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## **Economic Commission for Europe**

Inland Transport Committee

**Working Party on Road Transport**

Second Special session

### **Report of the Second Special Meeting of Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) concerning the relationship between AETR and EU laws (article 22 bis and prevailing legal instrument (12 July 2011))**

**To be approved at the next special session of AETR contracting parties (or at the first meeting of the AETR expert group or at the 106th session of SC.1 on 17–19 October 2011)**

#### **I. Attendance**

1. The Second Special Meeting of Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) concerning the relationship between AETR and EU laws (article 22bis and prevailing legal instrument) was held on 12 July 2011, chaired by Mr. Vladimir Kotov (Russian Federation).
2. Representatives of the following member States participated: Germany, Hungary, Russian Federation, Sweden, Turkey, and Ukraine.
3. The European Union (EU) and the following non-governmental organization were also represented: International Road Transport Union (IRU), Actia Automotive, Automotive *GmbH* and Continental Automotive and participated as observers.

#### **II. Adoption of the agenda**

4. AETR Contracting Parties adopted the session's agenda (ECE/TRANS/SC.1/S/394)

### **III. Adoption of the report**

AETR Contracting Parties adopted the report of the first special session of 4 March 2011 (ECE/TRANS/SC.1/S/393). The EU delegation requested the secretariat note the objection to insert “The EU delegation insisted on the consistent practice since the application of AETR” as the second sentence of paragraph 9 of the report.

### **IV. Establishment of AETR Expert Group**

5. The secretariat informed the participants about the ITC decision of 3 March 2011 concerning the establishment of an AETR Expert Group (ECE/TRANS/221, para.44) and about “Guidelines for the establishment and functioning of teams of specialists within UNECE” (ECE/EX/2/Rev.1). The secretariat also introduced Informal document No.1 which contained draft terms of reference of the AETR Expert Group (prepared by the secretariat). AETR Contracting Parties discussed, revised and subsequently approved Informal document No. 1. The adopted terms of reference have been attached to this report. The secretariat is to proceed with the processing and translating this document with a view of submitting it the UNECE Executive Committee at the earliest opportunity.

### **V. Article 22bis**

6. The representatives of Turkey, Russia and EU presented their views concerning AETR Article 22bis. The EU delegations described European Commission’s plans to propose amending the AETR Agreement in order to make it possible for regional organizations such as the EU to accede to AETR.

### **VI. Prevailing legal instrument**

7. The delegation of Turkey stated that the lack of definition of “loading and unloading points” and “transport origin and destinations” was the source of disagreement concerning whether AETR or EU laws prevail in some circumstances.

### **VII. Other business**

8. The EU described European Commission’s legislative proposals in the area of digital tachograph that are soon to be presented to the Council of the European Union and European Parliament. The IRU stressed the need and urgency to discuss AETR Article 3 in order to provide better guidance and consistency in the treatment of third parties’ rights and obligations under the AETR Agreement.

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## Annex

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

1. At its seventy-third session (Geneva, 1-3 March 2011), the Inland Transport Committee discussed the urgency and importance of addressing some key issues related to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). As a result, the Committee decided to transform the existing informal AETR expert group, set up by decision of the 105th session of SC.1, to a formal Expert Group for all Contracting Parties of AETR and EU. The Committee urged this Group to continue its work, establish its Terms of Reference (ToR) and report to the Bureau and to SC.1 at the next session (ECE/TRANS/221, para.44).
2. The ToR of the AETR Expert Group has been prepared in line with the UNECE Guidelines for the Establishment and Functioning of Teams of Specialists. The Expert Group, in general, will aim at amending a complex Article 22bis and examining, and if necessary modifying, the relationship between AETR and EU laws.
3. In accordance with the Guidelines, participation in the Expert Group would be open to all UNECE member states, all AETR Contracting Parties and the European Union. The Expert Group will also include eminent specialists or representatives of international organizations, NGOs and the private sector, in compliance with the UN rules and practices in this respect. The expected duration of the Expert Group is two years (counting from the first EG meeting) with a possibility of extension if necessary. The Expert Group's parent body will be Working Party on Road Transport (SC.1)
4. The Expert Group will be established without the need for additional resources. Support work will be provided within the existing capacities of the UNECE secretariat. UNOG resources will be used for interpretation and conference services.
5. The Executive Committee is invited to approve the establishment of the AETR Expert Group and its Terms of Reference (attached)

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

1. To develop proposals for amending the AETR Agreement, in particular Article 22bis (which stipulates procedure for the amendment of Appendix 1B), including the creation of a new institutional arrangement such as an administrative committee.
  2. To examine, and if necessary, develop proposals to modify, the relationship between the AETR and the corresponding EU legislation pertaining to road transport/social rules.
  3. To describe and assess issues related to the exchange of information with respect to the issuance of digital tachograph cards. This may include developing proposals to modify the existing information exchange platforms and/or to develop a new standardized method for exchange of AETR-related information.
  4. To describe and analyze issues related to:
    - (a) the memorandum of understanding between the UNECE and European Commission Services which recognizes the Joint Research Centre (JRC) as the authority responsible for Root and Interoperability Certification for non-EU Contracting Parties to the AETR;
    - (b) the possibility of establishing other certification bodies/authorities.
  5. To examine and possibly develop proposals concerning third-country rights and obligations under the AETR Agreement.
  6. To assess the need and feasibility of providing assistance to AETR Contracting Parties concerning the implementation of the amendments to the AETR made on the basis of Article 22 bis concerning Commission Regulations (EU) No. 1266/2009 and 68/2009.
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