

OPERATIONAL CIRCULAR No. 4 (REV. 1)
Issued by the Human Resources Department

This operational circular was examined by the Standing Concertation Committee at its meeting on 15 February 2012.

<i>Applicable to:</i>	Members of the personnel, contactors and their personnel
<i>Issuing authority:</i>	Director-General
<i>Date:</i>	1 September 2012

Previous texts cancelled and replaced by this operational circular: Operational Circular No. 4 entitled “*Conditions for use by members of the CERN personnel of vehicles belonging to or rented by CERN*” – April 2003 and the Regulation entitled “*Conditions for use by the personnel of CERN contractors of vehicles belonging to or rented by CERN*” – April 1996

In the interests of readability, this circular has been drafted using the masculine gender only. However, use of the masculine gender should be understood to refer to both sexes. The provisions of the circular therefore apply to both men and women, except where it is clear from the context that they concern one sex or the other exclusively.

**USE OF VEHICLES
BELONGING TO OR RENTED BY CERN**

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I. GENERAL PROVISIONS

A. Purpose and Scope

1. The purpose of this circular is to define the conditions for use of vehicles belonging to or rented by CERN.
2. The provisions of this circular apply both on and off the CERN site:
 - a) to members of the personnel,
 - b) to contractors.

B. Definitions

For the purposes of this operational circular, the following definitions shall apply:

3. **Head of department:** the head of department concerned or any other person to whom he has assigned the task of taking steps to implement this operational circular.
4. **CERN site:** all the land made available to CERN by its Host States, namely France and Switzerland, part of which is fenced (hereinafter referred to as “the fenced parts of the CERN site”).
5. **Members of the personnel:** members of the CERN personnel, as defined in the Staff Rules.
6. **Contractors:** firms (CERN contractors and sub-contractors) and their personnel.
7. **Permitted driving area:** the area specified in the annex to this operational circular.
8. **Vehicle:** any vehicle belonging to or rented by CERN whose total loaded weight is less than or equal to 3.5 tonnes and whose seating capacity does not exceed nine (including the passenger seat).

II. GENERAL CONDITIONS OF USE

9. Any use of a vehicle must be authorised in accordance with Article III, §§ 12 to 21 below. Additional authorisation may be required for certain journeys in accordance with Article III, §§ 22 to 31 below.

10. Use of vehicles must comply with the authorisation issued and must take due account of the Organization's interests. Use of vehicles for private purposes (e.g. for transporting family members or for shopping) is prohibited in all circumstances, including in the context of standby service.¹
11. The transport of passengers and/or goods in vehicles shall be authorised exclusively in the framework of official CERN activities and provided that the passengers and/or goods comply with CERN regulations and the Host States' laws (identity cards, residence permits, visas, goods transport authorisations, regulations governing the transport of dangerous materials, etc.).

III. AUTHORISATIONS

A. CERN driving authorisation

1. Issuing of a CERN driving authorisation

12. All drivers of vehicles must be in possession of a driving authorisation issued either by the head of department of the member of personnel concerned or by the head of department responsible for the technical or operational aspects of the contract with the contractor.
13. Authorisation applications shall be submitted by completing the on-line request form provided for this purpose. An electronic copy of the national driving licence held by the driver must be attached to the application.
14. Before deciding whether or not to issue the authorisation, the head of department shall satisfy himself that there is a genuine service need and that the driving licence of the person concerned is valid in Switzerland and France before issuing the authorisation.
15. The head of department shall carry out this latter check himself where the person concerned:
 - a) is resident in Switzerland and holds:
 - either a Swiss driving licence,
 - or a driving licence issued by another State and a valid B-, C-, D-, E- or P-type *carte de legitimation* issued by the Swiss Federal Department of Foreign Affairs;

¹ The Organization may carry out checks to ensure that vehicles are being used in compliance with the provisions of this circular, possibly via electronic systems including GPS.

- b) is resident in France and holds:
 - either a driving licence issued by a member State of the European Union or of the European Economic Area,
 - or a driving licence issued by another state and a valid CD, FI or AT *titre de séjour spécial* issued by the French Ministry of Foreign Affairs;
- c) resides in another Member State of the European Union or of the European Economic Area and is in possession of a driving licence issued by a European Union or European Economic Area state.

