



---

**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Road Transport

**REPORT OF THE WORKING PARTY ON ROAD TRANSPORT  
ON ITS ONE HUNDRED AND FIRST SESSION**

**(Geneva, 16-18 October 2007)**

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
I. ATTENDANCE .....	1 - 2	4
II. INTRODUCTION .....	3 - 5	4
III. ADOPTION OF THE AGENDA .....	6	4
IV. ADOPTION OF THE REPORT OF THE ONE HUNDREDTH SESSION .....	7	5
V. ACTIVITIES OF ECE BODIES AND INTERNATIONAL ORGANIZATIONS OF INTEREST TO THE WORKING PARTY ..	8 - 10	5
A. Inland Transport Committee and its subsidiary bodies .....	8	5
B. International organizations .....	9 - 10	5
VI. IMPLEMENTATION OF AETR .....	11 - 30	5
A. Status of AETR .....	11	5

**CONTENTS (continued)**

	<i>Paragraphs</i>	<i>Page</i>
B. Consideration of proposals for amendments to AETR .....	12 - 26	5
C. Questionnaire on checking of driving and rest times .....	27	9
D. Implementation of the digital tachograph .....	28 - 30	9
VII. DRAFT ADDITIONAL PROTOCOL TO CMR .....	31 - 33	10
VIII. ROAD TRANSPORT INFRASTRUCTURE .....	34 - 39	10
A. European Agreement on Main International Traffic Arteries (AGR) .....	34 - 36	10
1. Status of prior amendments to AGR, Annex I .....	35	11
2. Consideration of new proposals for amendments to AGR, Annex I .....	36	11
B. Trans-European North-South Motorway (TEM) Project .....	37 - 39	11
IX. HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION .....	40 - 45	12
A. Development of provisions on the facilitation of international road transport (R.E.4) .....	40	12
1. Access to the profession of road passenger and goods transport operator .....	40	12
2. Attacks against drivers of international heavy goods vehicles .....	41 - 42	12
3. International regular services by bus and coach in Europe .....	43	12
B. Review of questions concerning facilitation of international road transport .....	44 - 45	13
1. International Motor Insurance System (Green Card) .....	44	13
2. Accession to and implementation of ECE international legal instruments on road transport .....	45	13

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
X. DRAFT PROGRAMME OF WORK FOR 2008-2012 .....	46	13
XI. OTHER BUSINESS .....	47 - 48	13
XII. ADOPTION OF DECISIONS .....	49	14

**Annexes**

I. Draft Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note .....		15
II. Summary of the report of the President of the Council of Bureaux of the Green Card System .....		22
III. Programme of work for 2008-2012 .....		24

## REPORT

### I. ATTENDANCE

1. The Working Party on Road Transport held its one hundred and first session in Geneva from 16 to 18 October 2007 under the chairmanship of Mr. Jouko Alaluusua (Finland). Representatives of the following ECE member States participated: Austria, Belarus, Bulgaria, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Netherlands, Norway, Portugal, Romania, Russian Federation, Sweden, Switzerland, Turkey, Ukraine and United Kingdom.
2. Also represented were the European Commission, the Trans-European North-South Motorway (TEM) Project and the following non-governmental organizations: International Road Transport Union (IRU) and Council of Bureaux of the Green Card System.

### II. INTRODUCTION

3. Mr. Jouko Alaluusua, Chairman of the Working Party, welcomed delegates to the one hundred and first session of the Working Party. He informed delegates of the retirement of Mr. Jose Capel Ferrer, the former Director of the Transport Division, and introduced Ms. Eva Molnar, the new Director. Mr. Alaluusua congratulated Ms. Molnar on her appointment and welcomed her to the session. He assured Ms. Molnar that the Working Party would support her in her new post and expected that she in turn would support the Working Party.
4. The new Director of the Transport Division, Ms. Molnar, mentioned in her introductory words the importance of road transport for the economy: road transport ought to serve trade at the lowest possible cost and it should be sustainable. But she also underlined the need for road transport to take account of safety, security and environmental dimensions. She mentioned the contract for the international carriage of goods by road (addressed by CMR) as an example of a work that had global value. In conclusion, she indicated that, if the principal issues in the twentieth century had been democratization of countries and liberalization of trade in goods and some services, in the twenty-first century, the principal issues would include security and trade facilitation. Lastly, she mentioned the work led by ECE concerning security in transport. She reminded delegations to send all available information to the secretariat in order to permit it to assist the group created on that subject to fulfil its mission in an efficient manner.
5. The secretary of the Working Party, Ms. Marie-Noëlle Poirier, introduced Mr. Miroslav Jovanovic, who in accordance with the United Nations compulsory staff mobility system had replaced Mr. Christopher Smith as the assistant secretary of the Working Party.

### III. ADOPTION OF THE AGENDA (agenda item 1)

Document: ECE/TRANS/SC.1/380

6. The agenda was adopted without amendment. The secretariat informed delegations about an error concerning the position of a document mentioned in the agenda.

**IV. ADOPTION OF THE REPORT OF THE ONE HUNDREDTH SESSION**  
(agenda item 2)

Document: ECE/TRANS/SC.1/379

7. The Working Party adopted the report of its one hundredth session without amendment.

**V. ACTIVITIES OF ECE BODIES AND INTERNATIONAL ORGANIZATIONS OF INTEREST TO THE WORKING PARTY** (agenda item 3)

**A. Inland Transport Committee and its subsidiary bodies**

Document: ECE/TRANS/192

8. The Working Party took note of the report of the sixty-ninth session of the Inland Transport Committee (6-8 February 2007) (ECE/TRANS/192).

