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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport
(Ninety-fourth session, 14-16 November 2000,
agenda item 4(b))

**HARMONIZATION OF REQUIREMENTS CONCERNING
INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION**

**Development of provisions on the facilitation of
international road transport (R.E.4)**

Note by the secretariat

1. At its ninety-third session (19-21 October 2000), the Working Party on Road Transport was informed that the Ad hoc Working Group on the Revision of the Consolidated Resolution on the Facilitation of International Road Transport (R.E.4) had met in Geneva on 25-26 March 1999 under the chairmanship of Mr. M.C. Urlan (Romania). The Group, comprising delegates of Romania, Russian Federation and Switzerland and representatives of the European Commission and the International Road Transport Union (IRU), had agreed to a new draft text contained in TRANS/SC.1/1999/2 which incorporated additional comments and proposals from the World Trade Organization, the European Commission and the Council of Bureaux of the Green Card System.
2. The Working Party discussed the new revised version of R.E.4 and thanked the Ad hoc Working Group for its work. While recognising that R.E.4 was of a Recommendation character and therefore not legally binding, it decided that it was not yet in a position to forward the draft to

the Inland Transport Committee for adoption, since many Governments had not had the opportunity to examine the text in detail.

3. The Working Party felt that more cooperation was required with other organizations active in developing legal documents for the facilitation of road transport, such as the European Conference of Ministries of Transport (ECMT) and the European Commission, in order to ensure that efforts were not duplicated and results harmonized. Moreover, the Working Party felt, with regard to the prepared draft, that all member Governments should have an opportunity to comment on it. It was also noted in that connection that many matters dealt with in R.E.4 were the responsibility of different national agencies, such as customs authorities, police, etc. which meant that the process of collecting comments would take longer.

4. The representative of the ECMT informed the Working Party that the Road Transport Group of the ECMT was working on the revision of the 1994 ECMT resolution on international transport of goods by road and that the final draft would be presented to the next Council of Ministers in Prague in May 2000. The difference between the ECE and ECMT resolutions was that the ECMT resolution just dealt with goods transport whereas R.E.4 covered all aspects of international road transport. The representative of the ECMT gave details of some reservations which Governments had already expressed to elements of the ECMT resolution. In order to better coordinate work in the future, she invited the secretariat to participate in the relevant ECMT meetings on this subject.

5. Concluding, the Working Party requested the secretariat to send again the draft to all ECE member Governments and ask them to provide their comments by the end of February 2000. The secretariat was requested to prepare a document for the ninety-fourth session of SC.1 in November 2000 based on the responses received.

6. Replies from Austria, Belarus, Czech Republic, Denmark, Estonia, Norway, Poland, Portugal, Romania, Russian Federation, Switzerland and Turkey are reproduced below.

* * *

AUSTRIA

7. The Federal Ministry of Science and Transport states that the report, in numerous items, is in contradiction with some of the most important basic features and priorities of Austrian transport policy. The report, in some of its items, also strongly affects bilateral and multilateral agreements which have been concluded between Austria and other countries, and also certain regulations at the EU level, like the ecopoint system.

8. The suggestion to relax limitations imposed by authorization systems given in item 3.2 is much wider than the respective definitions in existing bilateral road transport agreements between

Austria and other countries, including the EU ecopoint system, and is therefore contrary to existing legislation in Austria and the European Union.

9. The same is true for the item 2.2.2 “shuttle services” and 2.2.3 “occasional services”. The provisions foreseen in the draft revision of R.E.4 strongly affect respective bilateral agreements.

10. Furthermore, any liberalization in the road transport sector in Austria is linked to the strict compliance of the fleet of road vehicles to modern technical environment and safety standards. This principle cannot be found anywhere in the draft. Non liberalized transport is subject to a bi- and multilateral licence system which is agreed on a bilateral or multilateral basis (e.g. ECMT).

11. The system described and proposed in this draft is completely different and could therefore not be accepted by Austria.

12. The principle of a multimodal approach and the promotion of environmentally friendly modes of transport, which is pursued by Austrian transport policy and which also influences bi- and multilateral systems in road transport is not reflected at all in the draft.

13. In paragraph 7 of the report (TRANS/SC.1/1999/2), freedom of transit is mentioned. This is, however, stated in article V of the GATT Agreement and not in the GATS Agreement.

14. The connection between the GATS agreement and the R.E.4 seems problematic because the GATS Agreement does not exist on the basis of reciprocity. From the Austrian point of view, total freedom of transit does not seem to be feasible since in Austria a certain restriction of transit traffic is carried out under the ecopoint system.