In all other cases these checks are carried out by the Relations with the Host States Service.

- 16. In the case of contractors' personnel, the head of department shall issue the driving authorisation exclusively where use of a vehicle is specified in the contract.
- 17. The driving authorisation shall be recorded in the database provided for that purpose and shall be kept in the database for at least one year after its expiry. The driving authorisation shall be regarded as personal data and handled in accordance with the Organization's data protection rules.

2. Validity

- 18. The driving authorisation shall be valid for five years but under no circumstances can its period of validity exceed the expiry date on the national driving licence.
- 19. The driving authorisation may be renewed according to the procedure described in §§ 12 to 17 above.
- 20. Where the conditions laid down in §§ 14 and 16 above are not met, the driving authorisation shall automatically lapse, which means that the person concerned is prohibited from driving a vehicle within the meaning of this operational circular until the conditions laid down in §§ 14 and 16 are met once again. The member of the personnel or the contractor must immediately inform the head of department who has issued the driving authorisation if a national driving licence is withdrawn.

B. Authorisation to use a specific vehicle

- 21. Use of a specific vehicle must be authorised by the head of department to whom this vehicle has been assigned after he has satisfied himself that the driving authorisation has been issued in accordance with §§ 12 to 17.

C. Additional authorisations for certain journeys

1. Travel between place of residence and place of work

22. Use of a vehicle for travel between the place of residence and the place of work must be authorised by the head of the department to which the member of the personnel is assigned.
23. Authorisation applications shall be submitted by completing the online request form provided for this purpose and may be issued:
 - a) in the framework of standby service within the meaning of the Staff Regulations, or
 - b) in exceptional circumstances, if the holder belongs to a category of members of the personnel for whom the Staff Regulations do not specify standby duty, for a vehicle which is not registered in a series reserved for CERN and which does not prominently display the Organization's name and/or logo.
24. Members of a contractor's personnel are not authorised to use a vehicle for travel between their place of residence and the place of work.

2. Travel outside the permitted driving area

25. Except in the case of travel as specified in § 22, the driver must be in possession of a job order (NB: referred to as *mission order* in EDH)² in order to drive a vehicle outside the permitted driving area.
26. This requirement does not apply to members of the Health Safety and Environment Unit, the Medical Service and the Fire Brigade, who are subject to special regulations relating to emergency operations.
27. There are two different types of job order:
 - a) *individual job orders*, valid only for the duration of the job,
 - b) *annual job orders*, valid for one year from 1st January to 31st December; these job orders are issued exclusively for frequent journeys in the Cantons of Geneva and Vaud and/or in the Ain and Haute-Savoie Departments.
28. The job order shall be issued by the head of the department to which the member of the personnel is assigned or by the head of department responsible for the technical and operational aspects of the contract with the contractor.

² All other formalities, relating in particular to travel by the driver himself and by any passengers accompanying him, must be completed in accordance with the applicable administrative procedure.

29. The request for a job order shall be submitted by the member of the CERN personnel or by the member of the contractor's personnel concerned by completing the online request form provided for this purpose.
30. The driver shall keep a duly validated copy of the job order throughout the job.
31. Job orders shall be recorded in the database provided for that purpose and shall be kept in the database for at least one year after their expiry. The job orders shall be regarded as personal data and handled in accordance with the Organization's data protection rules.

IV. GENERAL OBLIGATIONS PERTAINING TO THE USE OF VEHICLES

32. The head of department to which a vehicle is assigned shall make sure that adequate steps are taken in his department to ensure that this operational circular is complied with, and in particular:
 - a) that a *European Road Accident Report* form and a copy of this operational circular are kept in the vehicle,
 - b) that the uses made of the vehicle are logged so as to ensure that the drivers of the vehicle can be identified for at least a year.
33. The driver of the vehicle must:
 - a) comply with the regulations applying to the use of motor vehicles, in particular the national highway code laws and regulations,
 - b) use the vehicle in compliance with its technical characteristics,
 - c) take all necessary precautions to avoid damage to or theft of the vehicle,
 - d) immediately inform the head of the department to which the vehicle is assigned and the Legal Service of any incident involving the vehicle (e.g. damage, theft or an accident),
 - e) duly log the uses he makes of the vehicle in accordance with the instructions given to him by the aforementioned head of department.
34. When making use of the vehicle, the driver must be in possession of the following documents:
 - a) his CERN access card:
 - b) a valid driving licence,
 - c) the documents for the vehicle (the registration document, insurance "green card", etc.),
 - d) a valid identity document (an identity card, national passport or other travel document recognised in Switzerland and France) with the necessary visas where required (drivers are also recommended to be in possession of their legitimation documents issued by the Host States), and
 - e) any additional authorisations (cf. Article III, §§ 22 to 31).