**B. International organizations**

9. The representative of IRU informed the Working Party of the IRU strategy, which had two long-term objectives: worldwide facilitation of road transport, and sustainable development. He mentioned the 4th Euro-Asian Road Transport Conference, which had taken place in Warsaw in June 2007. It had been concluded there that road transport could offer an important alternative to Euro-Asian transport links, bearing in mind congestion in many ports throughout the world. Declarations adopted during the conference had been made available to delegates. He also informed delegates of the venue of the 31st IRU World Congress, which would take place in Istanbul, Turkey in May 2008, on the theme "Road Transport, Driving Peace and Prosperity!"

10. Lastly, the representative of IRU expressed the wish that ECE legal instruments should be promoted among non-ECE countries in order to increase the number of accessions by new countries.

**VI. IMPLEMENTATION OF AETR** (agenda item 4)

**A. Status of AETR**

11. The Working Party was informed by the secretariat that Montenegro had acceded to AETR on 23 October 2006 and San Marino on 25 April 2007.

**B. Consideration of proposals for amendments to AETR**

Documents: ECE/TRANS/SC.1/2006/2; ECE/TRANS/SC.1/AC.6/8;  
ECE/TRANS/SC.1/AC.6/2006/1/Rev.2; ECE/TRANS/SC.1/2007/3 and  
Corr.1; ECE/TRANS/SC.1/AC.6/2006/2

12. The Chairman of the Ad Hoc Working Group on the Revision of AETR, Mr. Oudshoorn (Netherlands), presented the outcome of the session held from 14 to 16 May 2007. Concerning the day (14 May) devoted to discussion of the implementation of the digital tachograph, he

drew the attention of delegations to the fact that the duration of the implementation period could range from 4 to 18 months, depending on whether the country concerned cooperated with others, and that the best way to proceed was through the exchange of information, as the implementation of the digital tachograph required a significant effort from countries.

13. Regarding the part of the session devoted to the consideration of amendments aimed at aligning AETR with the provisions of Regulation (EC) No. 561/2006, the Chairman of the Ad Hoc Working Group highlighted the issues that remained pending, notably the 45 hours of rest every two weeks (art. 8, para. 6) and the extraterritoriality of penalties (art. 12), on which it had not been possible to achieve a consensus, despite much discussion.

14. The report on the session of the Ad Hoc Working Group (ECE/TRANS/SC.1/AC.6/8) was adopted. However, the delegation of the Russian Federation requested a correction to paragraph 12, which would read as follows:

“12. As for data protection, the Russian Federation, Belarus and Ukraine pointed out that their legislation **in that area might have to be adapted to reflect the requirements to be met for securing the data on the cards.**”

15. The same delegation further requested that the proposal distributed in the meeting room concerning article 8 should be reproduced in paragraph 24 of the report. The request was not approved, however, following a clarification provided by the secretariat, which indicated that it was not the usual practice to reproduce in a report a text that had not been subject to any discussion.

16. Prior to the consideration of the amendments to AETR, the discussion focused initially on the conflict of laws that existed, in the opinion of certain delegations, between Regulation (EC) No. 561/2006 (applicable since 11 April 2007) and the provisions of AETR, a problem already raised at the May 2007 session.

17. In that respect, the representative of the European Union recalled that:

(a) As any carriage undertaken solely and entirely within the territory of the European Union between two member States was considered national carriage, AETR was not applicable to such transport operations, irrespective of whether they were performed by European Union or non-European Union operators. The text of the statement by the Commission is contained in footnote 1, below.<sup>1</sup>

---

<sup>1</sup> “The representative of the European Commission officially stated that such an application of Community law is consistent with international law both from the practical and the legal sides.

(a) All EU member States and other contracting parties to AETR have always been subject to Community law on trips undertaken entirely on Community territory. Consistent practice is recognised in international law - Article 31 (3) (b) of the Vienna Convention refers to subsequent practice which forms part of the context of the agreement that can be taken on board as a rule of interpretation.

(b) AETR remained applicable for all carriage undertaken between a non-European Union AETR country and an AETR country that was a member of the European Union, whether on the outward or on the return journey, and during transit through an AETR country.

18. The representatives of the Russian Federation, Ukraine and Belarus offered a different analysis: in their view, the scope of the reservations was restricted to the European Union member countries. The position of the three countries is set out in footnote 2, below.<sup>2</sup>

19. For its part, the Turkish delegation emphasized the difficulties that transport operators from non-European Union countries faced when in European Union territory, owing to the implementation of new Regulation (EC) No. 561/2006, and emphasized the need for a transitional period until the digital tachograph became mandatory for such countries.

20. The representative of IRU proposed that the focus should be on seeking compromise solutions to the substantive issues and that the question of which law applied should be addressed subsequently. The IRU position is reproduced below:

“IRU, while emphasizing the need for harmonization of the laws on driving and rest times at the pan-European level and, at the same time, recognizing the specificities of the regions covered by AETR and the important questions raised by the transport operators of

---

(b) Legally, AETR has never been applicable for journeys undertaken entirely in the European Community, due to the reservations made by EU member States during ratification or accession as foreseen in Article 19 (2) of AETR giving six months to contracting parties to object. There has not been any objection to these reservations.”

<sup>2</sup> “The representative of the European Commission has noted that, on acceding to the AETR Agreement, several EU countries made reservations according to which a transport operation between EU member States should be treated as national.

