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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport

**REPORT OF THE WORKING PARTY ON ROAD TRANSPORT
ON ITS ONE-HUNDRED-AND-SECOND SESSION
(Geneva, 26-27 May 2008)**

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I. ATTENDANCE

1. The Working Party on Road Transport held its 102nd session in Geneva from 26 to 27 May 2008 under the chairmanship of Mr. Jouko Alaluusua (Finland). Representatives of the following ECE member States participated: Belarus, Czech Republic, Finland, France, Germany, Greece, Hungary, Luxembourg, Netherlands, Norway, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.
2. The European Commission was also represented, as well as the following non-governmental organizations: International Road Transport Union (IRU) and the Confederation of Organizations in Road Transport Enforcement (CORTE).
3. Several observers attended the meeting: Bundesamt für Strassen (Switzerland), Estonia Stoneridge Electronics Company (Estonia), Continental Automotive Trading France (France), VDO Automotive AG (Germany) and Stoneridge Electronics LTD (United Kingdom).

II. INTRODUCTION

4. The Chairman of the Working Party and the Director of the Transport Division, Mrs. Eva Molnar, welcomed the participants and introduced the new Secretary of the Working Party, Mrs. Virginia Tanase. The director also gave information about the recent reorganization of the Division which will consolidate all aspects of road transport (infrastructure, safety and facilitation) in the same Section.
5. The Director pointed out the importance of the present meeting of the Working Party, which was approved by the Inland Transport Committee on an exceptional basis with the expectation that a consensus would be found on the legal aspects of driving time and rest periods.
6. The Director informed the participants about steps taken by the secretariat in connection with the implementation of the digital tachograph by the Contracting Parties to the AETR which are not member States of the European Union (EU). In order to assist UNECE's non-EU member countries in their efforts to comply with the requirements of the digital tachograph and to preserve their market access rights (in the EU) after June 2010, the UNECE is exploring possibilities and ways of establishing partnerships, notably with the European Commission, aimed at supporting these countries through transfer of know-how and funding.
7. The Director quoted Requirement 278 of Appendix 1B of the AETR, which states that "Interoperability tests are carried out by a single competent laboratory recognized at the international level". For the time being interoperability tests for the digital tachograph and its components are carried out by a single laboratory under the authority and responsibility of the European Commission, located in the Commission's Directorate General-Joint Research Center (JRC) in Ispra, Italy.
8. In this context, on 7 May 2008 the secretariat participated in a tripartite meeting UNECE-European Commission-Joint Research Centre in Ispra, Italy. The main objective of the mission was to have preliminary discussions on possible ways of cooperation and to clarify the responsibilities of the UNECE, European Commission and the JRC in such cooperation.

9. As an interim solution, and in order to get started and allow non-EU Contracting Parties to the AETR to meet the deadline, the signature of a tripartite agreement between UNECE, the European Commission and the JRC could be proposed by UNECE. This agreement will have a four years' duration and will contain safeguards for proper representation of the interests of non-EU countries through the UNECE.

III. ADOPTION OF THE AGENDA (Agenda item 1)

Document: ECE/TRANS/SC.1/382

10. The agenda was adopted without amendment.

IV. ADOPTION OF THE REPORT OF THE ONE-HUNDRED-AND-FIRST SESSION (Agenda item 2)

Documents: ECE/TRANS/SC.1/381 and ECE/TRANS/SC.1/381/Corr.1

11. The Working Party adopted the report of its 101st session without amendment.

V. ACTIVITIES OF UNECE BODIES AND INTERNATIONAL ORGANIZATIONS OF INTEREST TO THE WORKING PARTY (Agenda item 3)

A. Inland Transport Committee (ITC) and its subsidiary bodies (Agenda item 3(a))

Document: ECE/TRANS/200

12. The secretariat informed the participants of the outputs of the seventieth session of the Inland Transport Committee that were of relevance to the current exceptional session of the Working Party.

13. Notably the Committee reiterated its request to the concerned countries to send their reports on a number of data concerning the driving and rest times of professional drivers to the secretariat, to enable it to carry out the relevant analysis.

14. The Committee recalled that the introduction of provisions concerning control by digital tachograph would require significant efforts on the part of non-EU AETR Contracting Parties. In this respect, it will be necessary for non-EU AETR Contracting Parties (a) to nominate as soon as possible a national authority responsible for implementing the digital tachograph, and (b) to communicate the contact details of this authority to the secretariat at their earliest convenience.

15. The Committee called upon the EU member States to share their experiences with regard to the implementation of the digital tachograph.

16. The Committee noted that Appendix 1B (about 300 pages) of the Annex to the AETR, related to the requirements for construction, testing, installation and inspection of the digital control device used in road transport (digital tachograph), had been transmitted to the United Nations relevant services for translation into Russian language.

