solely to Austrian legislation but should also be considered in the context of other organizations, particularly the EU and ECMT.*

- 3.2.2 Unless the transport operation is cabotage as defined in paragraph 3.1.7, the following types of international goods transport by road (cf. *ECMT resolution*), including when in transit, should not be subject to an authorization. Should this be the case, however, such authorization should be issued rapidly and not on a quota basis.
- (1) The transport of goods by motor vehicles whose Total Permissible Laden Weight (TPLW), including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailers, does not exceed 3.5 tonnes;
 - (2) The transport of goods on an occasional basis, to or from airports, in cases where services are diverted;
 - (3) The transport of vehicles which are damaged or have broken down and the movement of breakdown repair vehicles;
 - (4) Unladen runs by a goods vehicle sent to replace a vehicle, which has broken down in another country, and also the return run, after repair, of the vehicle that had broken down;

- (5) Transport of livestock in vehicles purpose-built or permanently converted for the transport of livestock and recognized as such by the member countries' authorities concerned:

Switzerland (reservation): *Switzerland has special legislation on the transport of hoofed animals.*

- (6) Transport of spare parts and provisions for ocean-going ships and aircraft;
- (7) Transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and humanitarian needs;
- (8) Transport for non-commercial purposes of works and objects of art for fairs and exhibitions;
- (9) Transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fêtes, and those intended for radio recordings, or for film or television production;
- (10) The transport of goods on own account;
- (11) Funeral transport;
- (12) Postal transport carried out as a public service.

Austria (comments): *Rejects this point 3.2.2 for the same reasons as given under 3.2.1. This particularly concerns points 1, 5, 10 and 12 above.*

3.2.3 Transport performed in the context of "third country traffic" as defined in paragraph 3.1.8 above should be permitted if it is carried out under cover of a special authorization issued by the competent authorities of the countries concerned.

Poland (proposed addition): *"States could, in the context of agreements on road transport, adopt more liberal provisions governing traffic between third countries."*

Austria (comments): *Rejects points 3.2.2-3.2.7 (authorizations), in that these points are contrary to our transport policy objectives which aim at achieving a sustainable transport system by restricting the growth of the transport of goods by road by means of a policy favouring environment-friendly modes of transport.*

3.2.4 International household removal transport operations by road by hauliers having special staff and equipment should not be subject to a quota. If an authorization is required, the Government should issue it speedily and without quantitative restrictions.

- 3.2.5 In principle, cabotage as defined in paragraph 3.1.7 above is prohibited; it may, however, be permitted if it is carried out under cover of a special authorization issued by the competent authorities of the countries concerned. States should consider under which conditions progressive liberalization of cabotage could be introduced.
- 3.2.6 When international carriage is by means of a road train consisting of a tractor and trailer or semi-trailer, authorization should not be required for the trailer and semi-trailer considered separately; in such cases the nationality of the tractor should determine the nationality of the road train as a whole.

Germany (comments): *The requirements in point 3.2.6 are a source of problems because, in accordance with the 1968 Vienna Convention, conditions for registration and marking of vehicles must be complied with separately; however, it is unlikely that an identical concern would be taken into account from the point of view of the rules for registration.*

- 3.2.7 States should, in agreements on international goods transport by road, continue the practice of delegating to the country of registration of the vehicle the power to issue authorizations for their account, where they are required.

3.2.8 and 3.2.8.1 to 3.2.8.6, deleted

Section 4 - Information

- 4.1 States should transmit to the ECE secretariat, for circulation to other countries, information on any changes in their national laws and regulations which may have an influence on the international carriage of goods by road.
- 4.2 States or responsible international organizations as appropriate should communicate to the ECE secretariat, for circulation to other countries, the text of bilateral or multilateral agreements concerning road transport concluded amongst themselves.
- 4.3 Competent national administrations should make available in good time to interested trade organizations relevant information concerning the documentation and procedures required for operators engaged in international road transport, requesting these organizations to ensure that their members are made fully aware of the need for complete and accurate documentation and for compliance with regulations and procedures.

CHAPTER II

MATTERS CONCERNING ROAD VEHICLES

Section 1 - Insurance

States should request and facilitate the conclusion by insurers who cover the third party risks of motorists entering countries in which insurance against such risks is compulsory of agreements embodying the principles appearing in annex 1.

Section 2 - Registration certificates for hired vehicles

1. In order to facilitate international road transport of vehicles carrying passengers and goods, States should permit the issue of excerpts from or certified copies of the registration certificates of vehicles under long-term hire or leasing arrangements used in international transport, as indicated in annex 2.

2. For the same purpose, States should accept excerpts, copies or photocopies to replace the original certificate of registration, issued to vehicles under long-term hire or leasing arrangements and registered abroad, in accordance with the criteria defined in annex 2.