On that basis, the European Commission concludes that transport operations between EU countries are subject to EU legislation in the field of work and rest periods of vehicle crews, regardless of the country of registration of vehicles effecting such transport operations.

However, according to Article 41 of the Vienna Convention on the Law of Treaties, 1969, two or more parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone and if such modification does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations.

Considering the above provisions, the delegation of the Russian Federation concludes that the reservations made by several EU countries to the AETR Agreement, to which the European Commission refers, cannot have legal consequences for the other AETR Contracting Parties. Thus, at the very least, EU legislation in the field of work and rest periods of vehicle crews is not applicable to drivers of vehicles registered in non-EU States, even in the case of transport operations between the territories of EU countries.”

non-European Union countries, called on the parties to agree on feasible compromise solutions so as to harmonize AETR with the latest amendments made by Regulation (EC) No. 561/2006. That must be done within the framework of cooperation among all the parties, as was also required for the introduction of the digital tachograph in all AETR countries in June 2010. In seeking a compromise on the substance, the essential points should be addressed first, followed by the legal questions in a second phase, so as to avoid any disruption of road transport, trade and tourism on the European continent in the years to come.”

21. During the consideration of the proposed amendments, which proceeded on the basis of document ECE/TRANS/SC.1/AC.6/2006/1/Rev.2, the Chairman of the Working Party initially focused the discussion on the main pending issues: article 8 (rest periods) and article 12 (extraterritoriality of penalties). Notwithstanding an intensive exchange of views on the text of article 8, paragraph 6, as set out in the aforementioned document (which would be reproduced in a revised version of document ECE/TRANS/SC.1/2007/3), and on the language submitted by the Russian Federation in an informal document distributed in the meeting room, no compromise could be reached. The Working Party did, however, adopt article 12.

22. During the discussion, the representative of the European Commission recalled the importance, from a road safety standpoint, of the provisions of the new European Union Regulation concerning rest periods, and the politically sensitive nature of that aspect. He considered that the differences concerning article 8, paragraph 6 (b), were not insurmountable and that, consequently, a solution satisfactory for all could be found in respect of the wording. On the other hand, he expressed strong reservations concerning the proposal contained in paragraph 6 (a), dealing with rest periods for drivers engaged in occasional passenger transport, submitted by the Russian Federation in the informal document referred to in paragraph 21, above.

23. The representatives of the Russian Federation, Ukraine and Belarus pointed out that the latter issue had been addressed on numerous occasions, a position confirmed by the representative of Sweden, with support from IRU.

24. The Working Party then decided to review the whole text in order to definitively adopt the provisions that had been modified since the meeting of the Ad Hoc Group in May 2007. SC.1 thus adopted the whole set of provisions as presented in the table in ECE/TRANS/SC.1/AC.6/2006/1/Rev.2, except for article 8, paragraph 6, and the form appearing in document ECE/TRANS/SC.1/2007/3, the content of the latter document, which reproduced all the proposed amendments contained in ECE/TRANS/SC.1/AC.6/2006/1/Rev.2 in an official version, not yet having been considered. The articles hereafter were adopted with the following modifications:

- (a) In article 2, paragraph 2, the addition between square brackets was deleted;
- (b) In article 7, paragraph 4 was deleted;

(c) In article 12 bis, paragraph 4, all the text starting from “including on the territory of the European Union” was deleted;

(d) In article 22 ter, paragraph 3, the word “immediately” was replaced by “three months”.

25. Concerning the form, the delegation of the Russian Federation expressed the wish that it should be supplemented with certain additional information. The delegation submitted a text, which was subsequently handed over to the secretariat so that the related proposals could be incorporated in document ECE/TRANS/SC.1/2007/3, which would be revised. The representative of the European Commission confirmed that the Commission was prepared to discuss the form, but that, for the time being, such a discussion would be premature. The Russian delegation also pointed out an inconsistency in the current Russian text of the consolidated version of AETR (ECE/TRANS/SC.1/2006/2) between the first indent of article 12, paragraph 3 (c), of the annex and the first indent of chapter III, section C, paragraph 4 (a) (iii), of appendix 1.

26. To try to find a consensus on the points that were still unresolved, the Working Party called for the use of all possibilities for negotiation. It was decided to hold a special meeting of SC.1 in order to finalize the text, if possible. However, the special meeting (to be held on 26 and 27 May 2008) must receive prior authorization from the Inland Transport Committee, which would hold its session in February 2008.

### **C. Questionnaire on checking of driving and rest times**

Document: ECE/TRANS/SC.1/2007/1

27. The secretariat pointed out that the questionnaire had been sent, and informed delegates that no replies had been received from non-European Union AETR countries by the deadline (30 September 2007). The secretariat repeated its request to the countries concerned to send the information sought as soon as possible. It announced that the results of the survey would be merged later with those of the survey of the European Union countries carried out by the Commission.

### **D. Implementation of the digital tachograph**

Documents: ECE/TRANS/SC.1/AC.6/8; ECE/TRANS/SC.1/2006/8;  
ECE/TRANS/SC.1/2006/9

28. The secretariat reiterated its request to countries, made in the letter inviting them to take part in the meeting of the Ad Hoc Group in May 2007, to quickly provide the addresses of the persons/services responsible for implementation of the digital tachograph. Such information was necessary to facilitate that process.

