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Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

Special session
Geneva, 4 March 2011

Annotated Agenda

Special Meeting of Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) concerning the relationship between AETR and EU laws (article 22bis and prevailing legal instrument)

To be held at the Palais des Nations, Geneva, Salle XI, starting at 9.30 a.m.

I. Agenda

1. Adoption of the agenda.
2. Article 22bis.
3. Prevailing legal instrument.
4. Other business.

II. Annotations

1. Adoption of the agenda

AETR Contracting Parties will adopt the session's agenda.

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2. Article 22bis

At the recent SC.1 session (29 September – 1 October 2010) discussions took place about amending or deleting AETR article 22bis. On the one hand, the amendment discussion has originated from the legitimate need of non-EU Contracting Parties to be involved in the elaboration of control device technical requirements. On the other hand, there appears to be no formal possibility of such involvement within the procedures of the European Commission.

To work on this issue, the Working Party decided to create a group of experts mandated to draft a revised text for article 22bis. The group includes experts from the European Commission, Hungary, Russian Federation, Turkey, Ukraine and the IRU (participation in work of this group is open).

At this special meeting, AETR Contracting Parties are expected to prepare and discuss article 22bis amendments with a view bridging the gaps between the Parties.

3. Prevailing legal instrument

On 29 September – 1 October 2010, SC.1 also discussed whether the AETR or EU law should prevail in transport between two member States of the EU. For example, what happens when a Russian truck goes from Russia to Lithuania, a trip covered by the AETR, and continues from Lithuania to Estonia. The question is whether the final leg is covered by the EU legal instruments or by the AETR, knowing that neither Lithuania nor Estonia had introduced reservations to AETR when they acceded to the EU.

In the view of the Russian Federation, the final leg (i.e. Lithuania-Estonia) is covered by the AETR given that neither Lithuania nor Estonia introduced appropriate reservations to the AETR prior to these countries' accession to the EU. In contrast, the European Commission maintains the position that the EU law applies to all transports within the European Union, irrespective of the non-existent reservations of some of the EU member States.

At this special meeting, AETR Contracting Parties are expected to discuss the relationship between the AETR and EU laws with a view bridging the gaps between the Parties.

4. Other business

AETR Contracting Parties may wish to discuss other issues related to the AETR Agreement.
