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Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR)

Sixth session

Geneva, 31 October 2013

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

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* Reissued for technical reasons on 26 November 2013.

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I. Attendance

1. The AETR Group of Experts held its sixth session in Geneva on 31 October 2013, chaired by Mr. R. Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Belgium, Hungary, Latvia, Netherlands, Poland, Russian Federation, Sweden, Turkey and Ukraine.
3. The European Commission, Eurasian Economic Commission and International Road Transport Union (IRU) were also represented. Continental Automotive participated as observer.

II. Adoption of the Agenda (agenda item 1)

4. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/15). The Chair noted that under agenda item 3(a), experts may propose and discuss any AETR provisions including those related to amending Article 14.

III. Adoption of the Report (agenda item 2)

5. The Group of Experts adopted the report of the last session (ECE/TRANS/SC.1/GE.21/14).

IV. Programme of Work (agenda item 3)

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

6. The Russian Federation introduced Informal Document no. 1, which contains the Commonwealth of Independent States' general position on amending of Article 22bis and the "BSEC-URTA Resolution on difficulties and discrepancies faced by the hauliers from non-EU AETR countries during their transport operations in or along the EU countries" (dated 3 July 2013).

7. Experts discussed the proposed changes to Article 22bis on the basis of the consolidated proposal contained in the Annex of ECE/TRANS/SC.1/GE.21/14, on the basis of EU's proposal (contained in ECE/TRANS/SC.1/GE.21/13) and on the basis of Informal document No. 1 submitted by the Russian Federation at this session. The Group of Experts reached consensus on the proposed changes to paragraphs 1, 5 and 7. It also adopted the proposed new Article 10bis. As neither the Russian Federation nor the EU could agree on the wording of paragraph 6, the Chair requested that the Group of Experts returned to paragraphs 6, 8 and 9 at the next session. The revised version is attached to this report in the Annex.

B. Discussion about the possibility of removing the exemption in Article 12, paragraph 6 (b)

8. At the request of the Chair at the fifth session, experts were invited to consider examining the possibility of removing the exemption in Article 12, paragraph 6 (b), on the

basis of readiness of all Contracting Parties to the AETR Agreement. The exemption concerns the situation when an infringement is detected which has been committed by an undertaking established in another Contracting Party or in a non-Contracting Party; the imposing of sanctions shall conform to the procedure foreseen in the bilateral road transport agreement between the Parties concerned. As there were no interventions, the Group of Experts agreed not to discuss this issue until such time when the matter is raised by a Contracting Party.

C. Third party rights and obligations under the AETR Agreement

9. Experts continued to discuss which legal instrument is considered to be applicable in different road transport scenarios (i.e. journeys undertaken either partially or entirely within the European Union (EU) by EU and non-EU AETR transport companies). The Chair recalled an IRU initiative to collect information from Contracting Parties on this subject and invited the International Road Transport Union to provide the final evaluation of these responses.

10. The International Road Transport Union updated the Group of Experts that no further responses to the questionnaire had been received since the fourth session. The Chair thanked IRU for its work, and thanked the countries which had submitted completed questionnaires. The Group of Experts agreed that this item could be removed from the agenda for the next session until such time as there are further developments. There was discussion by the delegations present.

11. The Chair invited the EU to provide further explanation concerning the application of Regulation 561/2006 in the "AETR area" given that the objective of amending the AETR Agreement in 2006 was to harmonize the two driving times and rest periods regimes.

D. Exchange of information on issuing digital tachograph cards

12. Experts continued to discuss the issues related to the exchange of information on issuing digital tachograph cards. The Group agreed to support the amendment proposal to introduce new Article 10bis (contained in the Annex of ECE/TRANS/SC.1/GE.21/14). In the near future, the Expert Group will decide on the appropriate next steps to take the proposal forward.

V. Other business (agenda item 4)

13. The Group of Experts discussed the information presented by "Continental Automotive" regarding the characteristics of tachographs intended for their use in vehicles transporting dangerous goods according to the ADR requirements.

14. The secretariat informed the Expert Group about its participation in the "EUROMED Transport Project" where a number of UNECE-administered conventions, including the AETR Agreement, are being promoted. In Algeria, Jordan, Morocco and Tunisia, there appears to be a great interest in acceding to the AETR. The current wording of Article 14 related to eligibility to accede, however, limits accession to UNECE member States. The Group decided to consider this subject at the next session.

