



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/SC.1/388
27 January 2010

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Transport

**REPORT OF THE WORKING PARTY ON ROAD
TRANSPORT ON ITS ONE HUNDRED-AND-FOURTH SESSION
(Geneva, 19-21 October 2009)**

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I. ATTENDANCE

1. The Working Party on Road Transport (SC.1) held its 104th session in Geneva from 19 to 21 October 2009 under the chairmanship of Mr. Cornelis Bob Oudshoorn (Netherlands). The following United Nations Economic Commission for Europe (UNECE) member States were represented in the meeting: Belarus, Bulgaria, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Kazakhstan, Latvia, Republic of Moldova, Netherlands, Norway, Portugal, Romania, Russian Federation, Sweden, Switzerland, Turkey and Ukraine.

2. The European Commission (EC) and the following non-governmental organizations (NGOs) were also represented: Council of Bureaux of the Green Card System, International Road Transport Union (IRU), the Confederation of Organizations in Road Transport Enforcement (CORTE) and VDO Automotive AG as an observer.

II. INTRODUCTION

3. Mr. M. Adamantiadis, Head of Section, welcomed the participants on behalf of the Director of the Transport Division. He informed of the main developments that have taken place as well as on the follow-up to the tasks entrusted to the secretariat by the 103rd session of the Working Party. He also appealed to the Working Party to convey an invitation and encouragement to the relevant authorities in the member countries to participate in the 2010 E-Roads Traffic Census, which is an important statistical tool and only takes place every five years.

III. ADOPTION OF THE AGENDA (Agenda item 1)

Document: ECE/TRANS/SC.1/387

4. The agenda was adopted with minor technical amendments.

IV. ADOPTION OF THE REPORT OF THE ONE-HUNDRED-AND-THIRD SESSION (Agenda item 2)

Document: ECE/TRANS/SC.1/386 and Add.1

5. The Working Party adopted the report of its 103rd session without amendment.

V. ACTIVITIES AND DEVELOPMENTS OF INTEREST TO THE WORKING PARTY (Agenda item 3)

A. Inland Transport Committee and its subsidiary bodies

Document: ECE/TRANS/206

6. The secretariat informed of the decisions taken by the Inland Transport Committee (ITC) at its seventy-first session (24-26 February 2008) of relevance to the Working Party.

7. The ITC requested its subsidiary bodies, including SC.1, to review and further improve mechanisms for monitoring the implementation of their respective legal instruments in 2009 and the secretariat to prepare a status report for consideration at the next session of ITC.

8. The ITC reiterated its support to the Trans-European North-South Motorway (TEM) and Trans-European Railway (TER) Projects' activities, and invited the Governments of Eastern and South-Eastern European countries that are not yet members to the TEM and TER Projects to consider full participation in the projects and signing the respective Cooperation Agreements.

9. The ITC requested its subsidiary bodies, including SC.1, to address the subject of global warming and transport, as appropriate, within their work, and the secretariat to ensure the necessary coordination and backstopping of the activities related to global warming and transport.

10. The ITC approved an expert group report on the methodological basis for the definition of common criteria regarding bottlenecks, missing links and quality of service in infrastructure networks, which can be downloaded at <http://www.unece.org/trans/doc/2009/wp5/ECE-TRANS-205e.pdf>.

B. International organizations

11. The representative of the EC informed the Working Party of a number of workshops and training seminars on social legislation that were carried out in France, Morocco, Spain, and Ukraine including Technical Assistance Information Exchange (TAIEX) multi country experts meetings.

12. The representative of the EC informed of the most recent Report from the Commission-“Analysing the penalties for serious infringements against the social rules in transport, as provided for in the legislation of the member States”, which can be downloaded at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0225:EN:NOT>.

13. He also introduced the main legislative changes in the EU law that are relevant to the SC.1, as (some of) their provisions must be reproduced in Appendix 1B to the Annex of the European Agreement on the Work of Crews of Vehicles engaged in International Road Transport (AETR):

- (a) Commission Directive 2009/5 is categorizing the infringements in three levels: minor, serious and very serious infringements. The severity of an infringement depends on its influence on road safety. Actions that make monitoring compliance with social legislation impossible, such as fraud on the tachograph, are classified as very serious;
- (b) Commission Regulation 68/2009: under certain circumstances, M1 or N1 type vehicles may be required to use recording equipment. The Regulation introduces the possibility to use an adaptor in order to install the recording equipment in these vehicles;
- (c) Commission Regulation 1266/2009 aims at improving the operation, security and functionality of the current generation of digital tachograph, concerning in particular: homologation of components, company locks, character sets and manufacturer and

country codes, test specifications of print paper, calibration and inspection data, protection of motion sensor, card issuing, and manual entries.

