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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-THIRD SESSION**

(Geneva, 29-31 October 2008)

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I. ATTENDANCE

1. The Working Party on Road Transport held its 103rd session in Geneva from 29 to 31 October 2008 under the chairmanship of Mr. Jouko Alaluusua (Finland). The following UNECE member States were represented in the meeting: Belarus, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Kazakhstan, Latvia, Netherlands, Norway, Portugal, Republic of Moldova, Russian Federation, Sweden, Switzerland, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland.

2. Also represented were the European Commission, the Trans-European North-South Motorway (TEM) Project and the following non-governmental organizations: International Road Transport Union (IRU), Council of Bureaux of the Green Card System, and the Confederation of Organizations in Road Transport Enforcement (CORTE). VDO Automotive AG and "Move and Park" were also present as observers.

II. INTRODUCTION

3. The Director of the Transport Division, Ms. Eva Molnar, welcomed the participants; she informed of developments that have taken place as well as on the follow-up on the tasks entrusted to the secretariat by the 102nd session of the Working Party.

4. Regarding the AETR Trust Fund the Director confirmed the existence of such a fund created in July 2005 with the aim of supporting the organization of a seminar on the implementation of the digital tachograph in the Russian Federation. The Director expressed the openness and readiness of the secretariat to collect and consolidate needs and demands from non-EU countries and, subsequently, organize a donors' conference aiming to secure resources for the AETR Trust Fund in order to continue financing activities related to the implementation of the digital tachograph by the non-EU Contracting Parties to the AETR. In order to collect such needs of assistance or project proposals, the secretariat will send a letter to the Permanent Missions in Geneva of the non-EU Contracting Parties to the AETR.

5. As mandated by the Working Party, the secretariat has acted towards recognizing the Joint Research Centre (JRC) based in Ispra (Italy) as the AETR Root and Interoperability Certification Authority. The secretariat drafted a Memorandum of Understanding between the UNECE, the European Commission and the JRC and send it to the EU Commissioner for Transport with an accompanying letter signed by the UNECE Executive Secretary. The declared objective of this MoU is to contribute more effectively to understanding and resolving issues pertaining to the full implementation of the digital tachograph requirements of the AETR, especially by the non-EU Contracting Parties to it.

6. Also in relation with the implementation of the digital the tachograph, the Director reminded participants of the e-mail address created by the secretariat to receive questions and expression of needs for assistance (aetr-digital@unece.org).

7. The Director introduced Mrs. Martine Sophie Fouvez, the new Regional Adviser who has started her work in the Transport Division on 1 October 2008.

III. ADOPTION OF THE AGENDA (Agenda item 1)

Document: ECE/TRANS/SC.1/385

8. The agenda was adopted with minor technical amendments.

IV. ADOPTION OF THE REPORT OF THE ONE-HUNDRED-AND-SECOND SESSION (Agenda Item 2)

Document: ECE/TRANS/SC.1/383

9. The Working Party adopted the report of its 102nd session without amendment.

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

A. Inland Transport Committee and its subsidiary bodies

Document: ECE/TRANS/200

10. The secretariat informed of the decisions taken by the Committee at its seventieth session (19-21 February 2008) of relevance to the Working Party.

B. International organizations

11. The representative of the International Road Transport Union (IRU) shared with the Working Party the IRU concerns linked with two global issues: high and volatile fuel prices, as well as financial crisis. The industry fears that these would produce recession which would have a negative effect on the entire road transport sector.

12. The IRU representative informed of his organization's position on a new proposal introduced by the European Commission for the internalization of external impacts of road transport in the 27 member States of the European Union (EU). Regarding this proposal, the IRU has reiterated that the profession has always been ready to face its environmental responsibilities but: any internalisation should be applied to all transport modes at the same time; revenues from road charging should be earmarked for the road transport sector; and, a sound cost-benefit analysis is to be applied before internalising external costs as advocated by the Cheapest Cost Avoider Principle.

13. The IRU also informed of the organization's priorities of interest to the Working Party: the harmonisation of EU social regulations and the provisions of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) as well as the implementation of the Additional Protocol to the CMR on e-consignment notes.

14. Finally, the IRU invited the members of the Working Party together with government officials, transport operators and members of the press from their respective countries, in Almaty, Kazakhstan on 11-12 June 2009, at the 5th Euro-Asian Road Transport Conference.