29. The representative of the European Commission stated that, in a spirit of partnership, the Commission was completely open to helping the non-European Union countries with the implementation of the digital tachograph. In particular, experts from non-European Union countries could be seconded, under a procedure to be established, to the certification laboratory in Ispra, Italy, which was responsible for delivery of the cryptographic keys and the

interoperability certificates. Likewise, the Commission was ready to support exchanges of experts and experience within the framework of seminars or workshops. He added that the Commission could go further via possible financial support in certain fields, including seminars and workshops, but that such support was dependent on whether a consensus was reached on the amendments concerning rest and driving periods currently under discussion.

30. The secretariat informed delegations that it was currently working on the adaptation of the English and French texts of appendix 1B of AETR and that such work had to be completed prior to a request for translation into Russian. The secretariat indicated that it would make every possible effort to expedite the translation of the document into Russian. The representatives of the Russian Federation, Ukraine and IRU expressed concern about the delay, and strongly emphasized the urgent need for the Russian translation, which was absolutely necessary for them to be able to respect the deadline set in the Agreement.

## **VII. DRAFT ADDITIONAL PROTOCOL TO CMR (agenda item 5)**

Document: ECE/TRANS/SC.1/2007/2

31. Having outlined the context in which the Draft Additional Protocol had been drawn up, the Chairman of the Working Party proceeded with the adoption of the text article by article. During the consideration of the text contained in the above-mentioned document, amendments were made to articles 1 (definition of the electronic consignment note) and 13. A request by the delegation of the Netherlands to add the words “the shipper” to the definition of electronic consignment note was rejected, as the text already contained the words “or any other party interested”. Several delegations called for article 13 to be amended to specify that subsequent amendments to the Additional Protocol would be adopted by unanimity.

32. The text was therefore modified during the session to incorporate the changes requested. SC.1 then adopted the text of the Additional Protocol to CMR, as reproduced in annex I to this report, mandating the secretariat to fill in the place and date of signature of the Protocol, in accordance with the possibilities available.

33. The secretariat asked delegations to specify whether their countries intended to sign the Protocol should a signing ceremony be held during the session of the Inland Transport Committee. As no representatives were able to specify their countries' intentions, the secretariat stated that it would send out a letter on that question in the near future. It reminded participants that a signing ceremony must follow very strict rules, and that in the absence of the Head of State, the Prime Minister and the Minister for Foreign Affairs, other persons must have credentials authorizing them to sign.

## **VIII. ROAD TRANSPORT INFRASTRUCTURE (agenda item 6)**

### **A. European Agreement on Main International Traffic Arteries (AGR)**

34. The secretariat informed the Working Party of the publication at the beginning of 2008 of a new updated map of E roads and said that the map was also available in PDF format on the ECE Transport Division internet site, at: <http://www.unece.org/trans/conventn/MapAGR2007.pdf>.

1. Status of prior amendments to AGR, Annex I

35. The Working Party was informed that the proposals for amendments to Annexes I and II of AGR, adopted by SC.1 at its ninety-ninth session (TRANS/SC.1/377, annex 1), had entered into force on 23 November 2006 and that on 29 March 2007 the secretariat had forwarded to the United Nations Treaty Section in New York the proposed amendments to AGR adopted by SC.1 at its one hundredth session (TRANS/SC.1/379, annex 1). The Working Party noted that the latter proposals had been communicated to the Contracting Parties by the Secretary-General in depositary notifications C.N.314.2007.TREATIES-1, C.N.315.2007.TREATIES-2 and C.N.316.2007.TREATIES-3 and that they would enter into force on 15 January 2008.

2. Consideration of new proposals for amendments to AGR, Annex I

Document: ECE/TRANS/SC.1/2007/5

36. The Working Party adopted the proposal for modification of the E 79 road, transmitted by Hungary. The new reference for that E road would be the following:

**E 79:** Miskolc - Debrecen - **Berettyóújfalú** - Oradea - Beius - Deva - Petrosani -  
Tirgu Jiu - Craiova - Calafat - Vidin - Vraca - Botevgrad - Sofia - Blagojevgrad -  
Serai - Thessaloniki

**B. Trans-European North-South Motorway (TEM) Project**

Document: ECE/TRANS/SC.1/2007/6

37. The Director of the TEM Project Central Office, Mr. Marian Hantak, recalled the objectives of the TEM Project and informed the Working Party of the progress made since the one hundredth session. All the information on the project was summarized in document ECE/TRANS/SC.1/2007/6. It was of particular note that the planned total length of the TEM network as at 1 January 2007 had been 24,047 km, of which 10,113 km (dual carriageway) and 3,558 km (single carriageway) were operational and 1,170 km were under construction. He pointed out that the TEM network differed only slightly from the E network and that the differences related to just 16 road segments.

38. He pointed out that the TEM Project Central Office was continuing its activities to promote specific follow-up activities in accordance with the TEM Master Plan, which defined a strategy for the implementation of the road transport infrastructure.

39. The Working Party expressed its gratitude to the Project Manager and his continued support for the TEM Project.

**IX. HARMONIZATION OF REQUIREMENTS CONCERNING INTERNATIONAL ROAD TRANSPORT AND FACILITATION OF ITS OPERATION** (agenda item 7)

**A. Development of provisions on the facilitation of international road transport (R.E.4)**

(Document: ECE/TRANS/SC.1/2002/4/Rev.4)

1. Access to the profession of road passenger and goods transport operator

Document: informal document

40. The Working Party was informed of the position of IRU concerning access to the profession of road passenger and goods transport operator and took note of the informal document on the topic submitted by that organization. The Working Party expressed interest in considering the possible impact of the new European Union legislation on the current R.E.4, which already defined, in chapter I, section 2, the rules to be applied in the matter. The IRU representative suggested that a representative of the European Commission should present to the Working Party current developments in the European Union.