14. The representative of the IRU shared with the Working Party his organization's concerns linked with the impact of the continuing global crisis on the transport industry: domestic road transport decreased by 20 per cent while the decline in international road transport was even more significant; employment of drivers decreased by 15 per cent; and purchase of new vehicles fell by 30 per cent. Although forecasts remain difficult in the current situation, the road transport industry does not expect a recovery in the sector, with normal growth rates of 1.5 per cent, before 2011 at the earliest.

15. In addition, the IRU gave information about other activities, of which an analysis of the historic ruling of the first ever Dispute Settlement Panel on the Panama vs. Colombia case on the implementation of General Agreement on Tariffs and Trade (GATT) Article V on the Freedom of Transit. According to the IRU the Article in its present form guarantees unlimited freedom of transit for road transport operations if properly implemented. The full information given by the IRU is contained in Informal document no. 7/2009. The IRU gave a presentation on its web-based interactive application TRANSPark, which can be downloaded at <http://www.unece.org/trans/main/sc1/pres104.html>.

C. National delegations

16. The representative of Hungary informed the Working Party of the enforcement of a new Decree setting penalties on all infringements of road rules, including driving and rest periods. Hungary joined the TachoNET system in October 2009.

17. The representative of Turkey informed of national developments of interest to the Working Party.

18. Regarding market access and access to the profession: as a result of an effort which started in 2003, the entire international and nearly 98 per cent of the domestic road transport operators have been licensed. The certification of professional competence (CPC) for professional drivers, medium and high level managers operating in road transport sector is almost completed, with about 1.9 million certificates issued. There are 176 authorized institutions providing training for CPC.

19. Regarding road safety: a Ministerial Decree was published on 19 March 2009 concerning the gradual withdrawal of old motor vehicles from traffic. In a first stage, the motor-vehicles which are older than 30 years and whose permissible maximum weights are more than 3,500 kg in freight transport, and buses which have more than 16 seats including the driver will be withdrawn from the market. The owners of vehicles will be paid through a fund established by the Ministry of Transport. Eventually, 160,000 vehicles over 30 years old will be removed from the domestic market.

20. A Public Service Concession Agreement for 20 years for the construction and operation of new modern vehicle inspection stations was signed with a Consortium in 2007. As a result, there were 189 fixed and 78 mobile inspection stations operating in 81 cities throughout the country as

of September 2009. Due to the high quality inspections with modern equipments, in 2008, 36 per cent of the vehicles inspected were rejected because they did not comply with the norms and sent to the repair-shops.

21. A new project for constructing the Weight and Dimension Control Stations (WDC) with high technology equipments is under way. In this regard, 24 fixed control stations have been established with a view to increasing the quantity and quality of inspections. Moreover, 200 mobile weighing scales have been purchased and distributed to the Regional Offices of the MoT as well as national police which are also in charge of inspection. Furthermore, a comprehensive investment plan has been prepared for increasing the number of control stations up to 160 until the year 2020. All these WDC Stations will be located on the international axes and heavy-traffic arteries mainly used by heavy-good vehicles. As a result of these improvements there has been a substantial increase in the number of inspections, aiming to improve road safety and reduce the damages on the road infrastructure.

22. Regarding the improvement of road infrastructure, based on an Urgent Action Plan put into practice by the Government, the construction of 16,700 km of dual carriage ways has been completed until now. Under this programme, it is targeted to reach a number of 22,500 kms until the end of 2012. This progress will improve road safety significantly by reducing the number of accidents.

VI. EUROPEAN AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL ROAD TRANSPORT (AETR) (Agenda item 4)

23. The Working Party considered in a favorable spirit the opening of the AETR to non-UNECE countries as they may benefit from the work already done in the UNECE and its experience. To this end and as a first step, the SC.1 mandated the secretariat to draft a brochure containing the basic principles of AETR and distribute it with priority to the other United Nations Regional Commissions, which would then spread it among their member countries.

24. The Working Party urged countries to send data about the implementation of AETR in their countries, in order to fulfil their obligation deriving from that legal instrument.