**VI. EUROPEAN AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL ROAD TRANSPORT (AETR)
(Agenda item 4)**

15. The Working Party considered in a favorable spirit the possible opening of the AETR to non-ECE countries as they may benefit from the work already done in the UNECE and its experience. In this regard, the Working Party requested the secretariat to invite for the next meeting of SC.1 representatives of countries beyond the UNECE region, that express interest in implementing the AETR requirements in future.

16. To eliminate any possibility of abusive interpretation during control and sanction practices, the Working Party defines the term 'previous week' contained in Article 12, paragraph 7 (a) of the Annex to the AETR agreement as "the week prior to the current week". (In the Russian language, «Неделя, непосредственно предшествующая текущей неделе»).

17. The representatives of Belarus, Russian Federation and Ukraine delivered at the end of the meeting a written joint statement (Annex I to the present report) on their view of the non-implementation of the AETR by some of the EU member States that are also Contracting Parties to the AETR and requested the secretariat to ask a formal answer from the United Nations Office of Legal Affairs in New York to the questions contained in the statement.

A. Consideration of proposed amendments to the AETR

Documents: ECE/TRANS/SC.1/381; ECE/TRANS/SC.1/383; ECE/TRANS/SC.1/AC.6/8; ECE/TRANS/SC.1/AC.6/2006/1/Rev.2; ECE/TRANS/SC.1/2007/3/Rev.2; ECE/TRANS/SC.1/AC.6/2006/2; ECE/TRANS/SC.1/2008/7

18. The Working Party considered and agreed on all the provisions that were outstanding; the amendments shall be consolidated by the secretariat in a new Amendment 6 and published as Addendum 1 to the present report (ECE/TRANS/SC.1/386/Add.1). The IRU qualified its general support for the maintenance of the 12 day derogation in the AETR, by criticizing the terms finally agreed as unduly restrictive, advocating instead the solution agreed by EU level Social Partners in May 2008 and thereafter adopted by the European Parliament.

19. The secretariat will take the necessary steps, according to the procedure, to make the amendments enter into force. In accordance with Article 21 of the AETR, the amendments adopted by the Working Party at its present session will be transmitted to the Secretary-General of the United Nations by Netherlands.

B. Questionnaire on checking of driving and rest times

Documents: ECE/TRANS/SC.1/2007/1 and ECE/TRANS/SC.1/2007/1/Corr.1

20. The Working Party urged all the AETR Contracting Parties to send to the secretariat their replies to the questionnaire without any delay, but in any case not later than the end of 2008.

C. Implementation of the digital tachograph

Documents: ECE/TRANS/SC.1/AC.6/8; ECE/TRANS/SC.1/2006/9; ECE/TRANS/SC.1/2008/3; ECE/TRANS/SC.1/AC.6/2006/2/Add.1

21. The Working Party took note of the Draft Memorandum of Understanding on the tripartite cooperation between the UNECE, the European Commission and the Joint Research Centre Institute for the Protection and Security of the Citizen (IPSC) located in Ispra, Italy. The Working Party also mandated the secretariat to pursue with the signature of the Memorandum of Understanding and thus recognize the JRC as the AETR Authority for Root Certification and for Interoperability Certification for the non-EU Contracting Parties to the AETR.

22. The non-EU delegations present in the meeting, supported by the IRU:

- (a) expressed concern with respect to the deadline for the implementation of the digital tachograph (16 June 2010), and mentioned the need of creating a “safety-valve,” namely a possibility to review the deadline, should they fail in complying with the deadline;
- (b) expressed concern with respect to the Article 22bis of the AETR which allows the EU to unilaterally alter technical issues, without non-EU countries having any say; they ought, therefore, to be involved in the process of adaptation of technical specifications in the future at the EU level;
- (c) asked for assistance (especially technical but also financial) to answer their needs, in the form of light twinings, seconded experts and workshops. The assistance is mainly expected from the European Commission and the EU member States in both bilateral and multilateral (SC.1, TAIEX) frameworks;
- (d) put forward the idea of creating a new structure, composed of representatives of both public and private stakeholders, similar to the Monitoring of the Implementation of the Digital Tachograph (MIDT) Project, which would manage the funds and implement the activities related to the digital tachograph.

23. The secretariat was requested to explore the possibilities to create a mechanism for the management of all the aspects pertaining to the implementation of the digital tachograph and to make a concrete proposal within the shortest delay.