2. Attacks against drivers of international heavy goods vehicles

41. The IRU representative introduced the joint ITF-IRU study on attacks against drivers of international heavy goods vehicles, which would be published in the coming months. The Working Party and the Director of the Transport Division emphasized the importance of the issue of security in transport; that was particularly relevant in the light of the estimated cost of such attacks, which amounted to 7 billion euros over five years. In that connection, there was a need to improve the security situation.

42. Following the introduction, the Working Party asked for the issue to be included in its programme of work; it considered that practical follow-up could be given through the incorporation of recommendations in R.E.4.

3. International regular services by bus and coach in Europe

Document: ECE/TRANS/SC.1/2007/4

43. The IRU representative presented a memorandum (reproduced in the above-mentioned document) adopted by IRU on 26 November 2003 and concerning international regular services by bus and coach in Europe, and the difficulties and barriers such services encountered in international traffic. In order to facilitate their movement, he proposed that a new international INTERBUS agreement should be established. The IRU proposal was supported by the representative of Switzerland. The Working Group, while stressing the value of such an agreement, nevertheless judged that more detailed analysis needed to be undertaken first and requested IRU to work with volunteers to prepare a note for the next session.

**B. Review of questions concerning facilitation of international road transport**

1. International Motor Insurance System (Green Card)

Document: ECE/TRANS/SC.1/2007/7

44. The President of the Council of Bureaux, Mr. Ulf Blomgen, informed the Working Party of the latest developments in motor insurance. He particularly emphasized that guarantee funds were the Bureau's priority and that there was a need to expedite the reimbursement of claims. His colleague, Ms. Maion, informed the Working Party of the latest facts and developments concerning the International Motor Insurance System (also outlined in document ECE/TRANS/SC.1/2007/7), which are summarized in annex II to the present report. She also noted that work was under way to change the format and content of the Green Card to make it easier for non-professionals to understand.

2. Accession to and implementation of ECE international legal instruments on road transport

45. In addition to the accessions to AETR mentioned in paragraph 11, the Working Party was informed by the secretariat that Montenegro had acceded to CMR and AGR on 23 October 2006, Ukraine to CMR on 16 February 2007, and Albania and Moldova to the Protocol to CMR on 12 January 2007 and 31 May 2007, respectively.

**X. DRAFT PROGRAMME OF WORK FOR 2008-2012** (agenda item 8)

Document: ECE/TRANS/SC.1/2007/8

46. The Working Party adopted its programme of work for 2008-2012 (ECE/TRANS/SC.1/2007/8), after making some amendments to items (c) and (g) (changes to the wording of the expected outputs). It requested the secretariat to send the amended programme of work to the Inland Transport Committee for consideration and adoption at its seventieth session in February 2008. The programme of work as adopted is reproduced in annex III to the present report.

**XI. OTHER BUSINESS** (agenda item 9)

Document: ECE/TRANS/SC.1/2007/4

47. The Working Party was informed that, if an extraordinary meeting of SC.1 was approved by the Inland Transport Committee (thus becoming the one hundred and second session), it would be held on 26 and 27 May 2008, and that the regular session (which would then be the one hundred and third session) would be held from 29 to 31 October 2008.

48. The Chairman of the Working Party, Mr. Jouko Alaluusua, the Vice-Chairman, Mr. Bob Oudshoorn, and the delegates expressed their gratitude to Ms. Marie-Noëlle Poirier for her constructive and effective work as the secretary of the Working Party. They wished her a long and happy retirement.

**XII. ADOPTION OF DECISIONS** (agenda item 10)

49. The Working Party adopted a brief list of decisions taken at its one hundred and first session on the basis of a draft prepared by the secretariat. The present report will be submitted for adoption by the Working Party at its one hundred and second session.

**Annex I**

**(Text adopted by the Working Party)**

**PROTOCOL ADDITIONAL TO THE CONVENTION ON THE CONTRACT  
FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR)  
CONCERNING THE ELECTRONIC CONSIGNMENT NOTE**

THE PARTIES TO THIS PROTOCOL,

BEING PARTIES to the Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 19 May 1956,

DESIROUS OF supplementing the Convention in order to facilitate the optional making out of the consignment note by means of procedures used for the electronic recording and handling of data,

HAVE AGREED as follows:

Article 1

Definitions

For the purposes of this Protocol,

“Convention” means the Convention on the Contract for the International Carriage of Goods by Road (CMR);

“Electronic communication” means information generated, sent, received or stored by electronic, optical, digital or similar means with the result that the information communicated is accessible so as to be usable for subsequent reference;

“Electronic consignment note” means a consignment note issued by electronic communication by the carrier, the sender or any other party interested in the performance of a contract of carriage to which the Convention applies, including particulars logically associated with the electronic communication by attachments or otherwise linked to the electronic communication contemporaneously with or subsequent to its issue, so as to become part of the electronic consignment note;

“Electronic signature” means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

## Article 2

### Scope and effect of the electronic consignment note

1. Subject to the provisions of this Protocol, the consignment note referred to in the Convention, as well as any demand, declaration, instruction, request, reservation or other communication relating to the performance of a contract of carriage to which the Convention applies, may be made out by electronic communication.
2. An electronic consignment note that complies with the provisions of this Protocol shall be considered to be equivalent to the consignment note referred to in the Convention and shall therefore have the same evidentiary value and produce the same effects as that consignment note.