A. Implementation of the digital tachograph

Documents: ECE/TRANS/SC.1/2009/1, ECE/TRANS/SC.1/AC.6/8, ECE/TRANS/SC.1/2006/9

25. The secretariat informed that Croatia was implementing the digital tachograph according to the provisions of AETR. By that, Croatia provides an example of a non-EU Contracting Party to the AETR that was able to carry out all its obligations within a relatively short period of time.

26. The secretariat informed the Working Party that Amendment 6 of AETR should come into effect on 21 December 2009 (unfortunately, the information was infirmed by developments that took place after the session).

27. The European Commission clarified the fact that from 16 June 2010 the digital tachograph will be required for newly registered trucks and busses. Such vehicles registered before that date will be able to circulate in the EU without restrictions.

28. All delegates supported the deadline for the introduction of the digital tachograph (16 June 2010). However, the delegations from non-EU Contracting Parties to the AETR mentioned the problems they had in meeting the deadline: the competent authority for the implementation was not yet designated (Turkey), the economic crisis and its impact on the national economy (Belarus), organizational issues (Ukraine, Russian Federation).

29. Taking into account that no formal postponement of the deadline is feasible, because of the limited possibilities to amend the AETR, it was suggested that bilateral agreements be negotiated between the Contracting Parties and, if an agreement is not reached, then an extraordinary session of the Working Party should be convened.

30. To facilitate cooperation between countries in finding an agreement on this issue, the secretariat offered to convene the ad hoc group of experts on the implementation of the digital tachograph by non-EU Contracting Parties to the AETR on 26 February 2010 back-to-back with the seventy-second session of the ITC. In preparation of that meeting, Belarus, Republic of Moldova, the Russian Federation and Ukraine proposed a contingency plan outlining their vision about the problems and obstacles related to the implementation of the digital tachograph for the consideration of the group. The proposals are reproduced in Annex I to the present report.

31. It was pointed out that the assistance programmes put in place by the EC were appreciated but still not sufficient; ideally, non-EU countries would welcome receiving experts that would reside in those countries for several months and assist in the implementation of the digital tachograph. The representative of the EC informed in detail about the possibility offered to non-EU countries to request bilateral and multilateral seminars, workshops and assistance, as well as short and long-term expert assistance in the introduction of the digital tachograph through the local TAIEX office.

32. The representative of Portugal explained that in her country the implementation of digital tachograph had been delayed by six months after the deadline for EU members. To avoid negative consequences during that delay (drivers and companies being fined), Portugal had to negotiate bilaterally with neighbouring countries. She explained that her country's major problem was to identify the competent authority and issue cards, and she kindly offered to assist countries such as Turkey, to the extent possible, in the implementation of the digital tachograph.

33. Some delegations considered the replies from the United Nations Office of Legal Affairs satisfactory but still lacking clarity; they were also of the opinion that article 22bis of the AETR was in conflict with the preamble of AETR.

34. As a consequence, the Working Party decided to include in its agenda for the 105th session the revision of article 22bis (AETR) according to the proposal contained in Annex I of the present report.

35. The Working Party also decided to include in its agenda for the 105th session a debate on which legal instrument should prevail in a transport between two EU member States: EU law or the AETR. The specific example given was that of a Russian truck going from Russia to Lithuania (trip covered by the AETR) and further going from Lithuania to Estonia (is this trip covered by the EU legal instruments or by the AETR, knowing that neither country had introduced reservations to AETR when they adhered to the EU?).

36. The representatives of the private sector actively participated in the discussion. The representative of the IRU stated that they had carried out a research and issued a report which showed that non compliance with the deadline would be economically damaging and have a negative effects on the trade in EU countries. He strongly supported the proposal to approve a contingency plan to be put in place in case countries do not meet the deadline. The Working Party invited the IRU to share the results of this research.

37. The representative of Continental informed the Working Party that they were preparing and doing their part to modify their products to meet the needs of non-EU Contracting Parties to AETR in implementing the digital tachograph. The preparations include training their national representatives at headquarters and more intensive cooperation with vehicle manufacturers.

38. A question by the secretariat on whether Amendment 5 had been transposed in the national legislation of the countries participating in SC.1 remained without explicit answers.

39. The Working Party mandated its Chairman to represent its interests in the meeting of the Committee on Social Legislation in Brussels on 26 October 2009.

