



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)**
Third session

Geneva, 24 October 2012

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

	<i>Paragraphs</i>	<i>Page</i>
I. Attendance.....	1–3	3
II. Adoption of the agenda (agenda item 1)	4	3
III. Adoption of the report for the second session (agenda item 2)	5	3
IV. Programme of Work (agenda item 3)	6–9	3
A. Memorandum of Understanding between UNECE and European Commission Services which recognizes the Joint Research Centre as the authority responsible for Root and Interoperability Certification for non-EU AETER Contracting Party.....	6	3
B. Development of proposals for amending the AETR Agreement, in particular Article 22bis, including the creation of a new institutional arrangement such as an administrative committee	7	3
C. Third party rights and obligations under the AETR Agreement.....	8	4
D. Exchange of information on issuing digital tachograph	9	4
V. Other business	10	4
VI. Date and place of next meeting	11	4

Annexes

I.	Supplement to the Memorandum of Understanding between the United Nations Economic Commission for Europe (UNECE) and the European Commission (COM) Services	5
II.	Amended consolidated proposal for new article 22 bis (incorporating changes and suggestions made on 24 October 2012 at the third session of AETR Expert Group	6

I. Attendance

1. The AETR Group of Expert's meeting held its third session in Geneva on 24 October 2012, chaired by Mr. Roman Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Belgium, Germany, Hungary, Latvia, Netherlands, Poland, Russian Federation, Sweden, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.
3. The European Commission and the following UNECE non-governmental organization was represented: International Road Transport Union (IRU). The Continental Automotive also participated as observer.

II. Adoption of the Agenda

4. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/8).

III. Adoption of the Report

5. The Group of Experts adopted the report of its second session (ECE/TRANS/SC.1/GE.21/4).

IV. Programme of Work

A. 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 AETR Contracting Parties

6. The secretariat recalled that the Expert Group had approved at the last session a supplement to Memorandum of Understanding (Annex I, ECE/TRANS/SC.1/GE.21/4) which was to be signed by three parties, i.e. Economic Commission, Joint Research Centre and UNECE. During the present AETR Expert Group session, the European Commission distributed a copy of the MOU supplement signed by Joint Research Centre (JRC). As the supplement contained several substantive changes and a numbering error —which were all due to editing made by the European Commission — to the originally approved document, experts decided to review the text with a view of adopting it at the present session. After this review, experts agreed to the changes and endorsed the revised supplement (attached to this report as Annex I). The Expert Group requested both the European Commission and UNECE to proceed with signing the supplement expeditiously.

B. Development of proposals for amending the AETR Agreement, in particular Article 22bis, including the creation of a new institutional arrangement such as an administrative committee

7. Experts continued discussing and making changes to Annex II of ECE/TRANS/SC.1/GE.21/4, which provides an amended, consolidated proposal for new Article 22bis. The changes and comments made at this session are reflected in Annex II of this report.

C. Third party rights and obligations under the AETR Agreement

8. The secretariat informed experts that table templates from ECE/TRANS/SC.1/GE.21/5 have been made available online and invited governments to provide the relevant information to the secretariat. The Expert Group set a deadline of 15 November 2012 for this information. In this context, experts discussed (i) third party rights and obligations under the AETR Agreement and (ii) clarifications on the prevailing legal instrument applicable to road transport operations undertaken either partially or entirely within the European Union by non-EU AETR transport companies. Some members of the Expert Group stressed the importance of discussing the legal aspects of the information provided so far. IRU volunteered to provide its preliminary analysis for the next AETR EG session.

D. Exchange of information on issuing digital tachograph cards

9. Experts discussed issues about exchanging information on issuing digital tachograph cards. The discussion included developing proposals to modify the existing information exchange platforms and/or developing a new standardized method for the exchange of AETR-related information. In particular, some experts stressed the importance of creating an international agreement to regulate the exchange of information and/or amending the AETR Agreement to stipulate how “AETR information” is shared and/or exchanged. The Government of the Russian Federation volunteered to prepare a document on this subject. The European Commission described the Tachonet system and related procedures required for direct and indirect access, and data exchange. The European Commission was invited to prepare a detailed presentation for the next AETR Expert Group session.

V. Other business

10. The Russian Federation raised questions concerning the ongoing amendment process to the Council Regulation (EEC) 3821/85 (tachograph) and to the Regulation (EC) 561/2006 (driving times and rest periods). The European Commission described the current situation related to these amendment proposals. It is anticipated that they will be adopted in early in 2013. The European Commission will prepare a detailed presentation describing and explaining the amendments for the next session.

VI. Date and place of next meeting

11. The Expert Group decided to reschedule the session of 3 December 2012 to February/March 2013. The secretariat was requested to make the appropriate (room and interpretation) arrangements.

Annex II

Amended consolidated proposal for new article 22bis (incorporating changes and suggestions made on 24 October 2012 at the third session of the AETR Expert Group)

Article 22bis

Paragraph 1

(a) There shall be an Administrative Committee that shall be responsible for deciding on amendments to Appendix 1B of the present Convention, based in Geneva.

Proposals to be discussed:

- Replace the term “Appendix 1B” with “Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport” (NB. If replaced in paragraph 1(a), need to replace all other references to “Appendix 1B”);
- Expand the mandate of an Administrative Committee from “Appendix 1B” to “AETR Agreement”.

There is no consensus but there is preference for the first bullet option.

(b) The Administrative Committee shall be composed of all the Contracting Parties to the Agreement.

Consider adding a sentence about participation in a consultative capacity. Some examples:

- *The Administrative Committee (Chair) may decide that States, referred to in Article 14 point 1 of the AETR Agreement, which are not Contracting Parties may – on any matter of particular concern to them – attend sessions of Administrative Committee in a consultative capacity (a modified provision from the TIR Convention).*
- *The Executive Committee shall, in discharging its functions, use information from all relevant sources when the Committee deems it appropriate to do so (Article 3.5, “1998 Vehicle Regulations Agreement”).*
- *The Administrative Committee may invite other persons in a consultative capacity (Rule 30, WP.29/AC.2 Terms of Reference and Rules of Procedure).*

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.

No changes

Paragraph 3

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with appropriate secretariat services.

No changes

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 up to twice per year.

Proposals to be discussed:

- The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe up to twice per year. Additional sessions may (will) be convened, if it is so needed, 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 majority vote of all Contracting Parties.

Proposals to be discussed:

- The Administrative Committee shall adopt decisions by at least 75 per cent majority vote of Contracting Parties present and voting;
- The Administrative Committee shall adopt decisions by majority vote of all Contracting Parties;

(c) Amendments to Appendix 1B of the present Convention 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

Paragraph 7

(a) Any Contracting Party may propose amendments to Appendix 1B of the present Convention.

(b) Any amendment proposal shall be submitted to the secretariat of the United Nations Economic Commission for Europe, in writing, six months before the meeting of the Administrative Committee at which it is proposed for adoption.

Still to be discussed

(c) The text of any proposed amendment shall be communicated in the three ECE languages to all Parties at least ninety days before the meeting of the Administrative Committee at which it is proposed for adoption.

Still to be discussed

Paragraph 8

If a proposal for the amendment of Appendix 1B to this Agreement, 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 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, in the case envisaged by paragraph 7 of this article.

- Still to be discussed
