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

Eighth session

Geneva, 2 July 2014

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

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I. Attendance

1. The AETR Group of Expert's held its eighth session in Geneva on 2 July 2014, chaired by Mr. R. Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Belgium, Germany, Hungary, Russian Federation, Spain, Sweden, Switzerland and Ukraine.
3. The representatives of non-ECE member States also participated: Algeria, Jordan, Morocco and Tunisia.
4. The following organizations also participated: European Union, EuroMed and Continental Automotive.

II. Adoption of the Agenda

5. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/19).

III. Programme of Work

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

6. Experts continued to discuss, with a view towards finalizing, the proposed changes to Article 22bis as well as Article 14 (to make regional economic integration organizations eligible to accede) based on the consolidated proposal in the Annex of ECE/TRANS/SC.1/GE.21/18.
7. Experts agreed to the wording in paragraph 6(b) on the basis of "at least 75 per cent majority vote of Contracting Parties present and voting" subject to the EU's reservations concerning the relationship of paragraph 6(b) with the proposed article 14, paragraph 1a.
8. Experts agreed to retain paragraphs 6 (c) and 6 (d) and to delete the second version of paragraph 8 in the Annex of ECE/TRANS/SC.1/GE.21/18. The Annex attached to this report reflects the changes.
9. Experts exchanged views – with no agreement - on the relationship between a regional economic integration organization being a Contracting Party and its ability to deliver votes on behalf of its members. To this end, the secretariat was requested to seek legal opinion from the United Nations Office of Legal Affairs as to whether it is possible for a non-Contracting Party (i.e. a regional economic integration organization) to cast votes on behalf its members (which are Contracting Parties).
10. Experts also took note of "Composition and rules of procedure of the Administrative Committee" contained in Appendix of the "Proposal for Revision 3 of the 1958 Agreement" (ECE/TRANS/WP.29/2014/53, articles 6 and 9 in the Appendix) which may be of use in terms of drafting amendment proposals to Article 22bis of AETR.

B. Amendment proposals of AETR, Article 14

11. Firstly, the Group of Experts discussed revising Article 14 which currently limits accession to the AETR only to UNECE member States. The Experts expressed their

appreciation to the delegations of Algeria, Jordan, Morocco and Tunisia for participating actively in this session. The delegations requested AETR Contracting Parties to modify article 14 so they can become eligible to accede to the AETR. The following four options listed below were discussed (the text in bold indicates amendments to the existing text of paragraph 1 of Article 14), and it was noted that there was also the possibility of developing other options. The Group of Experts noted that a Contracting Party would be required to propose the relevant amendment proposal, supported by the Group of Experts, in due course in the future.

Option 1:

Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference. **Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Convention by acceding.**

Option 2:

Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 **or 11** of the Commission's terms of reference.

Option 3:

Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 **or 11** of the Commission's terms of reference. **Accessions under paragraph 11 of the Commission's terms of reference shall be limited to non-UNECE member States which are members of the Union for the Mediterranean.** (*Drafting note: subject to Secretariat checking that Algeria, Jordan, Morocco and Tunisia are members of the Union, and that the Union has a valid legal status to be referred to in the AETR.*)

Option 4:

Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference. **Such countries that may participate in certain activities of the United Nations Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference, and subject to being covered under the European Neighbourhood Policy, may become Contracting Parties to this Agreement by acceding thereto after its entry into force.**

Secondly, the Group of Experts continued its discussions on the proposal of the European Union in relation to Article 14, new paragraph 1a. It was unable to reach agreement, and agreed that this issue required further study and that accordingly, it would continue discussions thereafter at its next session.

C. Application of Regulation (EC) No. 561/2006 in the “AETR area”

12. Due to time constraints, the Group of Experts agreed to postpone discussion on this item to its next session.

D. Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014

13. The EU provided an update on Regulation No. 165/2014 which repeals Council Regulation No. 3821/85 on recording equipment in road transport and amends Regulation No. 561/2006 of the European Parliament and of the Council on the harmonization of certain social legislation relating to road transport. The EU stated that EU Regulation No. 165/2014 does not invoke a notification procedure stipulated in article 22bis. As a result, there is no need for the UNECE secretariat to notify non-EU AETR Contracting Parties.

E. Exchange of information on issuing digital tachograph cards

14. Due to time constraints, the Group of Experts agreed to postpone discussion on this item to its next session.

IV. Other business

15. The Group of Experts decided to introduce the issue of prescribed rest periods for further discussion at its next session.

V. Date and place of next meeting

16. The Group of Experts was informed of the date of its next and last meeting scheduled by the secretariat for 27 October 2014 (Monday) in Geneva.

Annex

Amended consolidated proposal for new articles 10bis and 22bis (incorporating changes and suggestions made on 2 July 2014 at the eighth 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.

Proposal to be discussed:

Article 14 is modified as follows: Possible wording of Article 14

(Accession to AETR of regional integration organizations)

Paragraph 1a is inserted:

This Agreement shall also be open for signature by regional integration organizations.

For the purpose of this Agreement, a "regional integration organization" means any organization which is constituted by sovereign States of a given region which has competence in respect of certain matters governed by this Agreement and has been duly authorized to sign and to ratify, accept, approve or accede to this Agreement.

For the purposes of amending Appendices 1, 1B, 2 and 3, the representative of a Regional Integration Organisation Contracting Party to the Agreement delivers the votes of its constituent Member States without their presence being necessary in the vote.

Paragraph 5 is modified as follows:

In respect of each State or regional integration organizations which ratifies, or accedes to, this Agreement after the deposit of the eighth instrument of ratification or accession as referred to in paragraph 4 of this Article, the Agreement shall enter into force one hundred and eighty days after the deposit by that State or regional integration organization of its instrument of ratification or accession.

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, 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.

(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 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 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.
- (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.

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