V. ACCIDENTS AND INSURANCE

A. Accident within the fenced parts of the CERN site

35. In the event of an accident within the fenced parts of the CERN site, the following steps shall be taken:
- a) alert the Fire Brigade who will call the relevant police force if the accident has caused injuries and/or major material damage,
 - b) complete and sign a *European Road Accident Report*,
 - c) forward one copy of the aforementioned report to:
 - the Legal Service in the case of vehicles belonging to CERN, or
 - to the department concerned in the case of vehicles rented by CERN,
 - d) forward a photocopy of the aforementioned report to the CERN service responsible for vehicle repairs,
 - e) take any other steps required by the circumstances³.

B. Accident outside the fenced parts of the CERN site

36. In the event of an accident outside the fenced parts of the CERN site, the following steps must be taken:
- a) alert the relevant police force if the accident has caused injuries and/or major material damage,
 - b) complete and sign a *European Road Accident Report*,
 - c) forward a copy of the aforementioned report to:
 - the Legal Service in the case of vehicles belonging to CERN, or
 - to the department concerned in the case of vehicles rented by CERN,
 - d) forward a photocopy of the aforementioned report to the CERN service responsible for vehicle repairs,
 - e) take any other steps required by the circumstances and/or by the legislation of the State on whose territory the accident has occurred³.

³ In particular see CERN Safety Code A2, Rev. 3, dated May 2005 on reporting of accidents and near misses.

C. Vehicle insurance

37. Vehicles belonging to CERN are covered by third-party liability. As a general rule they do not have comprehensive insurance cover (“casco”). However, fully comprehensive insurance can be applied for via the statutory procedures.
38. Vehicles rented by CERN carry both third-party and comprehensive insurance cover (“casco”).
39. The address of the insurance firm and the policy number can both be found on the vehicle’s *International Car Insurance Form* (“green card”).
40. Goods for professional purposes transported in the vehicles are not insured unless transport insurance cover has been requested.
41. In the case of comprehensive insurance cover ("casco"), any personal property transported is insured up to the authorised ceiling per accident and vehicle, excluding cash, documents/securities, credit cards, works of art, jewellery, as well as telecommunication, sound, imaging or data-handling equipment.
42. In the event of a serious fault by the driver, the latter shall himself bear the consequences of any claim by CERN’s insurer.

D. Settlement of claims

43. The settlement of claims is handled by:
 - a) the Legal Service in the case of vehicles belonging to CERN, or
 - b) the department concerned in the case of vehicles rented by CERN.
44. In the event of a serious error by the driver, the Legal Service or the department responsible for settling a claim shall forward a copy of the European Road Accident Report to the head of department to which the member of the personnel is assigned or which is responsible for the technical and operational aspects of the contract with the contractor as well as to the Head of the Human Resources Department.

