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TRANS 107

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Group of Experts on the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) and within the Working Party on Road Transport of the United Nations Economic Commission for Europe as regards a proposal to align the AETR with the main recent amendments to Regulation (EC) No 561/2006

COUNCIL DECISION (EU) 2025/...

of ...

**on the position to be taken on behalf of the European Union within the Group of Experts
on the European Agreement concerning the Work of Crews of Vehicles
Engaged in International Road Transport (AETR)
and within the Working Party on Road Transport
of the United Nations Economic Commission for Europe
as regards a proposal to align the AETR with the main recent amendments
to Regulation (EC) No 561/2006**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91,
in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR)¹ entered into force on 5 January 1976. In its judgment of 31 March 1971 in Case 22/70, the Court of Justice of the European Union recognised that the Union has exclusive competence on the subject-matter covered by the AETR².

¹ OJ L 95, 8.4.1978, p. 1, ELI: http://data.europa.eu/eli/agree_international/1977/2829/oj.

² Judgment of the Court of Justice of 31 March 1971, *Commission v. Council (AETR)*, 22/70, ECLI:EU:C:1971:32, para. 30-31.

- (2) Pursuant to Article 2(3), second subparagraph, of Regulation (EC) No 561/2006 of the European Parliament and of the Council³, the provisions of the AETR should be aligned with those of that Regulation. Regulations (EU) 2020/1054⁴ and (EU) 2024/1258⁵ of the European Parliament and of the Council amended Regulation (EC) No 561/2006. In addition, Commission Delegated Regulation (EU) 2022/1012⁶ supplemented Article 8a(2) of Regulation (EC) No 561/2006, which is one of the provisions introduced by Regulation (EU) 2020/1054. Therefore, the Union should propose to amend the AETR to reflect the amendments introduced by Regulations (EU) 2020/1054 and (EU) 2024/1258 and supplemented by Delegated Regulation (EU) 2022/1012. Those amendments cover new provisions relating to the scope of the AETR, the conditions under which it is possible to take consecutive reduced weekly rests, a ban on taking the regular weekly rest in the cabin, the rules under which the driver is to return to the employer's establishment or to the drivers' place of residence, the conditions under which it is possible to have rest periods on a ferry or train, other possible derogations for drivers engaged in the occasional transport of passengers, and the principle and specifications of safe and secure parking areas.

³ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/561/oj>).

⁴ Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p. 1, ELI: <http://data.europa.eu/eli/reg/2020/1054/oj>).

⁵ Regulation (EU) 2024/1258 of the European Parliament and of the Council of 24 April 2024 amending Regulation (EC) No 561/2006 as regards minimum requirements on minimum breaks and daily and weekly rest periods in the occasional passenger transport sector and as regards Member States' power to impose penalties for infringements of Regulation (EU) No 165/2014 committed in another Member State or in a third country (OJ L, 2024/1258, 2.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1258/oj>).

⁶ Commission Delegated Regulation (EU) 2022/1012 of 7 April 2022 supplementing Regulation (EC) No 561/2006 of the European Parliament and of the Council with regard to the establishment of standards detailing the level of service and security of safe and secure parking areas and to the procedures for their certification (OJ L 170, 28.6.2022, p. 27, ELI: http://data.europa.eu/eli/reg_del/2022/1012/oj).

- (3) Pursuant to Article 21 of the AETR, proposals for amendments to the AETR may be submitted by any Contracting Party to the Secretary-General of the United Nations. Before submission to the Secretary-General of the United Nations, the proposals are generally first tabled, examined and endorsed in the Working Party on Road Transport (SC.1) of the UN Economic Commission for Europe (UNECE). A Group of Experts on the AETR has been established by UNECE in the framework of the AETR. The Group of Experts on the AETR is a body empowered to develop and submit proposals to amend the AETR to the UNECE Working Party on Road Transport. The Union, on the basis of this Decision, should propose that the Group of Experts on the AETR, during its planned 38th session in June 2025, and at subsequent sessions, and the UNECE Working Party on Road Transport, during its planned 120th session in October 2025, and at subsequent sessions, discuss amendments to the AETR relating to the improvement of working conditions for drivers engaged in international road transport which stem from the recent amendments to Regulation (EC) No 561/2006 introduced by Regulations (EU) 2020/1054 and (EU) 2024/1258 and Delegated Regulation (EU) 2022/1012.
- (4) It is appropriate to establish the position to be taken on the Union's behalf within the Group of Experts on the AETR and within the Working Party on Road Transport, as the amendments to the AETR will be binding under international law in accordance with Article 21(6) of the AETR.

- (5) Member States should not object to a notification by the Secretary-General of the United Nations under Article 21(1) of the AETR, of proposed amendments which are contained in the Attachment to this Decision. If a notification by the Secretary-General of the United Nations is not limited to proposed amendments contained in the Attachment to this Decision, Member States should not object to those proposed amendments which are contained in the Attachment to this Decision.
- (6) The Union's position in the Group of Experts on the AETR is to be expressed by the Commission, and the Union's position in the Working Party on Road Transport is to be expressed by the Member States acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf during the 38th session, and at subsequent sessions, of the Group of Experts on the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) and during the 120th session, and at subsequent sessions, of the Working Party on Road Transport (SC.1) of the United Nations Economic Commission for Europe (UNECE) as regards a proposal to align the AETR with the recent amendments to Regulation (EC) No 561/2006 introduced by Regulations (EU) 2020/1054 and (EU) 2024/1258 and with Delegated Regulation (EU) 2022/1012 is set out in the Attachment to this Decision.

Formal and minor changes to the position referred to in the first paragraph may be agreed without a further decision of the Council.

Article 2

The position referred to in Article 1 shall be expressed by the Commission in the Group of Experts on the AETR and by the Member States acting jointly in the interest of the Union, in the UNECE Working Party on Road Transport.

Article 3

Where any proposed amendment laid out in the Attachment to this Decision has been endorsed by the UNECE Working Party on Road Transport, the Member States acting jointly in the interest of the Union shall submit it to the Secretary-General of the United Nations, in accordance with Article 21(1) of the AETR.

Member States shall not object to a notification by the Secretary-General of the United Nations under Article 21(1) of the AETR of proposed amendments which are contained in the Attachment to this Decision.

Article 4

This Decision is addressed to the Commission and to the Member States.

Done at ..., ...

For the Council

The President