40. The secretariat and the Confederation of Organizations in Road Transport Enforcement (CORTE) organized a special meeting dedicated to the implementation of the digital tachograph on 22 October 2009, immediately after the SC.1 session. Experts from CORTE secretariat and from EU member States, as well as the representative of the IRU, gave comprehensive and highly professional presentations, which can be downloaded at http://www.unece.org/trans/main/sc1/session_oct2009.html. Only four non-EU Contracting Parties to AETR had sent experts from their capitals and one was represented by its Permanent Mission in Geneva.

41. Following presentations and exchanges of views on practicalities of the implementation of the digital tachograph, it appeared that the interpretation of the EU national experts (notably enforcement officers) was different from the statement given by the EC as contained in paragraph 27 of this report.

42. Hence, the participants requested the secretariat to ask the EC for clarifications on the status of vehicles equipped with a digital tachograph registered on 16 June 2010 in a non-EU country which will however not be able to issue cards at that date. Will those vehicles still be accepted in international transport, as is the case today, especially in EU member States?

VII. ROAD TRANSPORT INFRASTRUCTURE (Agenda item 5)

A. European Agreement on Main International Traffic Arteries (AGR)

Document: ECE/TRANS/SC.1/384

43. The Working Party had a general exchange of views on whether the European Agreement on Main International Traffic Arteries (AGR) should be amended to include standardization of urban roads because more and more people live in urban areas and to take into account the road traffic safety aspects in cities.

44. The general view was that such an action would be almost impossible because of the way responsibilities are shared at national levels: most typically international roads are the responsibility of the central/federal government, while urban roads are the responsibility of the local authorities.

1. Status of prior amendments to the AGR

45. The Working Party was informed by the secretariat that the amendment to Annex I to AGR adopted by the SC.1 at its 103rd session would enter into force on 14 January 2010.

2. Consideration of new proposals for amendments to the AGR

Document: ECE/TRANS/SC.1/2009/2, ECE/TRANS/SC.1/2009/3, TRANS/SC.1/2005/5

46. The Working Party accepted the amendment to Annex I of the AGR proposed by Turkey (ECE/TRANS/SC.1/2009/3). In addition, SC.1 agreed to consider and approve additional amendments proposed to Annex I of the AGR in informal documents prepared by Hungary, Norway and Sweden, respectively. The approved proposals are contained in Annex II to the present report.

47. The Working Party decided to start an amendment process of the AGR to include procedures relating to road safety impact assessments, road safety audits, the management of road network safety, as well as safety inspections in the Agreement. The possibilities to achieve this process were discussed at length; eventually it was decided that road safety audits would be introduced in the AGR, as an annex to it. The secretariat shall prepare the appropriate document for the next session of SC.1, based on Directive 2008/96/EC.

48. During the debate, it was recalled that it was the responsibility of the Governments to provide road safety. However, this requires significant will, commitment, efforts and funds. Even the World Bank is not too strict in its rules concerning the allotment of a percentage of infrastructure projects for road safety.

49. It was also pointed out that issues like the road safety component of infrastructure projects and its financing are of fundamental importance, but they are not within the competencies of SC.1.

50. It was therefore agreed to develop synergies with other working parties of the UNECE. As a first step, the SC.1 decided to propose to the Working Party on Road Traffic Safety (WP.1), a one-day long joint session, on 29 September 2009, to discuss issues of common interest. The agenda of the joint session would contain two substance issues and the item to be proposed by the SC.1 will be the creation of a small expert group from both working parties to deal with issues such as road safety audits for infrastructure.

51. The secretariat will prepare a letter with these proposals and send it, on behalf of SC.1, to the Chairperson of the WP.1.

B. Trans-European North-South Motorway (TEM) Project

Document: ECE/TRANS/SC.1/2009/4

52. The Working Party took note of progress made since its last session on the development of the TEM Project and decided to invite a TEM representative to its next session to give a presentation on TEMSTAT.

53. The secretariat made an appeal to the member governments to propose candidates for the post of TEM project manager.

VIII. HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION (Agenda item 6)

A. Proposal for a global multilateral agreement on the international regular transport of passengers by coach and bus (*OmniBUS*)

Document: ECE/TRANS/SC.1/2008/4

54. The delegate of IRU made a presentation on *OmniBUS* and stated that studies conducted had proved that travelling by bus and coach reduced CO₂ emissions and road fatalities and was environmentally friendly compared to travelling by rail or air. He also stated that a bilateral agreement had been reached to have the harmonization of international transport make reference to EU regulations and national regulation.