17. The Working Party took note of the report of the seventieth session of the Inland Transport Committee.

VI. IMPLEMENTATION OF THE AETR (Agenda item 4)

A. Consideration of proposed amendments to the AETR (Agenda item 4(a))

Documents: ECE/TRANS/SC.1/2007/3/Rev.1, ECE/TRANS/SC.1/AC.6/2006/2, ECE/TRANS/SC.1/AC.6/2006/1/Rev.2

18. The representative of the European Commission informed the Working Party of the rationale behind the introduction of Regulation 561/2006: to increase road safety, to improve social conditions for workers, as well as to ensure fair competition in road transport services. Accordingly, driving time and regular breaks were meant to be better defined. He also stated that the digital tachograph was a new technical tool that may collect and provide more reliable data on driving and rest time, making manipulation more difficult than was the case with the analogue tachograph. The representative of the European Commission pointed out that the AETR countries were invited to harmonize the AETR and the EU rules in the interest of industry, safety and social conditions.

19. The representative of the Russian Federation supported by the delegations of Ukraine and Belarus stated that the European Commission's proposal concerning the application of the weekly rest rule in case of multi-manning (Article 8, paragraph 6 (b) of the document ECE/TRANS/SC.1/2007/3/rev.1), as well as the prohibition of driving a vehicle during the twelve consecutive days in case of irregular passenger transportation (Article 8, paragraph 6(a) of the document ECE/TRANS/SC.1/2007/3/rev.1) were not acceptable.

20. The representative of the Russian Federation explained that in practice the introduction into the AETR of the provisions of EC Regulation 561/2006 would deteriorate rather than improve both road safety and social conditions of driving times and rest periods; it would also result in a loss of companies' profits and cause unequal competitive position of the AETR countries. The introduction, in the AETR, of regular weekly rest (45 hours) every second week would force the driver/crew to reduce the daily rest to a minimum, leading to unjustified fatigue of drivers, which could not be compensated by superfluous weekly rest. This proposed rule would deprive the driver of the opportunity to spend with his family the legal rest period, which could be taken as compensation upon the termination of the long trip. Moreover the forced idle time of a vehicle was mentioned as a cause for the loss of companies' profits. In this connection the delegation insisted on keeping the AETR provisions as proposed by the Russian delegation in paragraphs 6(a) and 6(b) of Article 8 of the document ECE/TRANS/SC.1/2007/3/rev.1.

21. Nevertheless the Russian delegation stated its readiness to take part, if necessary, in further discussions on these provisions.

22. Ukraine asked for documents/studies that concern medical impact of Regulation 561/2006 on drivers. It was noted by the Working Party that there were many studies going on in the EU relating to this topic.

23. The Chairman noted that there was no progress on the above positions since the previous session of the Working Party.

24. The Working Party approved document ECE/TRANS/SC.1/2007/3/Rev.1 with the exception of article 8, paragraph 6 and the content of the form contained in Appendix 3. The delegate of the Netherlands and Vice-Chairman of the Working Party kindly offered to draft a new form, to be circulated by the secretariat to the participants prior to the October meeting of SC.1.

25. The delegations of the Russian Federation, Ukraine and Belarus pointed out that the wording of Article 12bis, paragraph 4 was discussed during the 101st session of the Working Party on Road Transport (SC.1) and was followed by a relevant decision reflected in the Report of the meeting (ECE/TRANS/SC.1/381, paragraph 10 (c)). The Report was approved during the 102nd session without changes. However, the decision was not appropriately reflected in document ECE/TRANS/SC.1/2007/3/Rev.1. The three delegations requested the elimination of the second part of Article 12bis, paragraph 4, in compliance with the adopted Report. In the opinion of the three delegations, the second part of Article 12bis, paragraph 4 violates the AETR amending procedure and provides the opportunity to apply the documents adopted by the EU to the AETR Contracting Parties omitting discussions and approval by SC.1.

26. Despite the absence of significant progress, the Working Party welcomed the willingness expressed by delegations and all involved parties to find rapidly a compromise on outstanding issues regarding the revision of AETR. The search for a compromise needs to continue even before the next session of the Working Party.

B. Questionnaire on checking of driving and rest times (Agenda item 4(b))

Document: ECE/TRANS/SC.1/2007/1

27. The Working Party noted that only four countries had so far replied to the ongoing survey on the implementation of the AETR, of which only one non-EU country. It was recalled that non-EU Contracting Parties were obliged by the Agreement since 2004 to report to the UNECE secretariat every two years on a number of data concerning the driving and rest times of professional drivers.

28. Stressing the importance of replies for analyzing the problems related to implementation and based on the request by the Inland Transport Committee, the Working Party strongly encouraged the concerned countries to send their replies to the secretariat to enable it to carry out the relevant analysis.

29. The Working Party welcomed suggestion by Sweden to alter the questionnaire (page 4; calculation of minimum checks to be carried out):

30. Point c) should read as follows "Total number of days worked [(a) x (b) x (n)], where n = coefficient that shows the average number of drivers per vehicle per day".