## Article 3

### Authentication of the electronic consignment note

1. The electronic consignment note shall be authenticated by the parties to the contract of carriage by means of a reliable electronic signature that ensures its link with the electronic consignment note. The reliability of an electronic signature method is presumed, unless otherwise proved, if the electronic signature:
  - (a) Is uniquely linked to the signatory;
  - (b) Is capable of identifying the signatory;
  - (c) Is created using means that the signatory can maintain under his sole control;and
  - (d) Is linked to the data to which it relates in such a manner that any subsequent change of the data is detectable.
2. The electronic consignment note may also be authenticated by any other electronic authentication method permitted by the law of the country in which the electronic consignment note has been made out.
3. The particulars contained in the electronic consignment note shall be accessible to any party entitled thereto.

## Article 4

### Conditions for the establishment of the electronic consignment note

1. The electronic consignment note shall contain the same particulars as the consignment note referred to in the Convention.

2. The procedure used to issue the electronic consignment note shall ensure the integrity of the particulars contained therein from the time when it was first generated in its final form. There is integrity when the particulars have remained complete and unaltered, apart from any addition or change which arises in the normal course of communication, storage and display.

3. The particulars contained in the electronic consignment note may be supplemented or amended in the cases authorized by the Convention.

The procedure used for supplementing or amending the electronic consignment note shall make it possible to detect as such any supplement or amendment to the electronic consignment note and shall preserve the particulars originally contained therein.

#### Article 5

##### Implementation of the electronic consignment note

1. The parties interested in the performance of the contract of carriage shall agree on the procedures and their implementation in order to comply with the requirements of this Protocol and the Convention, in particular as regards:

- (a) The method for the issuance and the delivery of the electronic consignment note to the entitled party;
- (b) An assurance that the electronic consignment note retains its integrity;
- (c) The manner in which the party entitled to the rights arising out of the electronic consignment note is able to demonstrate that entitlement;
- (d) The way in which confirmation is given that delivery to the consignee has been effected;
- (e) The procedures for supplementing or amending the electronic consignment note; and
- (f) The procedures for the possible replacement of the electronic consignment note by a consignment note issued by different means.

2. The procedures in paragraph 1 must be referred to in the electronic consignment note and shall be readily ascertainable.

#### Article 6

##### Documents supplementing the electronic consignment note

1. The carrier shall hand over to the sender, at the latter's request, a receipt for the goods and all information necessary for identifying the shipment and for access to the electronic consignment note to which this Protocol refers.

2. The documents referred to in article 6, paragraph 2 (g), and article 11 of the Convention may be furnished by the sender to the carrier in the form of an electronic communication if the documents exist in this form and if the parties have agreed to procedures enabling a link to be established between these documents and the electronic consignment note to which this Protocol refers in a manner that assures their integrity.

## FINAL PROVISIONS

### Article 7

#### Signature, ratification, accession

1. This Protocol shall be open for signature by States which are signatories to or Parties to the Convention and are either members of the Economic Commission for Europe or have been admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference.

2. This Protocol shall be open for signature at [Geneva from ... 2008] inclusive and, after this date, at United Nations Headquarters in New York until [... 2009] inclusive.

3. This Protocol shall be subject to ratification by signatory States and open for accession by non-signatory States, referred to in paragraph 1 of this article, which are Parties to the Convention.

4. Such States as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference and which have acceded to the Convention may become Parties to this Protocol by acceding thereto after its entry into force.

5. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

6. Any instrument of ratification or accession, deposited after the entry into force of an amendment to this Protocol adopted in accordance with the provisions of article 13 hereafter, shall be deemed to apply to the Protocol as modified by the amendment.

### Article 8

#### Entry into force

1. This Protocol shall enter into force on the ninetieth day after five of the States referred to in article 7, paragraphs 3 and 4, of this Protocol, have deposited their instruments of ratification or accession.

2. For any State ratifying or acceding to it after five States have deposited their instruments of ratification or accession, this Protocol shall enter into force on the ninetieth day after the said State has deposited its instrument of ratification or accession.

Article 9

Denunciation

1. Any Party may denounce this Protocol by so notifying the Secretary-General of the United Nations.
2. Denunciation shall take effect 12 months after the date of receipt by the Secretary-General of the notification of denunciation.
3. Any State which ceases to be Party to the Convention shall on the same date cease to be Party to this Protocol.

Article 10

Termination

If, after the entry into force of this Protocol, the number of Parties is reduced, as a result of denunciations, to less than five, this Protocol shall cease to be in force from the date on which the last of such denunciations takes effect. It shall also cease to be in force from the date on which the Convention ceases to be in force.

Article 11

Dispute

Any dispute between two or more Parties relating to the interpretation or application of this Protocol which the Parties are unable to settle by negotiation or other means may, at the request of any one of the Parties concerned, be referred for settlement to the International Court of Justice.

Article 12

Reservations

1. Any State may, at the time of signing, ratifying, or acceding to this Protocol, declare by a notification addressed to the Secretary-General of the United Nations that it does not consider itself bound by article 11 of this Protocol. Other Parties shall not be bound by article 11 of this Protocol in respect of any Party which has entered such a reservation.
2. The declaration referred to in paragraph 1 of this article may be withdrawn at any time by a notification addressed to the Secretary-General of the United Nations.
3. No other reservation to this Protocol shall be permitted.