15. For the reasons mentioned above and as the problems concern essential elements of the Resolution, Austria puts forward a general reservation to the whole Resolution. Austria is not in a position to apply these rules.

BELARUS

16. The Ministry of Transport and Communications of the Republic of Belarus, together with other Belarusian ministries concerned, has considered in detail the new draft of the Consolidated Resolution on the Facilitation of International Road Transport, and wishes to make the following comments and proposals.

17. In paragraph 1.2.1.7 Belarus suggests deleting "... in compensation for environmental damage in the country concerned..." since such damage is impossible to assess.

18. In paragraph 1.2.1.10, Belarus suggests the reference should be not only to bilateral but also to transit transport operations.

19. At the end of paragraph 1.2.1.11, after the words "multilateral agreements", Belarus suggests adding "... permitting such transport without authorizations".
20. The meaning of the expression "financial charges" in paragraph 1.2.1.12.1 must be clarified.
21. In paragraph 1.2.1.14.4, given the content of the paragraph, Belarus suggests the reference should be to State borders.
22. Belarus considers it essential to put the information referred to in paragraphs 2.2.1.4.4, 2.2.1.4.5, 2.2.1.4.6 and 2.2.1.4.7 into an annex to the authorization.
23. The information referred to in paragraphs 2.2.2.4.3, 2.2.2.4.4 and 2.2.2.4.5 ought to be put into an annex to the authorization.
24. Paragraph 2.2.3.4 makes reference to a non-existent paragraph 2.2.3.3.3.
25. In paragraph 3.1.8 Belarus suggests deleting the closing phrase: "... regardless of whether or not it transits its country of registration".
26. Belarus hereby enters a reservation to paragraph 3.2.2.14.
27. To paragraph 3.2.3, Belarus suggests adding the following: "With a view to the liberalization of the authorization system for transport to or from third countries, Governments should place no restrictions on such transport under ordinary authorizations provided the traffic transits through the country where the vehicle is registered."
28. Paragraph 3.2.7 requires clarification.
29. Regarding paragraphs 1.4 and 1.5 of annex 3, "Registration of vehicles", it is necessary to point out that under Belarusian State Standard STB 914-99, which came into effect on 1 March 2000, provisionally registered vehicles are issued with metal numberplates of normal size displaying a black letter "T" on a vertical red bar. The duration of the provisional registration is shown in the registration certificate.

CZECH REPUBLIC

30. The Ministry of Transport and Communications of the Czech Republic would first of all like to stress that in principle it agrees with the new proposal, but there are some points which are not in conformity with national or international laws and regulations in force within Europe. In practice, it is very difficult to ensure, for example, point 1.2.1.13 as well as to grant "freedom of transit" due to bilateral agreements currently in force.

31. A similar situation concerns article 3.2.2. The Czech Republic has signed and concluded more than 30 bilateral agreements, a majority of which cover transport operations excluded from the permits regime. Points 3.2.2.1, 3.2.2.3 or 3.2.2.14, 3.2.2.16 and 3.2.2.17 are included in some of them.

32. So the Czech Republic has to enter a reservation on these points of the proposal. Nevertheless, it is ready to accept such provisions on a bilateral or multilateral basis, but always based on the principle of reciprocity.

DENMARK

33. The Ministry of Transport of Denmark can inform the Working Party on Road Transport that it is in fundamental agreement with the suggested text.

34. However, concerning goods transport and the examples of types of transport which governments should not make subject to an authorization, item 3.2.2, Denmark does not agree with the exceptions 3.2.2.15, 3.2.2.16 and 3.2.2.17.

35. The given exceptions are not used at the present time in any other connection concerning multilateral international transport.

36. Denmark therefore finds that the text should use the same list of exceptions as is already used in, for example, ECMT regulations and that the three items should be deleted.

ESTONIA

37. The Ministry of Transport and Communications of the Republic of Estonia has examined the text of the new draft R.E.4 (TRANS/SC.1/1999/2) in detail and does not have any comments.

NORWAY

38. The Norwegian Ministry of Transport and Communications has reviewed the new proposed text of the Consolidated Resolution on the Facilitation of International Road Transport and informs the Working Party on Road Transport that it has no comments on the proposed text.

POLAND

39. In the second part (Passenger Transport) and in the third part (Goods Transport), there is no definition of transport "on own account".