C. Implementation of the digital tachograph (Agenda item 4(c))

Document: ECE/TRANS/SC.1/2006/2/Add.1

31. The Working Party highly appreciated a presentation by the representative of Hungary about his country's experience in the preparations for the introduction of the digital tachograph.

32. The representative of the Russian Federation pointed out that the introduction and operation of the digital tachograph were cumbersome and costly. Not all technical documents are available in Russian in spite of repeated requests from the Russian-speaking countries to the industry and the secretariat.

33. Ukraine expressed its concern that the country would not be ready to implement the digital tachograph by the deadline (16 June 2010) without support from experienced partners. As there are similar problems regarding this issue in Belarus, Russia and Ukraine, the proposals for assistance in this regard were to pool resources and have a single assistance project for these countries, as well as for other non-EU Contracting Parties to the AETR.

34. The representative of the European Commission confirmed that there were both possibilities and readiness to assist non-EU countries in their efforts, in cooperation with the UNECE secretariat and in the framework of a training programme adapted to the needs of those countries.

35. The Working Party stressed the importance of multilateral approach in addition to bilateral transfer of know-how. Countries that would like to receive assistance in the implementation of the digital tachograph ought to formulate and communicate their specific needs to the secretariat and to the European Commission. This is rather urgent as the digital tachograph will be mandatory in two years' time.

36. The secretariat offered to create a dedicated e-mail address to facilitate exchange of information, questions and answers on the digital tachograph as well as to transmit specific needs for assistance. The Russian Federation proposed the creation of a phone hotline that would be used for consultations and instructions regarding the digital tachograph.

37. The Working Party mandated the secretariat to continue working towards recognizing the Joint Research Centre (Ispira, Italy) as the AETR Authority for Root Certification and for Interoperability Certification for the non-EU Contracting Parties to the AETR.

38. The Working Party also requested the secretariat to study the feasibility of establishing a Trust Fund administered by the UNECE, with the purpose of financing activities aimed at building capacity in implementing the digital tachograph in the non-EU Contracting Parties to the AETR.

39. The participants agreed that the Working Party itself was an appropriate platform where efficient exchanges of best practices and transfer of know-how in the implementation of the digital tachograph could take place.

40. The secretariat was requested to do its utmost to translate Appendix 1B as soon as possible as well as other relevant documents related to the digital tachograph into Russian. This should be a priority for the secretariat.

41. The Working Party also requested the secretariat to study the possibility of organizing an expert meeting, dedicated to the implementation of the digital tachograph, back-to-back with the next meeting of SC.1 (29-31 October 2008).

VII. SIGNING CEREMONY OF THE ADDITIONAL PROTOCOL TO THE CMR (Agenda item 5)

42. The signing ceremony took place on 27 May and was open by the Executive Secretary of the UNECE, Mr. Marek Belka, in the presence of the Chairman of the UNECE's Executive Committee, H.E. Ambassador Alex Van Meeuwen of Belgium.

43. Representatives of eight Contracting Parties to the Convention on the Contract for International Carriage of Goods by Road (CMR) have signed the Additional Protocol concerning the Electronic Consignment Note to this convention. The eight countries are Belgium, Finland, Latvia, Lithuania, the Netherlands (signed on 28 May), Norway, Sweden and Switzerland.

44. Following the signing ceremony, the Additional Protocol was open for signature at the United Nations Office in Geneva during the period 27-30 May 2008.

45. Other Contracting Parties to the Convention on the Contract for International Carriage of Goods by Road (CMR) are welcome to sign this Additional Protocol, which remains open for signature at the United Nations Headquarters in New York until 30 June 2009 inclusive.

VIII. OTHER BUSINESS (Agenda item 6)

46. The representative of Turkey brought to the attention of the participants a proposal for the Working Party to tackle the subject of restrictions imposed on the transit quota of road transport permits; the proposal was submitted for preliminary consideration to the Inland Transport Committee by the Government of Turkey in document ECE/TRANS/2008/13.

47. Based on the request of the Committee, the Working Party agreed to include the matter raised by Turkey on its agenda for the October meeting. The delegation of Turkey was invited to provide more details on the subject in a document to be transmitted to the secretariat.

IX. DATE OF NEXT SESSION (Agenda item 7)

48. The 103rd session of the Working Party will be held between 29 and 31 October 2008. According to the United Nations rules the deadline for submission of official documents for this session is 6 August 2008. However, delegations wishing to submit documents are encouraged to do this at least two weeks before the deadline, to give the secretariat the necessary time to process the documents.

49. Depending on the availability of interpretation facilities, the session will be preceded by a one day experts meeting (training-like) dedicated to the implementation of the digital tachograph.

X. ADOPTION OF DECISIONS (Agenda item 8)

50. The Working Party adopted a brief list of decisions (in English only) taken at its 102nd session on the basis of a draft prepared by the secretariat.