24. The Working Party agreed that assessing the needs of assistance of the non-EU Contracting Parties to the AETR in implementing the digital tachograph was a top priority and should be treated as such.

25. In this respect the European Commission informed of the organization of a series of TAIEX seminars dedicated to the implementation of the digital tachograph by the non-EU Contracting Parties to the AETR, starting on 4 November 2008.

26. The Working Party decided to establish an informal ad hoc expert group on the implementation of digital tachograph in non-EU Contracting Parties to the AETR. The secretariat was requested to organize a first one-day informal meeting of experts on this subject, on 4 December 2008 in Geneva. The main document of the meeting should be based on ECE/TRANS/SC.1/2006/9. This ad hoc group would meet in intervals deemed appropriate by the participants in the group until the 104th session of the Working Party to which the ad hoc group would report. The work in this ad hoc group would be in English only.

27. The Working Party urged the member governments to ensure the participation of their relevant national experts in the meeting of the informal ad hoc expert group.

VII. ROAD TRANSPORT INFRASTRUCTURE (Agenda item 5)

A. European Agreement on Main International Traffic Arteries (AGR)

Document: ECE/TRANS/SC.1/384

28. The Working Party welcomed the publication of the consolidated text of the Agreement in English, French and Russian languages. The document can be downloaded at <http://www.unece.org/trans/conventn/ECE-TRANS-SC1-384e.pdf>.

1. Status of prior amendments to the AGR

29. The Working Party was informed of the status of the amendments to the AGR as follows: the amendments to Annexes I and II to AGR adopted by the SC.1 at its 100th session entered into force on 15 January 2008; the amendment to Article 9 of the AGR has not yet entered into force due to re-issuance of the Depositary Notification. The amendment to Annex I adopted by and 101st session will enter into force on 19 December 2008.

2. Consideration of new proposals for amendments to the AGR, Annex I

Document: ECE/TRANS/SC.1/2008/2

30. Following confirmation by the representative of Sweden that her Government supports the proposal, the Working Party adopted the proposal of amendment to Annex I of the AGR transmitted by Estonia, as contained in Annex 2 to the present report. The secretariat shall take the necessary measures for the entry into force of the amendment.

B. Trans-European North-South Motorway (TEM) Project

Document: ECE/TRANS/SC.1/2008/6

31. The Working Party was informed by the Project Manager about progress made in the TEM Project since its last session. The Working Party supported the development of synergies between the TEM Project (created in 1977 to implement the AGR) and work done in the SC.1 or

other structures under the Inland Transport Committee. These activities may include work on the revision of the TEM Master Plan, secure parking places by the highways and the Euro-Asian Transport Links.

VIII. HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION (Agenda item 6)

A. Proposal for a global multilateral agreement on the international regular transport of passengers by coach and bus (*OmniBUS*)

Document: ECE/TRANS/SC.1/2008/4

32. The Working Party welcomed the idea of harmonization in international regular transport of passengers by bus and coach and considered that the document was ambitious and contained many technical details that need thorough analysis as some of them may be controversial. The Working Party agreed therefore that it was premature to discuss in detail the proposal and invited the IRU to pursue the work on the subject and re-submit a (refined) document for the next SC.1 session.

33. The Working Party welcomed the idea of harmonization in international regular transport of passengers by bus and coach but considered that it was premature to discuss in detail document ECE/TRANS/SC.1/2008/4 and invited the IRU to re-submit a (refined) document for the next SC.1 session

B. Quantitative restrictions imposed on international road transport of goods

Document: ECE/TRANS/SC.1/2008/5

34. The Working Party has been requested by the Inland Transport Committee to deal with this matter and to report to it at its next (seventy-first) session. Turkey presented document ECE/TRANS/SC.1/2008/5 on quantitative restrictions imposed on international road transport of goods as a call for removal of barriers and for the facilitation of road transport including through implementation of the Consolidated Resolution on the Facilitation of International Road Transport (R.E. 4).

35. Turkey's suggestion was that the current status of transit road transport quotas of permit systems in the UNECE region should be analyzed in detail by either an ad-hoc experts group or a Task Force to be established with participation on a voluntary basis. Such a body would also explore the impact of transit regimes subject to restrictions (quotas) on trade and transport and would propose a proper multilateral solution (possibly a legal instrument) to be implemented through the Inland Transport Committee.

36. Turkey also suggested that an analytical study is conducted by a consulting company or by an NGO such as the IRU which has the best sources of information, its member associations in the UNECE region and beyond.

