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Working Party on Road Transport

Report of the special session of the Working Party on Road Transport on the implementation of the digital tachograph (22-23 April 2010)

I. Attendance

1. The Working Party on Road Transport (SC.1) held a special session dedicated to the implementation of digital tachograph from 22–23 April 2010, chaired by Mr. Bob Oudshoorn (Netherlands).
2. Representatives of the following member States participated: Albania, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Czech Republic, France, Germany, Greece, Hungary, Latvia, Republic of Moldova, Montenegro, Netherlands, Poland, Russian Federation, Serbia, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uzbekistan.
3. The European Union (EU) and the following non-governmental organization were also represented: International Road Transport Union (IRU) and Continental Automotive GmbH as observers.

II. Introduction

4. The special session was convened by the secretariat following a request by the Inland Transport Committee at its seventy-second session (ECE/TRANS/208, para. 38).
5. The objective of the special session was to approve the proposals resulting from the meeting of the “Ad hoc Group of Experts for the Implementation of the Digital Tachograph by non-EU Contracting Parties to the AETR” held on 26 February 2010 in Geneva, on measures to be applied during the tolerance period with respect to the implementation of digital tachograph by the Contracting Parties to the AETR.

III. Approval of implementation arrangements of the digital tachograph

6. The representatives of the European Commission made the following statement:

“Member States of the European Union reconfirm that the deadline of 16 June 2010 for the implementation of the digital tachograph in the AETR forms an integral part of the agreement and cannot be extended.

Taking into account time constraints in the timely issuance of cards to all parties concerned (drivers, companies, workshops and control authorities) by some of the Contracting Parties to the AETR, the Member States of the European Union are fully committed to support the phasing-in of the digital tachograph in the AETR area. Therefore, the enforcement bodies of the EU Member States are ready to show flexibility until 31 December 2010 if driver cards are not yet available.

During this period, print-outs from a duly calibrated digital tachograph will be accepted for controlling purposes, provided that the procedure agreed in the “tolerance package” is fully respected. As soon as a driver is in possession of a driver card, it will have to be used.”

7. All Contracting Parties present in the meeting expressed their support for the "tolerance package" proposed by the Ad hoc group of Experts for the implementation of the Digital Tachograph by non-EU Contracting Parties to the AETR on 26 February 2010.

8. The Working Party took note of the position on the digital tachograph expressed by the General Assembly of the IRU, supporting the tolerance measures proposed, but calling upon Contracting Parties to AETR to extend the validity of those measures until such time as governments are able to issue the four types of cards needed to ensure the proper functioning of the digital tachograph in the appropriate secure environment.

9. The Working Party approved the measures to be applied during the tolerance period with respect to the implementation of digital tachograph by the Contracting Parties to the AETR as reproduced in the annex to the present report.

IV. Progress in the implementation of the digital tachograph

10. Each of the Contracting Parties present at the meeting informed of the progress made in the implementation of the digital tachograph. All these updates will be included in the Implementation Table and published on Transport Division’s website at http://www.unece.org/trans/main/sc1/sc1aetr_status.html.

11. In response to concerns expressed by some of the participants the European Commission assured that technical assistance will continue to be provided through TAIEX to all the Contracting Parties that will request such support through their national TAIEX Focal Point.

12. The Working Party took note of the information, congratulated the Contracting Parties for the progress made in implementing the digital tachograph and invited them to inform the Secretariat constantly and regularly of the implementation status.

V. Practical aspects of implementation

13. To ensure a proper implementation of the measures agreed, they will be widely disseminated, on one hand, to the enforcement authorities in countries which are implementing the digital tachograph, and on the other hand, to the transport companies and

drivers. To this end the European Commission has already convened a meeting with the enforcement authorities from all the 27 EU member States for the next week. IRU offered its support in instructing companies and drivers through its member associations.

14. The secretariat will publish on Transport Division's website a list of national Focal Points in the Contracting Parties to AETR, to be contacted during the tolerance period in case of implementation difficulties. The secretariat will also adjust the content of the website, to make reference to the official documents as easy as possible.

15. IRU raised the issue of third countries being obliged to implement the digital tachograph in order for their vehicles to be allowed to continue carrying on goods and passengers in the territories of Contracting Parties to the AETR.

16. The Working Party was of the opinion that Article 3 of the AETR is clearly indicating the possible solutions for such situations, that AETR is first and above all regulating driving and rest periods, and that Contracting Parties are implementing the Agreement in good faith.

17. The delegation of Ukraine expressed a concern and requested solutions to avoid double calibration. The specific case they mentioned is the following: at the moment a vehicle is sold, the national registration number is not known; it should therefore be possible to activate and calibrate the digital tachograph without mentioning the national registration number. In their opinion this would avoid additional calibration in the country where the vehicle is registered at the moment of its registration.

18. The representative of Continental Automotive GmbH stated that he was not seeing any major issue on this subject and gave the following explanations.

(a) Definition of VIN and VRN:

There are two parameters identifying an individual vehicle:

(i) the vehicle registration number (VRN):

The VRN is printed on the number plate and in the vehicle registration certificate. The VRN may change over the lifetime of an individual vehicle several times, e.g. if the vehicle is sold to another owner. The VRN is typically used by enforcers to identify the owner of a specific vehicle, to see in what country the vehicle has been registered and to check whether other provisions are met.