VI. PENALTIES

A. Failure to observe this operational circular

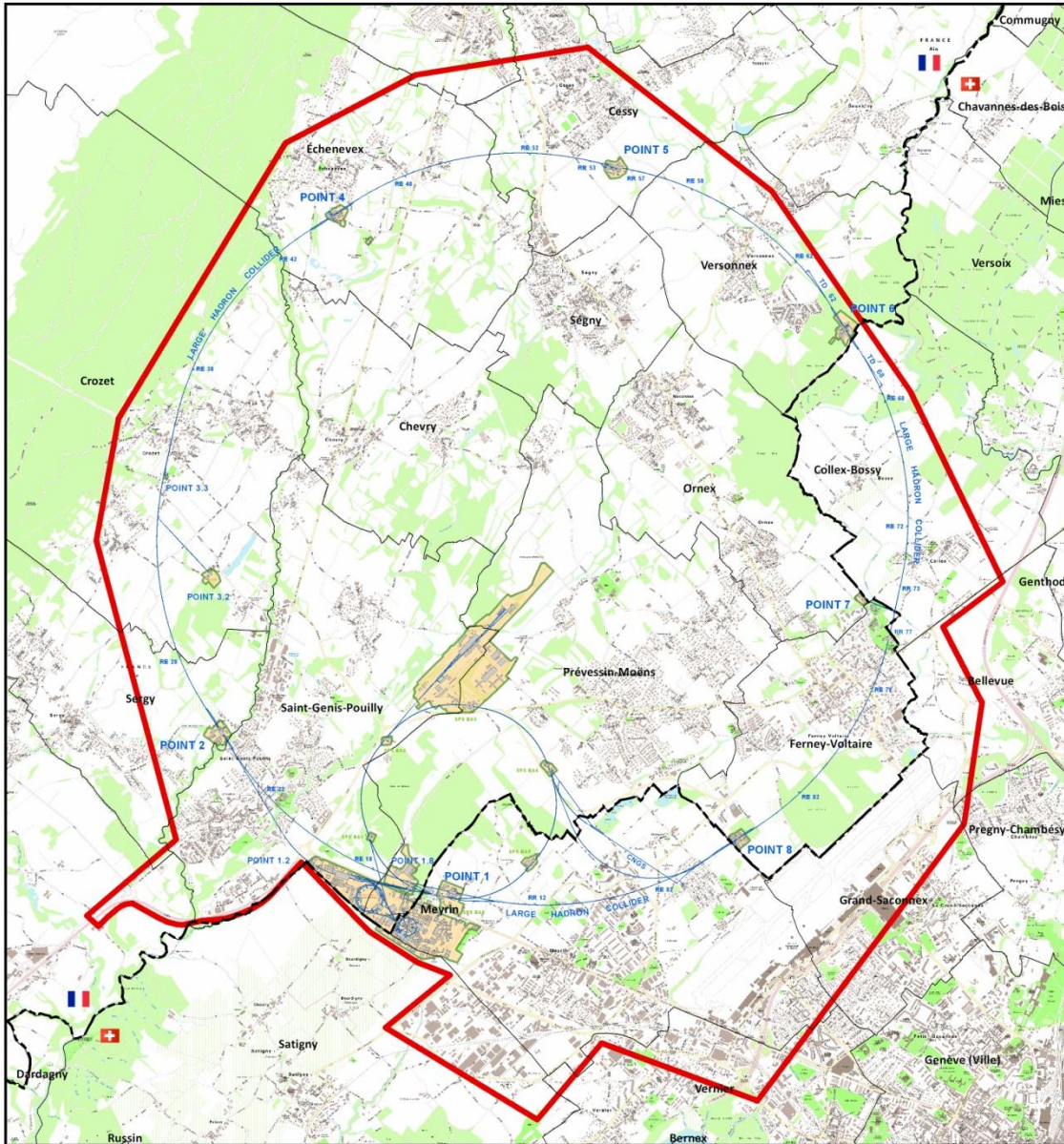
45. Failure by a member of the personnel to abide by the terms of this operational circular may result in disciplinary action as defined in the Staff Rules and Regulations.

46. Failure by a contractor to abide by the terms of this operational circular shall constitute a breach of the contractor's contractual obligations and the Organization shall hold the contractor liable for the breach.
47. The head of department to which the member of the personnel is assigned or which is responsible for the technical or operational aspects of the contract with the contractor may withdraw the authorisation to drive the vehicle from the offender, which shall entail a ban on driving a vehicle within the meaning of this operational circular until a new driving authorisation is obtained.


B. Failure to observe national laws and regulations

48. In the event of failure to observe national laws and regulations, the offender shall bear any consequences that may arise.
49. If legal proceedings are instituted by the national authorities against a member of the personnel, the Legal Service shall inform the offender, his head of department, the Head of the Human Resources Department and the Relations with the Host States Service, which shall take any steps deemed appropriate to the circumstances.
50. Contractors shall indemnify and hold the Organization harmless from any liability in respect of legal proceedings instituted by the national authorities for any failure by the contractors to observe national laws and regulations.

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Légende	
—	Frontière
□	Limites de Communes
—	Tunnel
■	Domaine clôturé
▭	Périmètre limite de circulation
 <p>Mètres</p>	