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

15. The next meeting of the Group of Experts is scheduled for 28 February 2014 (Friday) in Geneva.

Annex

Amended consolidated proposal for new articles 10bis and 22bis (incorporating changes and suggestions made on 31 October 2013 at the sixth session of the AETR Group of Experts)

Article 10bis

1. In order to ensure that drivers do not already hold a valid driver card in the sense of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, Contracting Parties shall maintain national electronic registers containing the following information on driver cards for a period at least equivalent to their period of validity:

- Surname and first name of the driver;
- Birth date and, if available, place of birth of the driver;
- Driving permit number and country of issue of driving permit;
- Status of the driver card;
- Driver card number.

2. Contracting Parties shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout their territories to card issuing authorities and control officers appointed to check the compliance with the rules on driving time and rest periods of professional drivers.

3. When issuing, replacing and, when necessary, renewing a driver card, Contracting Parties shall verify through electronic data exchange that the driver does not already hold another valid driver card. Contracting Parties shall ensure an adequate level of protection of the personal data exchanged, in line with the highest international standards. This shall include that the data exchanged be limited to the data necessary for the purpose of this verification and not used for any other purpose without the prior authorisation of the Contracting Party providing the personal data.

Article 22bis

Paragraph 1

(a) There shall be an Administrative Committee that shall be responsible for deciding on amendments to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport of the present Convention, based in Geneva.

(b) The Administrative Committee shall be composed of all the Contracting Parties to the Agreement. The Administrative Committee shall, in discharging its functions, use information from all relevant sources when the Committee deems it appropriate to do so.

Paragraph 2

The Administrative Committee shall be based in Geneva. Its sessions will normally be held in Geneva. The Committee may decide to hold sessions in other locations.

Paragraph 3

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with appropriate secretariat services.

Paragraph 4

The Committee shall elect a Chair and two Vice-Chairs every two years.

Paragraph 5

The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe once per year. Additional sessions shall be convened at the request of a minimum of five Contracting Parties.

Paragraph 6

(a) A quorum of not less than one-half plus one (+1) of the Contracting Parties shall be required to be present for the Administrative Committee to be able to adopt decisions.

(b) The Administrative Committee shall adopt decisions by at least 75 per cent majority vote of Contracting Parties present and voting.

Proposal to be discussed:

The Administrative Committee shall adopt decisions by majority vote of those Contracting Parties present and voting.

(c) Amendments to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport of the present Convention adopted in accordance with paragraphs (a) and (b) above shall be communicated by the Secretary-General to all Parties for ratification, approval or acceptance.

(d) The amendment shall enter into force within six months from the date of notification of the Contracting Parties or within the period specified in the text of the amendment, but not less than six months from the date of notification of the Contracting Parties.

(e) For the purpose of taking decisions, each Contracting Party shall have one vote.

Still to be discussed

For the purpose of taking decisions, each Contracting Party shall have a vote. The representative of a regional integration organization Contracting Party to the Agreement may [will] deliver the votes of its constituent member States without their presence in the vote being necessary.

Paragraph 7

(a) Any Contracting Party may propose amendments to of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, of the present Agreement.

(b) Any amendment proposal shall be submitted to the secretariat of the United Nations Economic Commission for Europe, in writing, at least 90 days before the meeting of the Administrative Committee at which it is proposed for decision.

(c) The text of any proposed amendment shall be communicated in the three ECE languages to all Contracting Parties at least 30 days before the meeting of the Administrative Committee at which it is proposed for decision.

Paragraph 8

If a proposal for the amendment of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, leads to the amendment of other articles or annexes of the Agreement, the amendments to the Appendix cannot enter into force before entry into force of amendments relating to other parts of the Agreement. If, in such a case, the amendments to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport are presented simultaneously with the amendments relating to other parts of the Agreement, the date of their entry into force shall be determined by the date established pursuant to application of procedures, which are described in general in Article 21, taking into account the date specified in the amendment to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, in the case envisaged by paragraph 7 of this article.

It appears that the Group of Experts does not wish to delete paragraphs 6(c) and 6(d) above. However, if paragraphs 6(c) and 6(d) above are deleted, the above version of paragraph 8 is to be replaced by the following version.

If a proposal for the amendment of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, leads to the amendment of other articles or annexes of the Agreement, the amendments to the Appendix cannot enter into force before entry into force of amendments relating to other parts of the Agreement. If, in such a case, the amendments to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport are presented simultaneously with the amendments relating to other parts of the Agreement, the date of their entry into force shall be determined by the date established pursuant to application of procedures, which are described in general in Article 21.

Paragraph 9

The amendment of Article 22bis shall enter into force once at least one regional integration organization has become a Contracting Party to the Agreement.

Still to be discussed
