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### 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)

#### Thirteenth session

Geneva, 24 October 2016

### Report of the Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR) on its thirteenth session

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## **I. Attendance**

1. The AETR Group of Experts held its thirteenth session in Geneva on 24 October 2016, chaired by Mr. R. Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Finland, Germany, Hungary, Italy, Netherlands, Norway, Russian Federation, Sweden, Switzerland, Turkey and Ukraine.
3. The representatives of non-ECE member States also participated: Algeria, Jordan and Tunisia.
4. The European Union (EU), Euro-Med, Continental Automotive and Stoneridge Electronics participated as observers.

## **II. Adoption of the agenda (agenda item 1)**

5. The Group of Experts adopted the session's agenda as contained in ECE/TRANS/SC.1/GE.21/32. The secretariat informed the Group about two informal documents submitted just before the session by the Government of Slovakia on behalf of EU members, Contracting Parties to AETR (Informal document Nos.1 and 2).

## **III. Programme of work (agenda item 2)**

### **A. Development of proposals for amending the AETR Agreement, including Article 22bis**

6. Experts continued to discuss, with a view towards finalizing, the proposed changes to Article 22bis as well as to Article 14 (to make regional economic integration organizations eligible to accede). In particular, the European Union presented Informal document no.2 which proposes to amend Articles 14 and 22 while deleting Article 22bis. According to the proposal, all future amendments to Appendices 1, 1B, (newly proposed) 1C and 2 are to be done through (modified) procedures listed in Article 22. The proposal also adjusts all relevant parts of the AETR Agreement to accommodate references to EU Regulation 165/2014 and 2016/799.
7. After the EU presentation, discussion ensued. Switzerland remarked that the proposed Article 22 procedure (to object to amendments to Appendices 1, 1B, 1C and 2) would be significantly changed as the proposal increases the objection threshold from one-third to one-half of contracting parties. Turkey explained that it was not – in general - in favour of making regional economic integration organizations eligible to accede to the Agreement. As to the implementation of the smart tachographs in the non-EU AETR contracting parties (as per the proposed inclusion of 2016/799 into the new Appendix 1C), Turkey believed that a transition period is necessary by referring to Article 13.
8. The Russian Federation reiterated its position of being not in favour of amending Article 14 to allow regional integration organizations to accede. The Russian Federation explained that all AETR Contracting Parties should express their views and cast their votes (if necessary) individually. The discussion and voting on all AETR matters should take place at the AETR forum that is in Geneva at SC.1 and not elsewhere.
9. The Russian Federation also reiterated its opposition to integrating smart tachographs into the AETR Agreement due to, among others, the use on the territory of the Russian Federation of the GLONASS navigation system and the difficulty in using

Dedicated Short Range Communication by the relevant domestic AETR authority. The Russian Federation further repeated that the integration of smart tachographs into the AETR Agreement should be the sole competence of UNECE.

10. The European Union explained it is important that smart tachographs be recognized by non-EU AETR contracting parties as of June 2019. The European Union took note of the proposal for introducing a transitional period for implementing the smart tachograph in the non-EU area. It further suggested that technical experts could discuss possibilities of using the GLONASS navigation system along with the GALLILEO system provided that the GLONASS system can operate at the GALILEO-comparable level of security.

11. With regards to proposed voting rules in Informal document No. 2, the secretariat noted the need of conformity between AETR and the existing rules of procedure and terms of reference for the Working Party on Road Transport. This conformity should be examined.

12. The Group of Experts requested the secretariat issue Informal document No. 2 as a formal document, to be available in three official UNECE languages, for the next, fourteenth session.

13. The Russian Federation was invited to resubmit ECE/TRANS/SC.1/GE.21/2016/1 or its relevant parts for consideration at the next session.

## **B. Update of Amendment proposals of AETR, Article 14**

14. The secretariat informed the Group of Experts that communication to the Permanent Missions of Algeria, Jordan, Morocco and Tunisia was being finalized.

15. Tunisia informed the Working Party that competent authorities were working towards preparations for accession. Algeria informed the Working Party that legal and technical working groups worked on establishing the necessary legal (and subsequently technical) basis for accession and implementation of the Agreement. Jordan informed the Working Party that legal basis for implementation of the Agreement was being finalized.

## **C. Application of Regulation (EC) No. 561/2006 in the “AETR area”**

16. The Group of Experts continued discussing the application of Regulation 561/2006 given that the objective of amending the AETR Agreement in 2006 was to harmonize the two regimes for driving times and rest periods.

17. The European Union provided an update on the steps undertaken since the twelfth session of AETR EG with the respect to the revision of Regulation 561/2006. In particular, preliminary assessment appears to point to Regulation 561/2006 not fully addressing driver’s fatigue and lacking precision which may cause enforcement difficulties and/or enforcement differences among EU member States. The preliminary assessment also points to evidence of increased use of vehicles below 3.5 tonnes which are not within the scope of the AETR Agreement. Currently, the European Union does not foresee any major impacts on AETR related to its internal review of Regulation 561/2006 and it further clarified that concrete legal proposals on changes are not expected before mid-2017. The European Union proposed to update the Group of Experts in more detail at the next session on the results of its assessment.

#### **D. Exchange of information on issuing digital tachograph cards**

18. At the seventh session, experts agreed to support the tabling of an amendment proposal to introduce new Article 10bis (presented in the annex of ECE/TRANS/SC.1/GE.21/20). The Government of Slovakia submitted this amendment proposal as Informal document No. 1.

19. The Group of Experts took note of the document and requested that the amendment proposal be tabled by the Government of Slovakia, observing the necessary document submission deadlines, as a formal document available in three UNECE working languages to the subsequent session of the Working Party on Road Transport.

20. Turkey informed the Group of Experts about its project to establish a national driving times and rest periods data monitoring centre (ECE/TRANS/SC.1/GE.21/26, para. 12). Turkey also noted that the certification procedure for tachographs from two Turkish enterprises has been completed.

#### **IV. EU Regulation No. 165/2014 of the European Parliament and of the Council (agenda item 3)**

21. The Group of Experts continued its discussion on EU Regulations 165/2014 and 2016/799. The Russian Federation presented a number of issues which it believes make the EU regulations incompatible with the AETR Agreement: (a) regulations should be referred to as AETR regulations and not EU regulations (e.g. for distinguishing signs and languages used on the cards), (b) testing criteria for smart tachograph cards (e.g. climate differences), and (c) the use of GALLILEO system. The Group of Experts took note and invited experts to reflect on these issues.

22. The Group of Experts reiterated its request to EU to provide the Russian translation of 2016/799. The EU took note of this request and informed the Working Party of its intention to endeavour to seek the necessary resources to translate the regulation into Russian.

#### **V. Other business (agenda item 4)**

23. The Group of Experts exchanged views on the procedure established by the European Union for participation in the Tachograph Forum as per Regulation 165/2014.

24. The Group of Experts requested the European Union to present a list of participants who attend the Tachograph Forum.

#### **VI. Date and place of next meeting (agenda item 5)**

25. The Group of Experts was informed that the next meeting is scheduled for 20 February 2017 in Palais des Nations in Geneva.

#### **VII. Adoption of the report (agenda item 6)**

26. The Group of Experts adopted the report of this session.

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