55. The Working Party decided to include the proposal of multilateral agreement on the international regular transport of passengers by bus and coach (*OmniBUS*) on the agenda for its next meeting, and to create a small group of experts to further develop the agreement. The small group would meet twice a year and the secretariat was requested to take all the necessary measures for preparing these meetings, with the support of IRU. The small group shall report on the subject at the next meeting of SC.1.

B. Quantitative restrictions imposed on international road transport of goods

Document: ECE/TRANS/SC.1/2009/5, ECE/TRANS/2009/9, ECE/TRANS/2009/10

56. The delegation of Turkey presented document ECE/TRANS/2009/9 concerning quantitative restrictions on the international road transport of goods which act as a barrier to international trade and expressed their disappointment on the report of IRU indicating that 33 countries currently impose transit quotas on the international transport of goods, thus making trade difficult.

57. Turkey seeks to fully liberalize bilateral and transit road transport operations, on the basis of reciprocity. Bilateral and/or transit transport operations were liberalized with 22 countries out of 56 with which Turkey has already signed bilateral road transport agreements. Most recently, in 2009, bilateral and transit transport with the United Kingdom was liberalized. Bilateral and transit transport with Ukraine was also liberalized for Euro III and above vehicles and transit road transport operations with the Russian Federation are no longer subject to quota.

58. IRU recalled the provisions of Article 5 (GATT) on the freedom of transit and reiterated that the persisting bilateral quotas for road transport act as a barrier to trade. IRU also volunteered to prepare a questionnaire on bilateral quotas for the next session of SC.1 which, if approved, may be sent to the member countries.

59. Germany remarked that the quantitative restrictions imposed on international road transport of goods were beyond the SC.1 mandate.

60. It was suggested that IRU could analyse the impact of these restrictions on the international transport of goods; it was also mentioned that SC.1 was the only appropriate instance to discuss international transit transport and possibly negotiate a multilateral agreement on this subject.

61. The Working Party decided to keep this item on the agenda for its next session. The secretariat shall monitor the developments related to the transit issue, as well as the opportunities to further facilitate international transport and shall regularly inform SC.1 and ITC accordingly. To this end member governments and relevant road transport NGOs are invited to provide the secretariat with updated information on their transit regimes and notably the quantitative restrictions on the international road transport.

C. Review of questions concerning the facilitation of international road transport

62. IRU informed the Working Party that some countries were considering introducing significant restrictions on the transport of containers through their territory.

63. The Ukrainian delegation voiced concern regarding the introduction of restrictions by the competent authorities of the Russian Federation on carrying out international road freight transport on its territory in accordance with the permission granted by the European Conference of Ministers of Transport (ECMT) (ITF) multilateral quota, which was announced at the meeting

of the ITF Group on Road Transport held in Lisbon, from 1 to 2 October 2009. It also drew the attention of the SC.1 members to the inadmissibility of the imposition of such restrictions from the point of view of international partnership and cooperation, as being contrary to the idea of further liberalization of international traffic. The concern voiced by Ukraine was seconded by other delegations present in the meeting.

64. In response to concerns expressed, the Working Party's attention was drawn to the following paragraph of the report of the latest WP.30 meeting in respect of container traffic going to Russian Federation: "The Working Party [WP.30] noted the concerns expressed by several delegations that the competent authorities of the Russian Federation had considered a draft decree which would close some road border crossings for container traffic." The secretariat was requested to provide SC.1 with the same information that will be made available to WP.30 on this issue.

65. The Working Party decided that it was the most appropriate forum to deal with road transport facilitation issues and invited member Governments and NGOs to keep it informed about any such and similar developments.

1. International Motor Insurance System (Green Card)

Document: ECE/TRANS/SC.1/2009/6

66. The President of the Council of Bureaux (CoB) reminded that it has been sixty years since the basic principles of the system were adopted to facilitate cross border traffic and claims compensation, through Recommendation No. 5, adopted on 25 January 1949 by the UNECE Working Party on Road Transport. He made a detailed report to the Working Party on the developments that took place in the international Green Card System since the 103rd session, as contained in document ECE/TRANS/SC.1/2009/6.

67. The Working Party endorsed the report and invited the CoB to prepare a report on the new developments for the next session of SC.1. Being informed that the CoB President, Mr. Ulf Blomgren would no longer be involved in SC.1 activities, the Working Party thanked him for the good cooperation and for his contribution to the success of the Green Card System and wished him all the success for any new challenge he may take.