40. In the second part (Passenger Transport)(point 2.1), there are no definitions of "cabotage" and "transit".

41. At the end of the definition of “shuttle services” (point 2.1.4), the following phrase should be inserted: “...the surrounding localities **within a radius of 50 km.**”
42. Poland proposes that point 3.2.2.5 should read as follows: “Carriage of articles required for medical care in emergencies, e.g. for natural disasters or **humanitarian needs**”.
43. Poland proposes that point 3.2.2.7 should read as follows: “Carriage for non-commercial purposes of works and objects of art for fairs and exhibitions”.
44. Poland proposes that point 3.2.2.10 should read as follows: “Carriage of mail **as a public service**”.
45. The above-listed proposals are based on the current regulations of the European Union and the provisions of the INTERBUS Agreement on the occasional carriage of passengers by buses and are compatible with the direction of the work on the revision of the ECMT Resolution of 1994 mentioned in the revised text of R.E.4.

PORTUGAL

46. Taking into account that other international organizations have been contacted for advice on the matter, Portugal feels that it could be very advantageous to have ECMT’s views on the subject, since there is currently work under way on the revision of the Resolution on the Facilitation of International Road Transport of Goods, which will replace the consolidated resolution of 1994.
47. Concerning 1.2.1.6 (multiple entry visas) the work carried out by ECMT in this field should also be taken into account to avoid duplication, namely Recommendation 98(9), adopted at the Copenhagen Council of Ministers, on multiple entry visas.
48. Regarding freedom of transit (1.2.1.12 to 1.2.1.15), it should be noted that many European countries apply temporary restrictions (e.g. on weekends) on the circulation of goods vehicles on major traffic arteries (“E” Roads). Therefore, Portugal would be in favour of adding a new paragraph, after 1.2.1.14 saying that: “However, when specific time restrictions are applied, the respective Government shall endeavour to harmonize the restriction period with those applied in neighbouring countries and give notice of any change in such restriction periods within a reasonable delay to the other countries”.
49. Regarding international passenger transport, Portugal is in favour of a definition of own account transport, as exists at Community level - Regulation (EEC) no. 684/92 - and would like it to be subject to an authorization, or at least a certificate, given the importance that this kind of activity still has in our country and the negative effects it has on road safety (non-appliance of AETR provisions, for example).

50. Regarding international goods transport, Portugal considers that there should be a distinction between transport subject to an authorization, on a non-quota basis, and transport not subject to such an authorization.
51. Concerning paragraph 3.1.3, “the vehicle can be property...”, Portugal feels that “can” is too soft a word, and would be in favour of the use of “must” reading as follows: “the vehicle *must* be the property of a carrier or *must* be put at its disposal through a hiring or leasing contract”.
52. 3.2.2.1 – Concerning this type of transport, Portugal feels that an authorization is needed, although not subject to quota, to verify that the vehicle complies with ATP dispositions and holds an ATP Certificate.
53. 3.2.2.14 – Given the number of transport activities on own account in Portugal, Portugal feels that the transport service should always be subject to an authorization.
54. 3.2.2.15, 16 and 17 – This type of transport (cross-frontier goods transport, roll-on-off and piggy-back transport) should also be subject to an authorization, although not on a quota basis.
55. 3.2.4 – Although Portugal agrees that no quantitative restriction should apply to the speedy issue of an international household removal, this authorization should be issued according to certain parameters, and therefore Portugal suggests taking advantage of the work done by ECMT on the same subject.
56. 3.2.8 – Model of authorization – Portugal does not favour the adoption of a compulsory model, but feels that the reading of paragraphs 3.2.8.1 to 3.2.8.6 is flexible enough to allow for possible changes in the information shown in the model, provided the numbering and sequence of information is preserved. Portugal also thinks that the main information is identical to the information contained in the certified copy of the community licence, which is used as an authorization for international traffic within the European Union market.

ROMANIA

57. As the current document was based on a draft prepared in coordination with the International Road Transport Union (IRU) and Romania, Romania is waiting for other points of view on its content. However, based on recent developments in international road transport – Romania submits the following two new proposals related to the “definitions” chapter:
58. 2.2.4/3.1.9 – “Vignette” means a document which may replace or complement the transport permit/authorization. It could be issued, subject to cost, for different periods of time (such as one day, one week, one or more months, one year, etc.) and gives the right to use the road network located on the territory where it is valid.

59. 3.1.10 – “Lorry weight certificate” means a document showing the necessary data concerning the weight and dimensions of a vehicle involved in international transport operations, and it avoids the repeating of measurements along the whole itinerary, border crossing points included.

