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INLAND TRANSPORT COMMITTEE

Working Party on Road Transport (SC.1)
Ad hoc Working Group on the Revision of the
AETR
(Second session, 11-12 April 2002, item 6 of the
agenda)

Note by the secretariat

At its 95th session, the Working Party on Road Transport (SC.1), after consideration of different solutions proposed for introducing annex 1B on the digital tachograph into the AETR (TRANS/SC.1/2001/1), agreed that the most appropriate and pragmatic solution for the future, given the size and technical character of the annex, was solution No.1 which involved accepting the Community version of annex 1B without changes as published in the Official Journal of the European Communities and prefacing it with an introduction which, by cross references, would highlight points where modifications would be required.

Delegates will find below, to be examined at the AETR meeting on 11-12 April, a draft introduction for this appendix prepared by the secretariat.

Amendment proposal to the Annex to the AETR

Draft introduction to the Appendix IB

The Annex of the AETR is completed by the new Appendix IB on Requirements for the construction, testing, installation and inspection of digital recording equipment in road transport which appears below.

“APPENDIX IB

Requirements for the construction, testing, installation and inspection of digital recording equipment in road transport

I. Introductory provisions

As this Appendix is an adaptation of Annex IB of Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in road transport, at last amended by Council Regulation (EC) No. 2135/98, of 24 September 1998, and by Commission Regulation (EC) No of.....adapting for the seventh time to technical progress the above-mentioned Council Regulation (EEC) No. 3821/85, the content of this voluminous and technical Annex is not reproduced in the AETR. For the complete official text and its amendments, Contracting Parties shall refer to the text published in the Official Journal of the European Communities (OJEC). Appendix IB contains only the references to the OJEC in which Annex IB is published and a preface introducing, by means of cross references, the particular points where it has to be adapted to the context of the AETR

However, in order to facilitate consultation of this Annex and to have an overall vision of Appendix IB including all the required adaptations, a consolidated version of this Appendix in the official languages of the UNECE will be elaborated by the secretariat of the United Nations Economic Commission for Europe and will be updated periodically. This version will not have any legal force.

II. Provisions

- 1. For the official text**, see Annex IB annexed to Commission Regulation (EC) No..... of.....adapting for the seventh time to technical progress Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in road transport, at last amended by Council Regulation (EC) No. 2135/98, of 24 September 1998, published in the Official Journal of the European Communities No.....
- 2. For the purposes of Appendix IB :**
 - 2.1 The terms in the left column below shall be replaced by the corresponding terms in the right column:

TERMS IN ANNEX 1B		ADAPTATION TO AETR
Member States	Replaced by	Contracting Parties
MS		CP
Annex (IB)		Appendix (IB)
Appendix		Sub-appendix
Regulation		Agreement/AETR
Community		UNECE

2.2 References made to legal texts in the left column below shall be replaced by the references in the right column:

Legal texts		New references ¹
Council Regulation (EEC) No.3820/85	Replaced by	AETR
Council Directive No. 92/6/EEC		ECE Regulation 89
Council Directive No. 92/23/EEC		ECE Regulation 54
Commission Directive No.95/54/EC		ECE Regulation 10
Council Directive No. 76/114/EEC		? (2).
Council Directive No. 97/27/EEC		? (3).

2.3 A list of texts or provisions for which an ECE equivalent does not exist or for which more information is necessary appears below. These texts or information are only quoted for reference.

- 2.3.1 The measurement of distances, as stated in I (Definitions), u) of Annex IB/Appendix IB is done in accordance with the provisions of Council Directive No. 97/27/EC of 22 July 1997, as last amended, OJEC, L 233, 25/08/1997 (4).
- 2.3.2 Vehicle identification, as stated in I (Definitions), nn) of Annex IB/Appendix IB is done in accordance with the provisions of Council Directive No. 76/114/EEC of 18 December 1975, OJEC No. L 24, 30/01/1976 (5).
- 2.3.3 Security requirements have to respect the provisions laid down in Council Recommendation No. 95/144/EC of 7 April 1995, on common information technology security evaluation criteria (ITSEC), as last amended, OJEC No. L 93, 26/04/1995.
- 2.3.4 The protection of individuals with regard to the processing of personal data and on the free movement of such data is done in accordance with the provisions of Council Directive No. 95/46/EC of 24 October 1995, as last amended, OJEC No. L 281, 23/11/1995 (6).

1 To be checked.

2 To be checked.

3 To be checked.

4 If there is no ECE equivalent legal text. To be checked.

5 If there is no ECE equivalent legal text. To be checked.

2.4 Other particular provisions to be changed or deleted

2.4.1 The content of requirement 172 is deleted and replaced by “reserved”.

2.4.2 Requirement 174 is changed as follows:

“the distinguishing sign of the Contracting Party issuing the card. The distinguishing signs of non EU Contracting Parties are those of the 1968 Vienna Convention on Road Traffic”.

2.4.3 The reference to the EU flag with the letters “MS” meaning “Member State” in requirement 178 is replaced by the letters “CP” meaning “Contracting Party”, the flag of a non EU Contracting Party being optional.

2.4.4 Requirement 181 is changed as follows:

“After consulting the UNECE Secretariat, Contracting Parties may add colours or markings, such as security features, without prejudice to the other provisions of this Appendix”.

2.4.5 Requirement 278 is changed as follows :

“Interoperability tests are carried out by a single competent body” (7).

2.4.6 Requirements 291 to 295 are deleted and replaced by “reserved”

2.4.7 In Appendix 9/Sub-appendix 9 of the AETR (Type approval – List of minimum required tests), 1, 1-1, the introductory sentence is modified as follows :

“The type approval procedure for the recording equipment (or component) or tachograph card is based on:””

6 The UN legal texts dealing with protection of personal data do not offer a protection comparable to that existing at the EU level. There is therefore no possibility of replacing Directive 95/46 by a reference to UN legal texts.

7 At the time the amended AETR enters into force, a laboratory will already have been designated in the EU. Therefore, since it is essential that one single laboratory takes care of all interoperability tests, non EU Contracting Parties will be required to use the laboratory selected by the EU.