2. Accession to and implementation of UNECE international legal instruments on road transport

Document: ECE/TRANS/SC.1/2009/7

68. The Working Party took note that no new accession had taken place since its previous session.

3. Additional Protocol to the CMR concerning the Electronic Consignment Note

69. The Working Party noted with disappointment that while there was much pressure on it to finalize and adopt the Electronic Contract for the International Carriage of Goods by Road (e-CMR) Protocol, only eight Governments had signed it, out of which only two had ratified it (Netherlands and Switzerland). Three more ratifications are needed for the Protocol to enter into force; therefore the Working Party urged the Contracting Parties to the CMR to accede to/ratify the Additional Protocol to the CMR allowing for the use of the electronic consignment note (e-CMR).

70. The Working Party was of the opinion that the developments on the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, (the so-called "Rotterdam Rules") might have an impact on other legal instruments (e.g. CMR) and that guidance should be sought from the ITC on possible steps to be taken by SC.1. The Rotterdam Rules are the first rules governing the carriage of goods by sea and the connecting or previous transport by land. Responsibility and liability during the whole transport process are clearly demarcated, and the Convention puts in place the infrastructure for the development of e-commerce in maritime transport.

IX. DRAFT PROGRAMME OF WORK 2010-2014 (Agenda item 7)

Document: ECE/TRANS/SC.1/2009/8

71. The Working Party agreed that it had successfully accomplished all the activities that were foreseen in its Programme of Work for the biennium 2008-2009.

72. The Working Party considered document ECE/TRANS/SC.1/2009/8 containing its draft programme of work for 2010-2014 and decided to include in it additional activities: amendment of AETR, monitoring the enforcement of the European Agreement on Main International Traffic Arteries (AGR) standards on E-roads network, infrastructure related road safety audits. The programme of work for 2010-2014 was adopted as reproduced in Annex III to the present report; the secretariat will submit it to the ITC at its seventy-second session in 2010.

X. OTHER BUSINESS (Agenda item 8)

73. Concerned about the diminishing number of participants in its meetings, the Working Party had an exchange of views on how to improve participation and increase the interest of countries in its activities, especially low and middle income countries.

74. There was no decision on the substance, but the Working Party decided to start by requesting the secretariat to prepare a letter for the signature of the UNECE Executive Secretary to be addressed to Prime Ministers and/or Ministers of Transport of member Governments, as appropriate, inviting them to support SC.1 activities, including through increased participation of experts in the meetings.

75. Several delegations were of the opinion that developed countries should also take part in the activities of SC.1 as a unique forum for all UNECE member countries. They also underlined that meeting only once a year made the work of the group difficult. Thus, the Working Party requested the secretariat to examine the possibilities of better using resources of both Governments and the secretariat. This will improve the role of SC.1 as a road transport policy body. It was also suggested to concentrate certain road transport activities rather than decentralize them, as it is currently the case. A first draft document should be submitted to the ITC Bureau for its consideration.

XI. DATE OF NEXT SESSION (Agenda item 9)

76. The Working Party decided that its 105th session would take place from 29 September to 1 October 2010. On 29 September 2009, there will be a one-day joint meeting with the WP.1.

77. In order to allow the secretariat to process documents and observe the internal rules for their submission, the deadline for sending documents by the participants is 20 June 2010.

XII. ADOPTION OF DECISIONS (Agenda item 10)

78. The Working Party adopted a brief list of decisions, based on which the secretariat drafted the present report.

Annex I

Statement of the delegations of the Russian Federation and Ukraine to the secretariat of the Working Party on Road Transport

1. Need to revise article 22 bis of AETR

The goal, outlined in the preamble to the AETR for all Contracting Parties, is to "develop provisions defining certain regulations of employment (job placement) and employment in international road transport in accordance with the principles of the International Labor Organization (ILO), and **jointly** take certain steps to ensure compliance with these provisions".

Article 22-bis of the AETR is in direct conflict with this task, as it introduces (into the AETR) provisions authorizing a group of Contracting Parties belonging to the EU to take decisions without taking into account the views of all other Contracting Parties. Thus, non-EU member countries are denied:

the right to hold negotiations in order to find the most favorable conditions concerning the modification of the technical specifications of control devices;

the right to oppose the modifications introduced by the EU; and
the right to make counterpropositions.