60. These new proposals result from the fact that the “vignette” system is already in operation in different countries, but there is no definition yet. As far as the “certificate for weight and dimensions measurements” is concerned, it is to be introduced among the SECI countries (most probably this year) and it is also proposed as an amendment to the International Convention on the Harmonization of Frontier Controls of Goods.

61. In this respect, please find attached a proposed annex to R.E.4 with a model form for the “road vehicle weight and dimensions certificate”, and diagrams of types of vehicle combinations as shown in this certificate.

RUSSIAN FEDERATION

The Ministry of Transport of the Russian Federation has considered the new revision of the Consolidated Resolution on the Facilitation of International Road Transport (R.E.4) and transmits herewith the following observations.

62. Paragraph 1.2.1.7 – the Russian Federation suggests adding the following:

"In the event of reciprocal exemption from tolls under bilateral agreements, no such tolls may be levied."

63. The Russian Federation considers that paragraph 2.2.2.5.1 should be deleted, since the bilateral agreements on international road traffic currently in force in the Russian Federation make no provision for the facilities it mentions.

64. Paragraph 2.2.2.5.2 - amend to read as follows:

"The holder of an authorization may be authorized to take up passengers during the outward journey provided that they are taken up at places situated in the territory of the State from which the service departs and set down along the route in the territory of the other State."

65. Paragraph 2.2.2.5.3 - at the beginning insert "By special authorization ..."

Under domestic Russian legislation such journeys are classified as journeys to/from third countries, and may be made by special authorization.

66. The Russian Federation proposes the deletion of paragraphs 3.2.2.1 to 3.2.2.3, 3.2.2.12, 3.2.2.14 to 3.2.2.17 and 3.2.4 since the forms of transport they refer to take place under authorizations in the Russian Federation.

67. Paragraphs 3.2.2.8 and 3.2.2.9 – the Russian Federation suggests adding "provided they are subsequently transported back" at the end of each.

SWITZERLAND

68. One of Switzerland's principal objectives in the field of transport, is to transfer goods traffic crossing the Alps to rail, as much as possible. To attain this objective, the Government has, among other measures:

- introduced a tax for heavy goods vehicles which is proportional to the services provided (RPLP). This tax applies 'le principe de la causalité' to heavy road traffic, i.e., he who drives a lot pays more. It is calculated based on the number of kilometers driven on Swiss territory and applies to internal traffic as well as transit or bilateral traffic. This tax is rooted in the agreement on road transport negotiated with the European Union.
- maintenance of the ban on driving on Sundays and at night between 10.00 p.m. and 5.00 a.m.

69. These non-discrimination measures apply to Swiss vehicles as well as vehicles of other countries.

70. Given the above, Switzerland cannot accept the too rigid text of paragraph 1.2.1.12 as written concerning exoneration from taxes and restrictions applied to transit traffic. The text should be more flexible.

71. Switzerland suggests, in addition, making more flexible or deleting paragraph 1.2.1.12.1, in such a way as not to hinder the above-noted objectives.

72. Paragraph 3.2.2.2 – Swiss veterinary authorities anticipate banning the road transport in Switzerland of animals with hooves. Switzerland therefore has to enter a reservation on this paragraph.

73. Paragraphs 3.2.2.15 and 3.2.2.16 – given Switzerland's total surface area, Swiss legislation only delimits a cross-frontier zone of 10 kilometers in width and a radius of 30 kilometers (combined transport). Switzerland therefore enters a reservation on these two paragraphs.

74. Paragraph 3.2.3 – Switzerland has signed numerous bilateral agreements with other countries which allow transport in third country traffic without authorisation, a modification of this paragraph is proposed as follows:

“Transport in third country traffic as defined in paragraph 3.1.8 above is permitted. A special authorization issued by the competent authorities of the countries concerned may be required.”

75. Paragraphs 3.2.8, 3.2.8.1, 3.2.8.2 and 3.2.8.3 – the idea of creating a model form has already been examined by the ECMT road transport group which does not consider it useful to pursue such work. Switzerland, therefore, proposes deleting paragraphs 3.2.8, 3.2.8.1, 3.2.8.2 and 3.2.8.3 as well as annex 1 of the document TRANS/SC.1/1999/2.

TURKEY

76. Turkey does not agree with article “3.2.2.14 - Carriage of goods for own account” among liberalized carriage which is stated in section 3 of the carriage of goods. Excluding this article, Turkey finds the document applicable for road transport.
