



Considerations relating to the envisaged accession of the EU to the AETR

**7th meeting of the Group of Experts on AETR,
28 February, Geneva**



Reminder concerning the EU proposal under discussion

Discussions on modifications to AETR started at the request of non-EU Contracting Parties, in order to offer to these countries a better say in the AETR decision making

The EU proposal was submitted to the UNECE Secretariat in February 2013, and was approved by the Council of Ministers of the EU

It foresees the replacement of Article 22bis, and the introduction of a new, more inclusive decision-making process, that would leave the adoption of the technical specifications of the digital tachograph to the competence of an Administrative Committee



Reminder concerning the EU proposal under discussion

Principles governing the EU's external action :

- unity of external representation*
- sincere cooperation*

Need to insure that aspects which are dealt internally by the EU are also dealt by the EU at external level

The accession of EU to AETR, including the proposed decision-making mechanism, is fully in accordance with the EU Treaties and represents the only consistent manner to represent the interests of the EU and its Member States on AETR issues



Declaration of competence

The accession of the EU to AETR will be accompanied by a declaration of competence

This declaration will specify the areas of the Agreement that fall within the EU's competence and the ones which fall within the competence of its Member States.

The EU and its Member States will decide and declare their respective responsibilities for the performance of their obligations under the Agreement. This is usual practice when the EU accedes to an Agreement



Precedents of EU accession to international agreements

Given the evolution of the competences of the EU, the accession of the EU to international agreements became current practice in many areas

Below are cited just a few accession clauses, from the transport area, similar to the one proposed by the EU in the framework of AETR :

- Agreement on Vehicle Regulations (1958), article 6
- OTIF Convention (COTIF, 1980), article 38
- Athens Convention (IMO, 2002), article 19

These instruments accommodate the accession of RIOs by providing specific arrangement for their participation in the decision-making. In the case of the EU, Member States coordinate their common position, which is then expressed by the cast of a block vote

The practice shows that arrangements such as the above are well suited for the purpose and the decision-making procedures put in place are intensely used .



The accession of the EU to AETR will provide an additional guarantee that the rules adopted by the EU will remain applicable in the EU only

Annex IB of Council Regulation 3821/85 is part of the EU legal order. As a result the EU will always be able to make any amendments it deems necessary to its own regulation.

Under the currently envisaged revision of Article 22bis, the above changes will only take effect within the EU and they will not be applicable to non-EU AETR Contracting Parties.

The EU legislation on tachographs will not anymore be automatically transposed into the AETR agreement. Instead, it will be necessary for the decisions applicable in the AETR context to be taken by the Administrative Committee



European
Commission



Transport