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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)

Ninth session

Geneva, 27 October 2014

Item 3 (b) of the provisional agenda

Programme of work:

Amendment proposals of AETR, Article 14

Amendment proposals of AETR, Article 14

Note by the secretariat*

1. This document, presents four options for amending Article 14 to make non-UNECE countries eligible to accede to the AETR Agreement.
2. At the eighth session of the AETR Group of Experts, experts discussed revising Article 14 which currently limits accession to the AETR to only UNECE member States. The following four options were presented (the text in bold indicates amendments to the existing text of paragraph 1 of Article 14).

* This document is in full conformity with ECE/TRANS/SC.1/396/Add.1.

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I. Option 1

"Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference. Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Convention by acceding."

II. Option 2

"Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 or 11 of the Commission's terms of reference."

III. Option 3

"Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 or 11 of the Commission's terms of reference. Accessions under paragraph 11 of the Commission's terms of reference shall be limited to non-UNECE member States which are members of the Union for the Mediterranean."

IV. Option 4

"Article 14

1. This Agreement shall be open for signature until 31 March 1971 and thereafter for accession, by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference. Such countries that may participate in certain activities of the United Nations Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference, and subject to being covered under the European Neighbourhood Policy, may become Contracting Parties to this Agreement by acceding thereto after its entry into force."

V. Comments from the secretariat

3. The secretariat sought views from the United Nations Office of Legal Affairs on various models of the eligibility provisions. The results were:

- it is possible to establish a mechanism by which accession to an Agreement is subject to prior approval by the “Meeting of the Parties” or some similar “treaty mechanism”;
- there exist treaties that contain a list of States that are eligible to accede;
- in principle, it may not be advisable to refer to membership in non-UN international organizations because (i) there is no control as to who is admitted to those organizations (what if an entity is not recognized as a State by the United Nations) and (ii) it may be difficult to know who the members to those organizations are.

4. The secretariat wishes to stress that only a Contracting Party is eligible to propose amendment proposals.