(ii) vehicle identification number (VIN)

The VIN is part of the vehicle, mounted in a way that it can not be removed or changed over the lifetime of the vehicle. The VIN is typically used to identify a specific vehicle, regardless its owner and where it is operated.

(b) The tachograph regulations require that:

(i) the VIN is stored in the digital tachograph recording unit, which is typically done for new vehicles by the vehicle manufacturer, or in case of retrofit of a digital tachograph by the workshop.

(ii) the VRN has to be inserted and stored in the recording unit after calibration of the device which is typically done by an authorised workshop before the vehicle is used in scope of the AETR.

(c) The potential problem in some Contracting Parties:

The insertion or modification of the VRN can only be done, if a workshop card is put into the digital tachograph. As workshop cards are currently not available in most non-EU CPs, two potential problem areas should be investigated:

(i) new vehicles with a new digital tachograph where the calibration can not be finished unless the workshop technician holds a workshop card. A bypass solution via the vehicle manufacturer does not work, as the Original Equipment Manufacturer (OEM) typically do not know the VRN. However, OEM may insert a "Dummy VRN" in order to perform the calibration in addition to the activation.

(ii) second hand vehicles where the digital tachograph has already been activated and calibrated by the previous owner, which means that the VRN stored in the digital tachograph is likely to differ from the VRN on the number plate and in the vehicle registration certificate.

19. In the opinion of the representative of Continental Automotive GmbH the potential problem for transport companies and drivers could be that a driver may be fined by enforcers, if no VRN or a false VRN is stored in the digital tachograph and therefore is also part of the printout and downloaded electronic data. His assessment was that as always both VRN and VIN are visible on the printouts as well as on downloaded electronic data, one should assume that enforcers are capable to handle the issue during the tolerance period.

20. In conclusion, the VRN will have to be inserted (for new vehicles) or modified (for second hand vehicles) at the first trip into a country where workshop cards are available.

VI. Conclusions

21. The Working Party approved a short List of Decisions (the original of which is published at <http://www.unece.org/trans/main/sc1/sc1rep.html>) and the present report.

22. The next (regular) session of the SC.1 will be held on 29 September-1 October 2010. Delegations wishing to submit documents for that session are invited to send them to the secretariat by 20 June at the latest.

Annex

Measures to be applied during the tolerance period with respect to the implementation of digital tachograph by the Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), of 1970

The special session of the Working Party on Road Transport (SC.1) held on 22-23 April 2010 noted the progress made by the Contracting Parties to the AETR and came to the conclusion that the timely compliance with the deadline of 16 June 2010 to fully implement the digital tachograph may not be possible in all of those Contracting Parties.

Since the deadline for introducing the digital tachograph cannot be postponed, the following measures are proposed:

1. Calibration of vehicles already registered and equipped with digital tachographs:

In case workshop cards are not yet issued by the Contracting Party, vehicles registered in that country shall be activated and calibrated at an authorized workshop during the first trip falling under the AETR in the first country through which they pass that has the capability to do so. Drivers shall carry a proof of an appointment with the first workshop to carry out the calibration (e.g. a confirmation by e-mail or letter).

2. Proof of compliance with driving time and rest period rules during the days preceding the journey

Drivers who have not yet received their driver cards from the authorities of the AETR Contracting Party must be able to prove their compliance with the rules by print-outs, record sheets, Attestation of activities, in accordance with the procedure foreseen by the provisions of the AETR. The procedure for print-outs is as follows:

- i. At the start of his journey, the driver shall print out the details of the vehicle he is driving, and enter onto that printout:
 - Details that enable the driver to be identified (name and number of his driving licence), including his signature;
 - The periods referred to in article 12, paragraph 3, second indent, points (b), (c) and (d) of the Annex to AETR:
 - all other periods of work
 - other periods of availability, namely: waiting time, i.e. the period during which drivers need to remain at their posts only for the purpose of answering any calls to start or resume driving or to carry out other work; time spent beside the driver while the vehicle is in motion; time spent on a bunk while the vehicle is in motion;
 - breaks in work and daily rest periods.
- ii. At the end of his journey, the driver shall print out the information relating to periods of time recorded by the control device, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name and number of his driving licence), including his signature.

3. Proof of compliance with driving time and rest period rules during the journey

Drivers who have not yet received their driver cards from the authorities of the AETR Contracting Party must be able to prove their compliance with the rules by print-outs according to the procedure foreseen under point 2 above.

These measures provide for the possibility to allow drivers of vehicles registered in a Contracting Party unable to issue cards within the deadline set in the AETR to use the vehicle with a calibrated digital tachograph without a driver's card until such time when the government can carry out these requirements but not later than 31 December 2010.

This tolerance in enforcement of the driving time and rest period rules applies until 31 December 2010 at the latest.

Wherever possible, the manufacturer of the vehicle shall ensure that the digital tachograph has been activated before it is used for a trip falling under the AETR, including at the place of its installation, for each sold vehicle equipped with a digital tachograph, if the buyer is from a country where the cards are not available.