37. While agreeing that transit was an important issue to be considered, the majority of delegations were of the view that the Working Party on Road Transport had no mandate resulting from any of the UNECE legal instruments or given by the Inland Transport Committee to deal with and/or to take decisions on the issue of transit quotas. Moreover, as the transit quotas are regulated bilaterally it was suggested that more effective decision and problem resolution may be found in bilateral contacts and possibly in the International Transport Forum (ITF) during negotiations on the multilateral permits.

38. As an outcome of the debate, the Working Party requested the secretariat to compile, for the 71st session of the ITC, an abstract of relevant articles from the UN conventions that cover the freedom of transit as well as the facilitation of the international road transport and the list of Contracting Parties thereto. The Working Party decided to keep this item on the agenda for its next session.

C. Review of questions concerning facilitation of international road transport

1. International Motor Insurance System (Green Card)

Document: ECE/TRANS/SC.1/2008/1

39. The Working Party took note of the developments in the international Green Card System presented by the President of the Council of Bureaux:

A new version of the Constitution and the Internal Rules has been adopted and came into force on 29 May 2008.

- (a) A process aiming at clarifying the name of "Council of Bureaux" as "the International Association of National Motor Insurers' Bureaux" has been initiated, bearing in mind that such an update would take time.
- (b) New rules on Mediation have been approved by the 42nd General Assembly and brought into effect as of 1 July 2008. These new rules are based on the core "first pay then dispute" principle, introduce clear time limits within which either mediation or arbitration can be activated and represent for the Council of Bureaux a new tool to resolve possible disputes between Motor Insurance Bureaux.
- (c) The financial stability of the Green Card system remains the focus of continuing effort by the Council of Bureaux to ensure that large or catastrophic claims will be met by all Motor Insurance Bureaux. A specific and detailed questionnaire on financial stability was circulated to the CoB membership during summer 2008 with a two month period for providing replies, the findings of which will be reported to the 43rd General Assembly in 2009.
- (d) The Russian Association of Motor Insurers has been admitted by the 42nd General Assembly to membership under the status of a transitional member as of 1 January 2009 until its possible advancement to the status of a full member is agreed by the General Assembly according to the Transitional Membership Financial Guarantees Criteria, and provided that the financial guarantees (reinsurance contract and bank

guarantee) are activated by 15 October 2008 for the bank guarantee and 1 November 2008 for the reinsurance program in light of its review clause.

40. The Working Party approved the new Green Card format that has been adopted by the 42nd General Assembly (for both horizontal and vertical models) as from 1 January 2009 with a two year transitional period (ending on 31 December 2010) in order to replace the current version of the Green Card.

2. Accession to and implementation of UNECE international legal instruments in the field of road transport

41. The Working Party note of the information provided by the secretariat on the status of accessions, since its previous regular session, to UNECE legal instruments dealt with by the SC.1 as follows: Malta ratified the CMR Convention and its Protocol of 1978 (December 2007), Slovakia ratified the CMR Protocol of 1978 (February 2008), Belarus, ratified the CMR Protocol of 1978 (July 2008), Syrian Arab Republic ratified the CMR Convention (September 2008) and Monaco became a Contracting Party to the AETR (June 2008).

3. Additional Protocol to the CMR concerning the Electronic Consignment Note

42. The Working Party noted the information that the instrument had been signed by eight countries and encouraged all the Contracting Parties to the CMR (i) to sign the Protocol, which will remain open for signature at United Nations Headquarters in New York until 30 June 2009 inclusive and (ii) to ratify the Protocol, as it will only enter into force on the ninetieth day after five of the signatory States have deposited their instruments of ratification or accession.

43. The Working Party welcomed a presentation given by the delegation of the Netherlands on the use of eCMR in their country. The presentation can be downloaded at <http://www.unece.org/trans/main/sc1/pres103.html>.

IX. ELECTION OF OFFICERS (Agenda item 7)

44. In application of Rule 12 of its Rules of Procedure, the Working Party elected its officers for the term 2009-2010 inclusive in the persons of Mr. Cornelis Bob OUDSHOORN (Netherlands) as Chairperson and Mr. Izzet ISIK (Turkey) as Vice-Chairperson.

45. The Working Party expressed its appreciation and gratitude to Mr. Jouko ALALUUSUA (Finland) who chaired the SC.1 for the last 10 years with high professionalism and objectivity.