Germany (comments): *As regards legislation on registration, there is no objection to the fact that excerpts from or certified copies of the registration documents may be submitted for insurance purposes.*

[Former annex 1(MODEL AUTHORIZATION FORM) deleted]

Annex 1

The International Motor Insurance Card system - (the “Green Card System”)

1. In each country, the Government officially recognizes a single organization established by authorized insurers as its national insurers' bureau. Only insurers authorized for the transaction of third party motor liability insurance can be members of the Bureau of that country and thereby be authorized to issue certificates, mentioned in Article 3 below. All such insurers shall join the bureau and all shall share in its financing, so that the bureau is in a position to meet its financial obligations.
2. The Bureaux, set up in accordance with paragraph 1 above, shall join and support the international body, known as the “Council of Bureaux”. The Council of Bureaux is the managing organization of the International Motor Insurance Card System (the “Green Card System”), under the aegis of the Working Party on Road Transport of the Economic Commission for Europe. The Council provides facilities for the administration of the agreements between Bureaux and for the consideration of matters of mutual interest for participating Bureaux.
3. The Bureau shall provide its member insurers with certificates of insurance, the “International Motor Insurance Card” (Green Card), valid for one or more countries, or authorize its member insurers to print their own certificates for issue by them to their insurers in respect of any motor vehicles insured by them against third party risks. In either case these shall conform to one of the models referred to in Appendices 1 to 4 to this Annex.
4. A Green Card valid for the country or countries visited certifies the existence of insurance cover in respect of third party liabilities, arising from road accidents caused by a visiting motorist, for which insurance is compulsory.
5. The acceptance of a Green Card by the insured authorizes the Bureau, under the authority of which it was provided and the Bureaux of any countries to which such power is delegated to accept service of legal proceedings in respect of any relevant claim.
6. When a claim is made against a person holding a Green Card, the Bureau of the country in which the accident occurred, acting under the authority referred to in paragraph 5 above, shall accept service of proceedings against that person. That Bureau shall handle and if necessary settle the claim on behalf of the Bureau which provided the Green Card.
7. However, in so far as the law permits, agreements shall be concluded by the Bureaux to permit an insurer authorized to carry out its activities in the country in which the accident occurred to handle claims against its own policy holders.
8. The Bureau of the country in which the accident occurred shall have regard, on request, to the conditions and limitations contained in the Policy of Insurance insofar as these are permitted under the law on compulsory third party motor insurance of that country.

9. Agreements between Bureaux shall provide for reimbursement in full of claims paid and for payment of any charges and fees that may be agreed.

10. Wherever possible, participating Governments shall aim at eliminating the inspection of Green Cards at their frontiers by the conclusion by their respective Bureaux of specific agreements for that purpose. The Multilateral Guarantee Agreement, or a successor agreement drawn up by the Council of Bureaux, or similar agreements concluded bilaterally between Bureaux are examples of such agreements.

11. In each country the Government of which has adopted this Recommendation, Green Cards established in conformity with any of the models referred to in paragraph 3 above shall be accepted, without any formality or cost, as evidence of insurance complying with the compulsory third party motor insurance law of that country as regards vehicles in respect of which such Green Cards have been issued.

12. Persons arriving with a motor vehicle, but without a valid Green Card of the approved type, in a country where insurance is compulsory or in a country the Bureau of which is not a Signatory of the Multilateral Guarantee Agreement (or a successor agreement drawn up by the Council of Bureaux or of a similar Agreement concluded between that Bureau and the Bureau of the "sending" country) may be required to:

- Take out a frontier insurance or, insofar as the law of the visited country permits;
- Take out a regular motor insurance policy for that country; or
- Contribute to a guarantee scheme for the victims of accidents.

13. In countries where insurance is not compulsory in respect of the category of the vehicle of the visiting motorist, production of evidence of insurance shall not be required.

14. The Green Card shall conform in colour, content and layout to the models referred to in paragraph 3 above. The dimensions of the Green Card may be varied, provided that the format is not changed, but the overall size of the document shall not be larger than A4. The Green Card shall be made out in the language of the Bureau of issue and its title shall also be given in English and French. All data on the Green Card shall be recorded in the Latin alphabet with the option, if desired, to additionally record the same data in other alphabets.

15. Governments of other countries in which compulsory third party motor insurance law is in force and who intend to adopt this Recommendation shall notify the Secretariat of the Working Party that:

- The authorized motor insurers have established, or intend to establish, a Green Card Bureau with the authority to issue Green Cards to their insureds travelling abroad.
- The Green Card Bureau is, or will be, equipped to handle third party claims covered by the Green Cards of visiting motorists.

- The Green Card Bureau has the means to fulfil its financial obligations.
- They will accept Green Cards as evidence that visiting motorists are insured to the extent required by the compulsory third party motor insurance law in that country.