Thus, article 22-bis is in violation of the principle of "sovereign equality" of countries that are not members of the EU.

From the point of view of the delegations of the Russian Federation and Ukraine, these circumstances make it necessary for the revision of article 22-bis of the AETR.

Considering the above, the mentioned delegations are asking to include the question on the beginning of the review procedure in the agenda of the 105th session of the Working Group on Road Transport.

2. Application of the AETR to the transport between the territories of the EU member States by carriers of non-EU countries

During the 103rd session of SC.1, the delegations of Belarus, Russia and Ukraine submitted to the secretariat of this working group a joint statement in which it was requested to contact the United Nations Office of Legal Affairs (OLA) for clarification on several issues, in particular, on the application of the AETR to any transportation between two EU countries, carried out by the carrier of a non-EU member country.

The OLA answer, which the secretariat transmitted to the working group during the 104th session, contains no direct answer to this question.

However, OLA noted that, under international law, every treaty in force is binding upon the parties to it and must be performed by the parties in good faith. It is also noted that, under international law, where successive treaties relating to the same subject matter exist, as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations

From the point of view of the delegations of the Russian Federation and Ukraine, taking into account the provisions of article 4 of the AETR, the position of OLA indicates that the norms of the AETR must apply to the transport performed by the carriers from countries outside the EU, including when such transportation is performed between the territories of EU member States.

Statement made by Belarus, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine

About the draft "contingency plan" in case of non-observance by the Contracting Parties to the AETR that are non-EU countries, of the timing of the implementation of digital tachographs

The delegations of Belarus, Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine deem that there is a need to provide for a temporary extension of the transitional measures provided for under paragraph 2b) of Article 13 of the AETR and described in Article 14 of the Annex to AETR beyond June 16, 2010.

These transitional measures provide for the possibility, for a non-EU member Contracting Party who will not be able to issue a card or certify workshops, to allow drivers engaged in the enterprise, registered in the State to use the vehicle with a calibrated digital tachograph without a driver's card until such time when the government can carry out these requirements.

In addition, it is necessary to take into account that, because of the possibility to only use printouts due to the fact that the tachograph is not activated or not calibrated, the extension of current transitional measures will be accompanied by an obligation:

for the manufacturers of the vehicles: to activate the digital tachograph at the place of its installation for each sold vehicle equipped with a digital tachograph, if the buyer is from a country where the cards are not available.

for the drivers of the AETR Contracting Parties that are not EU members, coming from countries where the cards are not available: to calibrate their digital tachographs on their first trip according to the requirements of the AETR in the next border country, where cards and certified workshops are available.

For the delegation of the Republic of Belarus-NOT SIGNED

For the delegation of the Republic of Moldova-SIGNED

For the delegation of the Russian Federation-SIGNED

For the delegation of Ukraine-SIGNED

For the delegation of Kazakhstan-SIGNED

Annex II

Modifications to Annex I to the European Agreement on Main International Traffic Arteries (AGR)

A. MAIN ROADS

(1) West-east orientation

(b) Intermediate roads

- **Extension of road E16** from Hønefoss (Norway) to Gävle (Sweden)

New overall reference

E16: Londonderry - Belfast - Glasgow - Edinburgh - Bergen - Fagernes - **Hønefoss**
(-Oslo) - Gardermoen - Kongsvinger - the Norwegian/Swedish border - Torsby – Malung –
Borlänge – Falun – Sandviken - Gävle

B. Branch, link and connecting roads

- **New road E 981** on the territory of Turkey from Afyon to the Junction (Aksaray-Pozantı)

- **New road E 982** on the territory of Turkey from Mersin to Tarsus East Junction

- **New road E 579** on the territory of Hungary from Görbeháza to Beregdaróc

Overall references

E 981: Afyon-Konya- Junction (Aksaray-Pozantı) (on the State road linking Ankara and Mersin
on E90)

E 982: Mersin- Junction Tarsus East (on the motorway linking Ankara and Adana on E90)

E 579: Görbeháza - Nyíregyháza - Vásárosnamény - Beregdaróc

Annex III**III. DRAFT PROGRAMME OF WORK FOR 2010-2014****PROGRAMME ACTIVITY 02.2: ROAD TRANSPORT****02.2.1 Road transport infrastructure**

CONTINUING ACTIVITIES

Implementation and amendment of the European Agreement on Main International Traffic Arteries (AGR)

Description: In order to adapt the European road network to future requirements, the Working Party on Road Transport (SC.1) will take suitable action to implement the Agreement and amend as necessary its provisions taking into account the evolution of traffic flows, as well as the safety and security of the network.