X. OTHER BUSINESS (Agenda item 8)

46. The Working Party welcomed a presentation on “Secured Truck Parking Operational Systems”, a project supported by the European Commission, given by Mr. Rudolf Anner, CEO of Move&Park SAS. The presentation can be downloaded at <http://www.unece.org/trans/main/sc1/pres103.html>.

XI. DATE OF NEXT SESSION (Agenda item 9)

47. The Working Party decided that its 104th session will take place from 19 to 21 October 2009. In order to allow the secretariat to process documents and observe the internal rules for their submission the deadline for sending documents by the participants is 31 July 2009.

XII. ADOPTION OF DECISIONS (Agenda item 10)

48. The Working Party adopted a brief list of decisions, based on which the secretariat drafted the present report.

Annex I

Joint statement made by the Republic of Belarus,^{*} the Russian Federation and Ukraine

1. Taking into account the results of the discussion on item 4 «European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) » during the 103-rd session of the UNECE Working Party on Road Transport the delegations of the Republic of Belarus, the Russian Federation and Ukraine stressed the unsettled problem regarding the AETR enforcement on the territory of all Contracting Parties. Since the Regulation of European Commission № 561/2006, which negatively affects the non-EU countries, came into force, there are 2 regimes of AETR implementation created on the territory of the Contracting Parties.

2. The European Commission considers that internal EU regulation should be applied by all AETR Contracting Parties on EU territory (including non-EU countries).

3. It is important to note that the Regulation EC № 561/2006 has almost fully applied to international transportations under the AETR between the non EU-countries and EU-members. That is why the delegations of the Republic of Belarus, Russian Federation and Ukraine have to remind the official position stated by representative of the European Commission on the Working Party on Road Transport at its 101st session (Geneva, 16-18 October 2007): «AETR remained applicable for all carriage undertaken between a non EU AETR country and an AETR country which is a member of the EU, whether on the outward or on the return journey, and during transit through an AETR country». As time showed this position in fact was not implemented in practice.

4. Taking into account the long time discussions on this issue and lack of understanding between the European Commission and the non EU-countries the delegations of Belarus, Russia and Ukraine request the UNECE, as official coordinator of International Multilateral Agreement AETR, with the assistance of the UN Legal Department, to provide to AETR Contracting Parties the legal clarification on the following issues:

1. Does AETR remain to be the main legal internationally-agreed instrument with the legal force which regulates any transportation between two members of EU states, undertaken by operator from non EU-countries, or not? If not – on the territory of which AETR Contracting Parties – EU-members AETR is not valid and why? Please, provide the list of reservations made by Contracting Parties.

In Russian is – является ли ЕСТР главным международно-признанным инструментом, наделенным юридической силой, который регулирует любую перевозку

^{*} Reproduced as is.

между двумя государствами ЕС, осуществляемую оператором страной - не членом ЕС или нет? Если нет, на территории какой из Договаривающихся Сторон ЕСТР – членов ЕС Соглашение ЕСТР не действует и почему? Просим предоставить список соответствующих оговорок Договаривающихся Сторон.

2. Does AETR remain to be the main legal internationally-agreed instrument with the legal force which regulates any transportation between the regions of non-EU-countries and EU-members made by operator from non EU-member in both directions and during transit through the countries of the European Union, or not?

Является ли ЕСТР главным международно-признанным инструментом, наделенным юридической силой, который регулирует перевозку между регионами стран ЕС и стран – не ЕС, как в прямом, так и в обратном направлениях, либо при транзите через страны ЕС, осуществляемую оператором страны - не члена ЕС.

5. The delegations of the Republic of Belarus, the Russian Federation and Ukraine ask the UNECE Secretariat to prepare the clear legal clarification on these questions and to inform AETR Contracting Parties about the results as soon as possible in order to discuss this issue during the next 104-th session of the UNECE Working Party on Road Transport.

6. The delegations of the Republic of Belarus, the Russian Federation and Ukraine ask the UNECE Secretariat to consider this Joint Statement as an official request on behalf of Governments of the Republic of Belarus, the Russian Federation and Ukraine.

Annex II

**Modifications to Annex I to the European Agreement
on Main International Traffic Arteries (AGR)**

B. Branch, link and connecting roads

- **New road E 265** from **Tallinn** (Estonia) to **Kappelskär** (Sweden)

Overall reference

E 265: Tallinn- Paldiski- Kappelskär