16. Adoption of this Recommendation implies that Governments shall place no obstacle in the way of the export of currency to meet the international obligations incurred under the Agreements of the Green Card System. Governments shall provide the Economic Commission for Europe with a written undertaking in this respect.

17. The secretariat shall inform the Governments of all countries concerned and the Council of Bureaux at the earliest possible moment of the notifications received in accordance with paragraphs 15 and 16 above.

18. Any change to the Green Card System or to the format of the Green Card, which may be considered by a participating Government or by the Council of Bureaux to be necessary in the light of experience, shall be brought to the notice of the secretariat. The secretariat shall refer the proposed change to the Working Party for a decision.

APPENDICES 1 TO 4

Models of the International Motor Insurance Card (Green Card)

Appendix

1. Page 1.1: Portrait format, English, Front
Page 1.2: Portrait format, English, Back.
 2. Page 2.1: Portrait format, French, Front
Page 2.2: Portrait format, French, Back.
 3. Page 3.1: Landscape format, English, Front
Page 3.2: Landscape format, English, Back.
 4. Page 4.1: Landscape format, French, Front
Page 4.2: Landscape format, French, Back.
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Annex 2

REGISTRATION CERTIFICATES FOR HIRED VEHICLES

[Former Part 1 (Temporary registration) deleted]

- Countries in which the issue to persons hiring vehicles of the registration certificates relating to the vehicles hired for the carriage of passengers or goods would entail difficulties should take the necessary steps to enable excerpts from, or copies of, the registration certificate, containing at least all the particulars required under article 35, paragraph 1, of the 1968 Convention on Road Traffic, to be issued in their country by the competent authorities of these countries or by an association they have empowered for this purpose, on the understanding that:
- The competent authorities, if they so wish, instead of issuing or causing to be issued actual copies or excerpts, may certify on a photocopy of the registration certificate that the said photocopy is a true copy of the original or empower an association for this purpose;
- The authority issuing the excerpt or copy or certifying the photocopy is free to decide whether or not to require the original registration certificate to be deposited;
- The excerpts, copies or photocopies should be marked “Vehicle on hire. Excerpt from the registration certificate (copy, photocopy) for use by the person hiring the vehicle”.

Germany (comments): *Are these proposals meant to mean that in future special provisions will exist for hired vehicles, i.e. that the 1968 Vienna Convention, and in particular article 35 (1), will not be applied? Will this international convention be changed in this respect, and is this possible? Under article 10 of the German regulations on international motor vehicle traffic, the driver must always be in possession of the registration certificate(s) for the vehicle and possibly the trailer. Copies or excerpts do not comply with this requirement. Exceptions favouring hired vehicles would call in question the German regulations in their entirety.*

Annex 3

LIST OF INTERNATIONAL INSTRUMENTS DRAWN UP UNDER THE AUSPICES OF ECE FOR THE PURPOSE OF FACILITATING THE INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY ROAD IN EUROPE

Passenger transport

Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973

Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 5 July 1978

Goods transport

Convention on the Contract for the International Carriage of Goods by Road (CMR), of 19 May 1956

Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR), of 5 July 1978

Transport of dangerous goods

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), of 30 September 1957

Protocol amending article 1 (a), article 14 (1), and article 14 (3) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR), of 28 October 1993

Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD), of 10 October 1989

Transport of perishable foodstuffs

Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), of 1 September 1970

Road traffic and transport operations

Convention on Road Traffic, of 19 September 1949

Convention on Road Traffic, of 8 November 1968

Protocol on Road Signs and Signals, of 19 September 1949

Convention on Road Signs and Signals, of 8 November 1968

European Agreement supplementing the Convention on Road Traffic (1968), of 1 May 1971

European Agreement supplementing the Convention on Road Signs and Signals (1968), of 1 May 1971

European Agreement on Road Markings, of 13 December 1957

Protocol on Road Markings, Additional to the European Agreement supplementing the Convention on Road Signs and Signals, of 1 March 1973

European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), of 1 July 1970

Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC), of 1 April 1975

Transport infrastructures

European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975

European Agreement on Important International Combined Transport Lines and Related Installations (AGTC), of 1 February 1991

Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and related Installations (AGTC), of 17 January 1997

Road vehicles

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, of 20 March 1958

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, of 13 November 1997

Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be used on Wheeled Vehicles, of 25 June 1998

Customs

Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956

Customs Convention on the International Transport of Goods under Cover of TIR Carnets, of 15 January 1959, and its revised version of 14 November 1975

International Convention on the Harmonization of Frontier Controls of Goods, of 21 October 1982

European Convention on Customs Treatment of Pallets used in International Transport, of 9 December 1960

Convention on Customs Treatment of Pool Containers used in International Transport (Container Pool Convention), of 21 January 1994
