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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

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

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

Implementation of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)

Note by the secretariat

Introduction

1. At its ninety-third session (19-21 October 1999), the Working Party on Road Transport (SC.1) considered the report of the Ad hoc Meeting on the Revision of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) (TRANS/SC.1/AC.6/2) which had met on 8 and 9 March 1999 in Geneva to propose how the use of the new digital tachograph could be introduced into the AETR.

2. The report of the Ad hoc Meeting had proposed the following amendments to the AETR:

- a revised text of Article 12 on measures of enforcement of the Agreement;

- revisions to Articles 10, 13 (proposing a transition period of five years for the introduction of the digital tachograph) and 22;

- revisions to the annex to the AETR on the control device allowing for the introduction of the new digital tachograph;

- new provisions regarding procedures for amending the AETR; and

- additional distinctive numbers assigned to new Contracting Parties.

3. The Working Party adopted the revised text of Article 12 and also adopted in principle the other above-mentioned amendment proposals. It requested the secretariat, however, to write to non-EU Contracting Parties to the AETR not present at the session, and ask them if they have any comments on these amendments and, in particular, on the proposed five-year transition period for the introduction of the digital tachograph and driver cards as well as on the administrative implications of these new provisions if adopted (TRANS/SC.1/364, paras. 24-35 and 37 refer). The deadline for responses was 31 January 2000. As of the date of issuance of this document, responses had been received from Belarus, Belgium, Estonia, Norway and Portugal.

Sixty-second session of the Inland Transport Committee

4. At its sixty-second session (15-17 February 2000), the Committee noted that SC.1 had:

(i) endorsed the revision of Article 12, Annex 1 (implementation of control procedures for the application of the Agreement) to the AETR; and

(ii) endorsed in principle the revision of the AETR regarding the introduction of the digital tachograph (TRANS/SC.1/AC.6/2) (Geneva, 8-9 March 1999) (TRANS/SC.1/365, paras. 24-37). In this connection, the Committee also **noted** the fact that, in accordance with the request of the Working Party, the secretariat had informed non-EU Contracting Parties to the AETR not present at the session about the amendment proposals and the proposed five-year transition period for the introduction of the digital tachograph.

5. The Committee noted the proposed five-year transition period and strongly recommended that Contracting Parties consider the possibility of accepting in the AETR, a reference to Annex 1B to Regulation (EEC) No. 3821/85 setting out the technical specifications of the new digital tachograph rather than seeking to reproduce it in its entirety. In this regard, the Committee recalled the example of International Organization for Standardization (ISO) standards which were referred to in many legal documents without being reproduced on each occasion. However, it would be necessary to resolve, in this context, the problem of translation of this technical Annex as well as the question related to the automatic validity of subsequent changes to the Annex for non-EU member countries.

6. With regard to the question of the minimum number of Parties required to amend the AETR, the Committee took note of a communication from the United Nations Legal Office stating that it was within the discretion of the parties to the AETR to establish amendment procedures specific to the AETR.

7. Replies from Contracting Parties regarding the amendment proposals and the proposed five-year transition period are reproduced below:

BELARUS

8. The Ministry has no objection to the introduction of the new digital tachograph for new vehicles. At the same time, the Ministry is of the view that it is necessary to continue using the tachographs installed on vehicles until they are completely worn out.

BELGIUM

9. Belgium has no comments on the proposed amendments which it supports nor on the transition period of five years. It simply notes that these amendments are not sufficient for the introduction of the digital tachograph. When the European Union approves the technical annex, it should also be integrated into the AETR.

ESTONIA

10. The Ministry of Transport and Communications of the Republic of Estonia agrees with the amendments to the AETR proposed in the report of the Ad hoc Meeting (TRANS/SC.1/AC.6/2 of 11 June 1999). The five-year transition period for the introduction of the digital tachograph and driver card are also acceptable for Estonia.

NORWAY

11. The Ministry of Transport and Communications has no comments on the amendment proposals to the AETR regarding how the use of the new digital tachograph could be introduced into the Agreement.

PORTUGAL

12. Portugal agrees with the proposed revision of the AETR, which includes the introduction of the digital tachograph, the establishment of very concrete rules on standard control procedures and modifications concerning the maximum number of objections which could render a modification of text non valid.

13. Portugal supports the initiatives aimed at harmonization with the EU's social rules in the field of road transport.

14. The transition period of five years for the introduction of the digital tachograph and driver card is acceptable to Portugal which, as a member State of the European Union, will be prepared in advance for the administrative demands of the revised AETR.
