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Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

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

Fourteenth session

Geneva, 20 February 2017

This document contains a copy of the Memorandum of Understanding between The European Commission Services and UNECE, dated 23 January 2009.

Memorandum of Understanding

between

THE EUROPEAN COMMISSION SERVICES

and

THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

The European Commission services, represented for the purpose of signing this Memorandum by Enrico GRILLO PASQUARELLI, Director for Land Transport of the Directorate-General for Energy and Transport, hereinafter referred to as 'TREN' and by Stephan LECHNER, Director of the Institute for the Protection and Security of the Citizen of the Joint Research Centre, hereinafter referred to as 'JRC',

On the one part,

and

the United Nations Economic Commission for Europe (hereinafter referred to as UNECE), Palais des Nations, CH-1211, Geneva 10, Switzerland, for the purpose of signing this Memorandum represented by Éva MOLNÁR, Director of Transport Division;

On the other part,

Hereafter collectively referred to as 'the Sides'

WHEREAS:

The major aim of the United Nations Economic Commission for Europe is to promote pan-European economic integration through, among others, setting out norms, standards and conventions to facilitate international cooperation within and outside the region.

A number of 57 legal instruments have been developed under the auspices of the UNECE to provide a commonly accepted legal and technical framework for the development of international road, rail, inland water and combined transport in the UNECE region.

The European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) of 1970 has been founded and developed under the auspices of the UNECE to safeguard minimum standards in road transport for fair competition, working conditions, and road safety, to the benefit of the society as a whole.

Since its creation in 1970, the AETR has been modified on several occasions to make it comply with technical advances, as well as to be harmonized with Community legislation so as to ensure unified social legislation and practices in road transport in the UNECE member countries at a Pan-European level.

The most recent amendment to the AETR entered into force on 16 June 2006, introducing the digital tachograph for checking more efficiently the driving times and rest periods of professional drivers. The object of this modification was to ensure continuity in harmonized conditions by the AETR and the EU legislation in this area so as to improve road safety by the use of a device which is more effective than the mechanical tachograph.

The introduction of the digital tachograph requires considerable efforts of a financial, social and institutional nature from all the Contracting Parties to the AETR. Taking into account that many of the non-EU Contracting Parties to the AETR are developing economies, it has been agreed that they would be granted a four years transition period for full implementation of the digital tachograph.

As from 16 June 2010, the digital tachograph will become mandatory for new vehicles put into service for the first time in the non-EU Contracting Parties to the AETR and the Contracting Parties should be able to issue tachograph cards as from 16 March 2010. In order to be ready for that, the non-EU Contracting Parties to the AETR will have to adopt new legislation, establish new institutions and strengthen the existing ones, and overall they will have to ensure the proper enforcement mechanism for the digital tachograph.

The Commission's Joint Research Centre (JRC) in Ispra, Italy, is currently the only body delivering two main types of services in relation with the implementation of the digital tachograph in the EU member States, namely certification operations through the European Root Certification Authority (ERCA) and interoperability certifications through its Laboratory for Interoperability Certification. With the signature of the present Memorandum of Understanding, JRC will deliver the same types of services to the non-EU countries that are Contracting Parties to the AETR.

Within the framework of certification operations, the JRC will review and approve the national policies of the non-EU Contracting Parties to the AETR, with respect to the cryptographic keys and key certificates used in the mutual authentication, secure messaging and digital signature mechanisms of the digital tachograph. The objective of the policy review process is to establish a

comparable level of security amongst all the countries which are Contracting Parties to the AETR and use the digital tachograph.

Within the framework of interoperability operations, the JRC will carry out tests on pieces of equipment needed to fully implement the digital tachograph and will issue Interoperability Certificates for them. A valid Interoperability Certificate, together with valid Functional and Security Certificates, is a pre-condition for the equipment and/or pieces of it to be type-approved by the National Type Approval Authority of the AETR Contracting Party.

Through joint efforts of UNECE and the European Commission services, new approaches can be identified and developed to assist non-EU Contracting Parties to the AETR in the smooth implementation of the digital tachograph within the deadline specified in the Agreement, thus working to the mutual benefit of both organizations and the Contracting Parties to the AETR in the achievement of their objectives.

An administrative arrangement will facilitate the interaction between the actors for more efficient and cost-effective implementation of the digital tachograph.

The Sides have expressed their mutual desire to co-operate in the field of harmonized implementation of the AETR in all the Contracting Parties to it and are for that purpose signing the present Memorandum of Understanding,

HAVE DECIDED AS FOLLOWS:

SECTION 1 – OBJECTIVE OF THE MEMORANDUM

The objective of this Memorandum of Understanding 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.

