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Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

**Group of Experts on European Agreement Concerning Work of
Crews of Vehicles Engaged in International Road Transport (AETR)**

Ninth session

Geneva, 27 October 2014

Draft “Final Report”

Note by the secretariat

This draft “final report”, prepared by the secretariat, summarizes the work and accomplishments of the AETR Group of Experts. The Expert Group is invited to consider it and propose conclusions.

Introduction:

At its seventy-third session (1-3 March 2011), the Inland Transport Committee discussed the importance and urgency of addressing some key issues related to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). As a result of these discussions, the Committee decided to transform the existing informal AETR expert group, set up by a decision of the 105th session of SC.1, to a formal Expert Group for all AETR Contracting Parties. The Committee also requested this Group to establish its Terms of Reference (ToR) (ECE/TRANS/221, para.44). Subsequently, the ToR of the AETR Expert Group was developed and approved by the Executive Committee on 19 September 2011.

Terms of Reference:

According to the ToR, the Expert Group was to discuss and provide recommendations in the following six substantive areas:

1. To develop proposals for amending the AETR Agreement, in particular Article 22bis (which stipulates procedure for the amendment of Appendix 1B), including the creation of a new institutional arrangement such as an administrative committee.
2. To examine, and if necessary develop proposals to modify, the relationship between the AETR and the corresponding EU legislation pertaining to road transport/social rules.
3. To describe and assess issues related to the exchange of information with respect to the issuance of digital tachograph cards. This may include developing proposals to modify the existing information exchange platforms and/or to develop a new standardized method for exchange of AETR-related information.
4. To describe and analyze issues related to:
 - (a) the memorandum of understanding between the ECE and European Commission Services which recognizes the Joint Research Centre (JRC) as the authority responsible for Root and Interoperability Certification for non-EU Contracting Parties to the AETR;
 - (b) the possibility of establishing other certification bodies/authorities.
5. To examine and possibly develop proposals concerning third-country rights and obligations under the AETR Agreement.
6. To assess the need and feasibility of providing assistance to AETR Contracting Parties concerning the implementation of the amendments to the AETR made on the basis of Article 22bis concerning Commission Regulations (EU) No. 1266/2009 and 68/2009.

Expert Group sessions and participants:

On 2 March 2012, the Group met for the first time and elected Mr. Roman Symonenko (Ukraine) as the Chairman. Mr. Vadim Donchenko (Russian Federation) and Mr. Bob Oudshoorn (the Netherlands) were elected as vice-chairs. In 2012-2013, the Expert Group held six sessions: 2 March 2012, 6 June 2012, 24 October 2012, 25 February 2013, 24 June 2013, and 31 October 2013. In 2013, the Inland Transport Committee extended the original duration by one year (to December 2014). In 2014, the Expert Group held three sessions: 28 February 2014, 2 July 2014 and 27 October 2014. All agendas, reports and documents are available at the UNECE website (http://www.unece.org/trans/main/sc1/sc1aetr_eg_1st.html).

Representatives of the following UNECE and non-UNECE member States participated in at least one session of the Expert Group: Algeria, Azerbaijan, Belarus, Belgium, Georgia, Germany, Hungary, Ireland, Jordan, Latvia, Morocco, Netherlands, Poland, Russian Federation, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The European Commission and the following non-governmental organizations were also represented: Eurasian Economic Commission, EuroMed, International Road Transport Union, and Institute for Protection and Security of the Citizen. Automotive GmbH and Continental Automotive also participated as observers.

Work undertaken by the Expert Group:

The following provides description of work undertaken by the Expert Group, its accomplishments and conclusions in the six substantive areas listed in its Terms of Reference.

1. To develop proposals for amending the AETR Agreement, in particular Article 22bis (which stipulates procedure for the amendment of Appendix 1B), including the creation of a new institutional arrangement such as an administrative committee.

During eight sessions, experts proposed and discussed a number of possible changes to Article 22bis as well as to Article 14 (to make regional economic integration organizations eligible to accede). First, the secretariat prepared and presented the AETR discussion paper (ECE/TRANS/2012/3) which provided the historical and legal background concerning the relationship between the AETR Agreement and the EU legal framework. It also described and examined possible options on how to modify the AETR Agreement in order to bridge the differences between the two regimes. Second, the Russian Federation submitted a proposal (Annex I, ECE/TRANS/SC.1/GE.21/2) which was subsequently consolidated into the relevant parts of ECE/TRANS/2012/3. Finally, the Government of Ireland submitted – on behalf of EU member States – a proposal to revise Article 22bis, Article 14 and to introduce a new Article 10bis (Informal document No.3, fourth session). Amendment proposals to Article 10, Article 14 and Article 22bis have been consolidated and are presented in Annex, ECE/TRANS/SC.1/GE.21/20.