### Article 13

#### Amendments

1. Once this Protocol is in force, it may be amended according to the procedure defined in this article.
2. Any proposed amendment to this Protocol presented by a Party to this Protocol shall be submitted to the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE) for consideration and decision.
3. The Parties to this Protocol shall make all possible efforts to achieve consensus. If, despite these efforts, consensus is not reached on the proposed amendment, it shall require, as a last resort, for adoption a two-thirds majority of Parties present and voting. A proposed amendment adopted either by consensus or by a two-thirds majority of Parties shall be submitted by the secretariat of the United Nations Economic Commission for Europe to the Secretary-General to be circulated for acceptance to all Parties to this Protocol.
4. Within a period of nine months from the date on which the proposed amendment is communicated by the Secretary-General, any Party may inform the Secretary-General that it has an objection to the amendment proposed.
5. The proposed amendment shall be deemed to have been accepted if, by the end of the period of nine months foreseen in the preceding paragraph, no objection has been notified by a Party to this Protocol. If an objection is stated, the proposed amendment shall be of no effect.
6. In the case of a country which becomes a Contracting Party to this Protocol between the moment of notification of a proposal for amendment and the end of the nine-month period foreseen in paragraph 4 of this article, the secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall notify the new State party about the proposed amendment as soon as possible. The latter may inform the Secretary-General before the end of this period of nine months that it has an objection to the proposed amendment.
7. The Secretary-General shall notify, as soon as possible, all the Parties to this Protocol of objections raised in accordance with paragraphs 4 and 6 of this article as well as of any amendment accepted in accordance with paragraph 5 above.
8. Any amendment deemed to have been accepted shall enter into force six months after the date of notification of such acceptance by the Secretary-General to the Parties.

### Article 14

#### Convening of a diplomatic conference

1. Once this Protocol is in force, any Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing this Protocol. The Secretary-General shall notify all Parties of the request and a review conference

shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one quarter of the Parties to this Protocol notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all the Parties and invite them to submit within a period of three months such proposals as they may wish the Conference to consider. The Secretary-General shall circulate to all Parties the provisional agenda for the Conference together with the texts of such proposals at least three months before the date on which the Conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all States referred to in article 7, paragraphs 1, 3 and 4, of this Protocol.

### Article 15

#### Notifications to States

In addition to the notifications provided for in articles 13 and 14, the Secretary-General of the United Nations shall notify the States referred to in article 7, paragraph 1, above, and the States which have become Parties to this Protocol in accordance with article 7, paragraphs 3 and 4, of:

- (a) Ratifications and accessions under article 7;
- (b) The dates of entry into force of this Protocol in accordance with article 8;
- (c) Denunciations under article 9;
- (d) The termination of this Protocol in accordance with article 10;
- (e) Declarations and notifications received in accordance with article 12, paragraphs 1 and 2.

### Article 16

#### Depositary

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who shall send certified true copies thereof to all the States referred to in article 7, paragraphs 1, 3 and 4, of this Protocol.

DONE at [Geneva, on ... 2008], in a single copy in the English and French languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Protocol:

## **Annex II**

### **SUMMARY OF THE REPORT OF THE PRESIDENT OF THE COUNCIL OF BUREAUX OF THE GREEN CARD SYSTEM**

1. At a European meeting of guarantee funds and compensation bodies held in Rotterdam in November 2006, it was decided that formal international cooperation between those entities was essential and that the secretariat of the Council of Bureaux should provide administrative support to that effect.
2. An implementation committee was established to guide the development of the cooperation between guarantee funds and compensation bodies. A further European meeting of guarantee funds and compensation bodies was held in November 2007 in Madrid.
3. The issue of the high level of uninsured driving in some countries has become increasingly important for the Council of Bureaux as the numbers of vehicles travelling internationally increases each year. In case of an accident, the cost is borne by the guarantee fund in the country where the accident occurred and eventually by that country's motorists through an increase in the cost of their insurance policies.

The Council of Bureaux is cooperating with the European Commission and the European Federation of National Insurance Associations (CEA) to examine ways by which the problem may be reduced. This issue will continue to be a high priority for the Council of Bureaux.

4. The financial stability of the Green Card system is the focus of continuing efforts by the Council to ensure that large or catastrophic claims will be met by all bureaux. The Council of Bureaux is considering, for example, how to improve the methods of mediating and arbitrating contentious claims so that claim dispute resolution is expedited. In parallel, the Council is looking into the provision of a high-level umbrella reinsurance cover so that, in the event of a major systemic failure, the operational continuity of the system is not impaired.
5. The Green Card has remained almost unchanged for 50 years, and the Council of Bureaux is currently working on the first substantive revision. The working group set up within the Council of Bureaux to deal with Green Card security is currently working on this project. As soon as the General Assembly has approved the revised format, it will be submitted to UNECE for consideration.
6. Bulgaria and Romania would both normally have been signatories of the Council of Bureaux Multilateral Agreement before joining the European Union on 1 January 2007. Signature of the Multilateral Agreement was delayed, however, until both countries reduced uninsured driving to a level acceptable to other signatories, i.e., no more than 10 per cent of the national vehicle fleet. Both countries having eventually satisfied the other signatories that they had achieved the required level, an addendum to the Multilateral Agreement to admit them as signatories was signed on 8 March 2007.

7. Subsequent to the independence of Montenegro, an interim agreement between the Council of Bureaux, the Bureau of Serbia and the Association of Montenegrin Insurers acting on behalf of the Montenegrin authorities was put in place in mid-July 2007 to provide international insurance card cover for vehicles entering and leaving Montenegro.