Work to be undertaken:

- (a) Consideration of the AGR Agreement in the light of new traffic flows. **Priority: 1**
Output expected by the end of 2011:
- Adoption of amendments to Annex I to the AGR including new-E-roads.
- (b) Enhancing AGR standards which have an impact on road safety, environmental protection and energy saving. **Priority: 1**
Output expected by the end of 2011:
- Preparation and possible adoption of new amendments to the AGR to include provisions on road safety audits and possibly on.
- (c) **Monitor the implementation of AGR standards along the E-Roads network** **Priority: 1**
Output expected by the end of 2011:
- **Preparation and launching of a questionnaire concerning implementation of AGR standards.**

Trans-European North-South Motorway (TEM) Project

Description: In order to assist in the construction of the TEM network as part of an integrated international road infrastructure, the Working Party on Road Transport (SC.1) will continue its close cooperation with TEM.

Work to be undertaken:

- (d) Review of ongoing and expected future progress in the TEM network and consideration of possibilities to contribute to its further development (e.g., combined transport, financing). **Priority: 2**
Output expected by the end of 2011
- **Monitoring the development of the TEM Project and assisting the TEM Project whenever possible and appropriate.**

02.2.2 Harmonization of requirements concerning international road transport and facilitation of its operations

Description: In order to simplify and harmonize requirements concerning international road transport and the facilitation of its operation, the Working Party on Road Transport (SC.1) will elaborate and update, as necessary, appropriate international **legal** instruments and/or recommendations and **will consider** selected aspects of international transport of passengers and goods by road, particularly those related to the facilitation of road transport between **countries and sub-regions in the UNECE area** including the simplification and harmonization of administrative procedures and documentation.

CONTINUING ACTIVITIES

Work to be undertaken:

- (e) Implementation of the European Agreement on the Work of Crews of Vehicles engaged in International Road Transport (AETR) **in general and of the digital tachograph in particular.** Priority: 1
Output expected by the end of 2011:
 - **Implementation** of new provisions concerning the regulation of driving and rest periods for professional drivers.
 - **To the extent possible and based on the sufficient number of Member country replies**, evaluation of the survey (to be conducted every two years) on the effective application of the AETR and number of problem areas identified and proposals to address them within the framework of the follow-up to the survey.
 - **Implementation of the digital tachograph in non-EU AETR countries.**
- (f) Consideration of questions concerning the Green Card International Motor Insurance System. Priority: 2
Output expected by the end of 2011
 - Encourage and facilitate membership of the Green Card System. Consider possibilities for the establishment of a **similar** international motor insurance system for **countries beyond the area covered by the Green Card System.**
- (g) Promote the harmonization of fiscal and other measures in order to avoid any discriminatory practices in international road transport. Priority: 3
Output expected by the end of 2011: Development of proposals regarding the harmonization of fiscal and other measures in international road transport.

ACTIVITIES OF LIMITED DURATION

Work to be undertaken:

- (h) Modification of the Consolidated Resolution on the Facilitation of International Road Transport (R.E.4). Priority: 2
Output expected by the end of 2011:
 - Consideration of the need to modify or add to R.E.4 on certain subjects, such as the security of passenger and goods transport and access to the profession of road transport operator.
- (i) Consideration of new challenges, opportunities and developments in the facilitation of **international** road transport between **countries and sub-**

regions in the UNECE area and beyond, including quantitative restrictions imposed on international road transport of goods.

Priority: 1

Output expected by the end of 2011:

- Cooperation **including joint meetings** where appropriate with **other UNECE bodies such as** the Working Party on Customs Questions affecting Transport (WP.30) on the facilitation of border crossing e.g. visa issuance to professional drivers, the Working Party on Road Traffic Safety (WP.1) on the safety of infrastructure. **Adoption of a new global multilateral legal instrument on the international regular transport of passengers by coach and bus**

- (j) Implementation of transport-related UNECE agreements and conventions. Priority: 1

Output expected by the end of 2011:

- **Entry into force of the Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) introducing the electronic consignment note and wide use of it**

- **Define and put in place well-functioning implementation monitoring mechanisms for the legal instruments dealt with by the Working Party**

Priority: 1
