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Inland Transport Committee

Working Party on Road Transport

Special session

Report of the 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) (4 March 2011)

I. Attendance

1. 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) held on 4 March 2011, chaired by Mr. B. Oudshoorn (the Netherlands).
2. Representatives of the following member States participated: Belarus, Germany, Hungary, Kazakhstan, the Netherlands, Russian Federation, Serbia, Sweden, Turkey, and Ukraine.
3. The European Union (EU) and the following non-governmental organization were also represented: International Road Transport Union (IRU), Actia Automotive, Automotive GmbH and Continental Automotive participated as observers.

II. Adoption of the agenda

4. The agenda was adopted with additional items noted and discussed under "other business".

III. Article 22bis

5. The UNECE secretariat presented information describing the existing organizational structures and amendment procedures in the areas of transport of dangerous goods (WP.15) and of the World Forum on the Harmonization of Vehicle Regulations (WP.29).

6. The European Union (EU) outlined three principles related to amending Article 22bis: international cooperation (all stakeholders i.e., governments of all AETR Contracting Parties, academia and the private sector should be engaged), minimum technical requirements (control devices must continue to meet them in the future), and the ability to act timely/rapidly has to be maintained.

7. In the context of these three principles, the EU proposed to create a new entity/body which would perform functions of an administrative committee. The committee would approve proposals for amendments (or new provisions) to what is now AETR Appendix 1B. The EU proposal is modeled on the approval procedure described in the 1958 Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and /or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions (Appendix 1 “Composition and rules of procedure of the administrative committee” – see <http://www.unece.org/trans/conventn/505ep29.wpd>).

8. The Chair invited the EU to provide a detailed description of its proposal (in writing) to the secretariat.

IV. Prevailing legal instrument

9. The EU described its position on the issue stating that – in the context of the AETR rules - internal EU road traffic is subject to the relevant EU rules and regulations notwithstanding the presence or absence of reservations to the AETR Agreement by EU members. The government of Russian Federation proposed to postpone the discussion of this agenda item until the next SC.1 session (or the next special meeting of AETR Contracting Parties or the first session of the AETR Expert Group).

V. Other business

10. The following additional agenda items were noted or discussed

A. An Inland Transport Committee’s (ITC) decision to create an AETR Expert Group

11. The secretariat informed the participants about the ITC decision of 3 March 2011 concerning the establishment of an AETR Expert Group (“Draft list of main decisions”, Informal document No. 15). According to the UNECE rules of procedure, the establishment of a formal expert group must be approved by the Executive Committee (EXCOM). Given this, the secretariat will prepare the required proposal and terms of reference as soon as possible in order to seek the approval at the next session of EXCOM (likely to take place in the second half of May). Upon EXCOM’s approval, the secretariat will schedule the first session of the AETR Expert Group.

12. In this context, the AETR Contracting Parties have asked the secretariat to include the following issues in the EG’s terms of reference:

- (a) amendment of Article 22bis;
- (b) the relationship between the AETR and EU laws;

And at a later stage:

(c) challenges regarding exchange of information with respect to the issuance of digital tachograph cards (modifications to the existing information exchange platforms and/or development of a new standardized method for exchange of AETR-related information);

(d) Commission Regulation (EU) No 1266/2009; and

(e) the third-country rights and obligations under the AETR Agreement.

13. The secretariat invited AETR Contracting Parties to provide, if necessary, other topics to be included in the AETR EG terms of reference.

B. AETR developments since the end of the “tolerance package” on 31 December 2010.

14. Participants exchanged information about the situation in the countries which have not been able to meet the deadline of 31 December 2010 to implement the digital tachograph. The decision of the Inland Transport Committee regarding the provision of assistance to the countries needing it by all Contracting Parties and the European Union was highlighted. In particular, Contracting Parties expressed support for Government of Kazakhstan’s efforts to fully comply with the digital tachograph rules as soon as possible. Contracting Parties invited Kazakhstan to continue seeking bilateral or regional solutions until the full implementation of digital tachograph in that country.

C. Other business (miscellaneous issues)

15. The impact of the expiry of the memorandum of understanding (MOU) concerning type approvals was noted. The Chair postponed the discussion until the next session of SC.1 on the basis of the MOU.

16. The secretariat informed AETR Contracting Parties about the status of amendments to AETR Appendix 1B concerning Commission Regulations (EU) No 68/2009 and No 1266/2009. Both Regulations will be communicated to all Contracting Parties and the UN Secretary-General as soon as possible as required under Article 22bis.

17. The secretariat also informed AETR Contracting Parties about the need to maintain consistency between the 1949 and 1968 Conventions on Road Traffic and the AETR Agreement. In particular, only the “distinguishing signs” included in or declared under the Road Traffic Conventions may be used as additional “national symbols” to be printed on the digital tachograph cards. The Chair decided to postpone the discussion of the issue on the basis of an informal document to be prepared by the secretariat.