SECTION 2 – SPECIFIC ACTIONS

In order to fully achieve the objective of this Memorandum of Understanding, the Parties will take the following actions:

2.1 The United Nations Economic Commission for Europe:

- a) Acts as the AETR Authority, in charge of identifying non-EU AETR Contracting Parties' Authorities responsible for the implementation of the digital tachograph notably with respect to the cryptographic keys and key certificates used in the mutual authentication, secure messaging and digital signature mechanisms of the digital tachograph. To this end, the UNECE secretariat:
 - decides with the JRC on a form template for identification of the Authorities;

- sends the identification form, through official channels, to all non-EU Contracting Parties to the AETR;
 - receives, through official channels, the identification form duly filled-in;
 - checks the identification form received and if the form is correctly filled-in sends it to the JRC for the purpose of establishing key management services; if not, liaises with the Contracting Party to correct the situation;
 - receives from the Contracting Parties any subsequent modification of the initial identification form and sends the updated information to JRC;
 - keeps an updated database of these Authorities;
- b) Checks the cards' additional features in application of Requirement 181 of Appendix B to the AETR: 'After consulting the UN/ECE secretariat, Contracting Parties may add colors or markings, such as security features, without prejudice to the other provisions of this Appendix';
 - c) Establishes a database of approval certificates and notifications of refusal, based on information received from each Contracting Party, in the light of Article 4 of the Annex to the AETR;
 - d) Establishes a database of the approved fitters and workshops and the cards issued to them, based on lists sent officially by the competent authorities of each Contracting Party and makes data available to all the other Contracting Parties;
 - e) Monitors the type approval disputes in the non-EU Contracting Parties to the AETR, based on information sent by the Contracting Parties' competent authorities;
 - f) Guides the non-EU Contracting Parties to the AETR in their efforts to implement the digital tachograph and helps them identify, in the EU countries, partners they could cooperate with in these efforts;
 - g) Establishes a database of the Contracting Parties that are able to implement on their territories the provisions relating to the digital control device in conformity with Appendix 1B before the expiry of the four-year deadline;
 - h) Acts as a contact point for the AETR-EU Risk Management Group when it has to deal with non- EU Contracting Parties to the AETR;
 - i) Informs officially each Contracting Party of the necessity - for the digital tachograph system to be implemented by the end of the transition period - to have a single AETR Root Certification Authority (AETR- RCA) established, which will be the EU-ERCA (EC- DG JRC);
 - j) Supports the establishment of a UNECE Trust Fund based on voluntary contributions from donor community and AETR Contracting Parties aimed at funding technical assistance activities for the implementation of the digital tachograph and covering, if necessary, costs related to the functioning of the European Root Certification Authority (ERCA) of the cryptographic key management infrastructure supporting the digital tachograph system;

2.2 The European Commission services

- a) are responsible for the European Root Certification Authority (ERCA) of the cryptographic key management infrastructure supporting the digital tachograph system;
- b) are responsible, until 30 June 2012, for the AETR Root Certification Authority (AETR- RCA); in this capacity, the JRC performs all the relevant tasks provided for in the AETR

without financial implications from the UNECE and applying the same conditions for the non-EU Contracting Parties to the AETR and applicants as those applied for the EU ones;

c) contributes, notably in the framework of UNECE's Working Party on Road Transport (SC.1) and in close collaboration with the UNECE Secretariat:

- to capacity-building in non-EU Contracting Parties to the AETR notably for developing Risk Management procedures with an emphasis on risk assessment capabilities;
- to facilitating exchanges of experts and experience through seminars or workshops, organized notably in the framework of UNECE's Working Party on Road Transport (SC.1) but also in the non-EU Contracting Parties to the AETR, for the implementation of the digital tachograph.

- 2.3 The UNECE and European Commission services will contribute to smooth sustainability and further development of the system after 30 June 2012.

SECTION 3 – EVALUATION OF THE COLLABORATION

- 3.1 The Sides will meet at least once a year to evaluate past activities, develop detailed plans for future co-operative projects, and discuss any matter concerning the implementation of the present Memorandum of Understanding. To this end, the UNECE and the Commission services will each designate one person to serve as its co-ordinator with responsibility for the respective planning. The co-ordinators will equally be free to nominate any other members to represent them or to attend meetings. The meetings are prepared by the co-ordinators.
- 3.2 The co-ordinators for the Commission services will be: Szabolcs Schmidt, Head of Unit TREN/E1 and Thomas Hartung, Head of Unit JRC/G7.
- The co-ordinator for the UNECE will be: Virginia Tanase, Economic Affairs Officer, Transport Division.
- 3.3 All correspondence under this Memorandum shall be sent to the co-ordinators.
- 3.4 The Sides will communicate to each other in writing any changes with regard to the above-mentioned co-ordinators.

SECTION 4 – FUNDS

The Sides will finance themselves their activities.

SECTION 5 – RECOGNITION OF JRC AS THE AETR AUTHORITY

UNECE recognizes the JRC as the AETR Authority for Root Certification and for Interoperability Certification for the non-EU Contracting Parties to the AETR.

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

Date: 23 January 2009
Place: Geneva



Éva MOLNÁR

EUROPEAN COMMISSION SERVICES

Date: 17 Dec 2008
Place: Bruxelles



Enrico GRILLO PASQUARELLI

Date: 12.01.09
Place:



Stephan LECHNER