8. The Council of Bureaux appointed Mr. Alain Pire as the Secretary-General of the Council of Bureaux as from 1 August 2007. Mr. Pire was previously Chief Executive of the Belgian Bureau. He succeeds Mr. Michael Nicholson who retired after nearly 10 years' service as Secretary-General.

### Annex III

#### DRAFT PROGRAMME OF WORK FOR 2008-2012

#### PROGRAMME ACTIVITY - 02.2: ROAD TRANSPORT

##### 02.2.1 Road transport infrastructure

#### CONTINUING ACTIVITIES

##### I. Implementation and amendment of the European Agreement on Main International Traffic Arteries (AGR)

Description: In order to adapt the European road network to future requirements, the Working Party on Road Transport (SC.1) will take suitable action to implement the Agreement and amend as necessary its provisions, taking into account the evolution of traffic flows, as well as the safety and security of the network.

##### Work to be undertaken:

- (a) Consideration of the AGR Agreement in the light of new traffic flows.

Output expected by 2008-2009: Adoption of amendments to Annex I to AGR, including new E-roads. Issuance of an updated map of the network **in 2008**.

Priority: 1

- (b) ~~Consideration of the AGR agreement with a view to~~ **Enhancing** AGR provisions and standards which have an impact on road safety, environmental protection and energy saving.

Output expected by 2008-2009: Preparation and possible adoption of new amendments to Annex II of AGR **or recommendations** which relate to safety and security.

Priority: 1

##### II. Trans-European North-South Motorway (TEM) Project

Description: In order to assist in the construction of the TEM network as part of an integrated international road infrastructure, the Working Party on Road Transport will continue its close cooperation with TEM.

##### Work to be undertaken:

- (c) Review of continuing and expected future progress in the TEM network and consideration of possibilities to contribute to its further development (e.g., combined transport, financing).

**Output expected by 2008-2009: ~~Monitoring the Development of the TEM Project and accession of new members to the project.~~**

Priority: 2

02.2.2 Harmonization of requirements concerning international road transport and facilitation of its operations

Description: In order to simplify and harmonize requirements concerning international road transport and the facilitation of its operation, the Working Party on Road Transport will elaborate and update, as necessary, appropriate international instruments **and/or recommendations** and study selected aspects of international transport of passengers and goods by road, particularly those related to the facilitation of road transport between eastern and western Europe and the simplification and harmonization of administrative procedures and documentation.

### CONTINUING ACTIVITIES

Work to be undertaken:

- (e)(d) Implementation of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). **Enhanced implementation of AETR within the framework of the biennial evaluation.**

Output expected by 2008-2009: ~~Alignment of AETR with new provisions adopted by the European Union~~ **Adoption of new provisions concerning the regulation of driving and rest periods for professional drivers. Organization of a Seminar on the introduction of the digital tachograph for non-European Union States.**

Priority: 1

**Evaluation of the survey (to be conducted every two years) on the effective application of AETR, identification of a number of problem areas and proposals to address them within the framework of the follow-up to the survey.**

Priority: 1

- (d)(e) Consideration of questions concerning the Green Card International Motor Insurance System.

Output expected by 2008-2009: Encourage and facilitate membership of the Green Card system. Consider possibilities for the establishment of an international motor insurance system for Central Asian and Caucasian States.

Priority: 2

- (e)(f) Promote the harmonization of fiscal and other measures in order to avoid any discriminatory practices in international road transport.

Output expected by 2008-2009: Development of proposals regarding the harmonization of fiscal and other measures in international road transport.

Priority: 3

## ACTIVITIES OF LIMITED DURATION

~~02.2.3~~

### ACTIVITIES OF LIMITED DURATION

Work to be undertaken:

~~(f)~~(g) Modification of the Consolidated Resolution on the Facilitation of International Road Transport (R.E.4).

Output expected by 2008-2009: Consideration of the need to modify or add to R.E.4 on certain subjects, such as the security of passenger **and goods** transport, and of **the drivers and their loads, access to the profession of road transport operator, and regular passenger services.**

Priority: 2

~~(g)~~(h) Consideration of new challenges, opportunities and developments in the facilitation of border crossings and consideration of possibilities for effective measures other than legal measures on border crossings and border facilities for road transport between eastern and western Europe.

Output expected by 2008-2009: Cooperation **where appropriate** with the Working Party on Customs Questions Affecting Transport (WP.30) on aspects of ~~the new proposed annex 8 to the Harmonization Convention on the facilitation of border crossing such as visa issuance to professional drivers, an international vehicle weight certificate and road worthiness certificate,~~ **the Working Party on Road Traffic Safety on the safety of infrastructure, and the Committee on Trade on the use of electronic consignment notes.**

Priority: 1

~~(h)~~(i) Consideration of the Convention on the Contract for the International Carriage of Goods by Road (CMR) with a view to the introduction of electronic data interchange (EDI) into its procedures.

Output expected by 2008-2009: **Opening for signature** of a new protocol to CMR introducing **the electronic consignment note.**

Priority: 1

- ⊕(j) Analysis of the **Implementation** of transport-related ECE agreements and conventions.

Output expected by 2008-2009: ~~Launching of a survey to evaluate the implementation of different agreements and conventions concerning road transport by Contracting Parties.~~

**Adaptation of the content of annex 1B of the European Union Regulation dealing with the digital tachograph in the context of appendix 1B to the annex to AETR and translation of appendix 1B (more than 250 pages) into Russian.**

**Priority: 1**

**Follow-up on the implementation of the digital tachograph in non-European Union AETR countries.**

**Priority: 1**

-----