The experts did not agree on how to amend Articles 14 and 22bis.

2. To examine, and if necessary develop proposals to modify, the relationship between the AETR and the corresponding EU legislation pertaining to road transport/social rules.

The experts discussed the application of Regulation (EC) No. 561/2006 in the “AETR area”. While the EU elaborated its legal position related to transport undertaken within the EU, the Russian Federation urged the EU to bring Regulation No. 561/2006 in line with the provisions of the AETR (e.g. Informal Document no. 1, sixth session).

There was no consensus among experts on how to proceed.

3. To describe and assess issues related to the exchange of information with respect to the issuance of digital tachograph cards. This may include developing proposals to modify the existing information exchange platforms and/or to develop a new standardized method for exchange of AETR-related information.

Experts discussed issues about exchanging information on issuing digital tachograph cards. The discussions included developing proposals to modify the existing information exchange platforms and/or developing a new standardized method for the exchange of AETR-related information. In particular, some experts stressed the importance of creating an international agreement to regulate the exchange of information and/or amending the AETR Agreement to stipulate how “AETR information” is shared and/or exchanged. The

European Commission described the Tachonet system and related procedures required for direct and indirect access, and data exchange (including information about the launch of a study to assess the technical feasibility of a centralized access point to the system for non-EU AETR Contracting Parties).

Experts agreed to introduce a new Article 10bis in the AETR Agreement to enhance compliance and to facilitate the exchange of information related to issuing digital tachograph cards.

4. To describe and analyze issues related to:

(a) the memorandum of understanding between the ECE and European Commission Services which recognizes the Joint Research Centre (JRC) as the authority responsible for Root and Interoperability Certification for non-EU Contracting Parties to the AETR;

Experts discussed matters related to the Memorandum of Understanding between the UNECE and European Commission services which recognizes the Joint Research Centre (JRC) as the authority responsible for Root and Interoperability Certification for non-EU AETR Contracting Parties. Specifically, the Memorandum was to expire on 30 June 2012.

The experts discussed and agreed to extend the validity of the current MOU with some amendments aimed at accommodating calls to include experts from non-EU AETR Contracting Parties in the testing and certification process. On the basis of discussions, the secretariat prepared a document, which supplements the text of the current MOU by adding the requested amendments. Following the signing by the European Commission of the supplement to Memorandum of Understanding (Annex I, ECE/TRANS/SC.1/GE.21/4) on 5 December 2012, JRC's responsibility for the AETR Root Certification Authority had been extended until 30 June 2015. A copy of the signed supplement to Memorandum of Understanding is available on the AETR Expert Group website or in Annex I of ECE/TRANS/SC.1/GE.21/9.

(b) the possibility of establishing other certification bodies/authorities.

The Joint Research Centre presented a report of JRC activities and indicated possible ways forward with regard to the existence of one or more certification laboratories across the AETR area (ECE/TRANS/SC.1/GE.21/7, paras. 100-107).

The Expert Group did not decide on how to proceed.

5. To examine and possibly develop proposals concerning third-country rights and obligations under the AETR Agreement.

Experts discussed (i) third party rights and obligations under the AETR Agreement and (ii) exchanged clarifications on the prevailing legal instrument applicable to road transport operations undertaken either partially or entirely within the European Union by non-EU AETR transport companies. To this end, the International Road Transport Union (IRU) created table templates (ECE/TRANS/SC.1/GE.21/5). The secretariat made the tables available on the UNECE website and requested all AETR Contracting Parties to provide the relevant information, in order to determine whether there is a divergence or convergence of views on the interpretation of the applicable legal framework.

On the basis of nine replies (from seven EU Contracting Parties and two non-EU Contracting Parties), the AETR Agreement appeared to be the prevailing legal instrument. Governments were encouraged – to no avail - to participate and provide this information to the secretariat so that a more accurate assessment of the prevailing legal instrument could be made.

6. To assess the need and feasibility of providing assistance to AETR Contracting

Parties concerning the implementation of the amendments to the AETR made on the basis of Article 22bis concerning Commission Regulations (EU) No. 1266/2009 and 68/2009.

The Group of Experts did not exchange views on this issue.

Conclusions:

To be determined at the ninth session of the AETR Expert Group on 27 October 2014.
