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## Economic Commission for Europe

### Inland Transport Committee

### Working Party on Road Transport

#### 106th session

Geneva, 17-19 October 2011

## Report of the Working Party on Road Transport on its 106th session

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## **I. Attendance**

1. The Working Party on Road Transport (SC.1) held its 106th session in Geneva from 17 to 19 October 2011, chaired by Mr. B. Oudshoorn (Netherlands). The following United Nations Economic Commission for Europe (UNECE) member States were represented in the meeting: Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Netherlands, Poland, Russian Federation, Spain, Sweden, Switzerland, Turkey and Ukraine.

2. The European Commission (EC) and the following non-governmental organizations (NGOs) were also represented: Council of Bureaux of the Green Card System (CoB) and International Road Transport Union (IRU).

## **II. Adoption of the Agenda (agenda item 1)**

3. The Working Party on Road Transport (SC.1) adopted the session's agenda (ECE/TRANS/SC.1/395).

## **III. Adoption of the report of the 105th session (agenda item 2)**

4. The Working Party adopted the report of its 105th session (ECE/TRANS/SC.1/392).

5. As requested by the EU, paragraph 44 was modified to read: "The representative of the European Commission maintained the position expressed in previous SC.1 sessions, i.e. that the EU law applies to all transports within the European Union, on the basis of the reservations made by the EU member States on behalf of the EU and on the basis of Article 31(3)b of the Vienna Convention on the Law of Treaties."

## **IV. Activities of interest to the Working Party (agenda item 3)**

### **A. Activities of UNECE bodies and other United Nations organizations**

6. The Working Party was informed about the results of sessions of the Inland Transport Committee, its subsidiary bodies and other United Nations entities on matters of interest to the Working Party. In particular, the ECE secretariat presented an ITS roadmap, the UNDA project to develop and implement an assessment tool for CO<sub>2</sub> emissions in inland transport, recent developments concerning the establishment of a Group of Experts on climate change impacts and adaptation for international transport networks, a supply chain challenges for national competitiveness through transport task force and the status of the 2010 E-Road Census program.

7. SC.1 requested to retain the issues related to climate change on the agenda of its next session.

### **B. National delegations**

8. The national delegation of Turkey provided information about road transport developments in that country. In particular, the progress made in training drivers and managers to obtain certificates of professional competency, continued withdrawal of old (older than 25 years) vehicles, the construction of vehicle control stations as well as construction of new dual-carriage roads in Turkey was described.

### **C. International organizations**

9. Representatives of international organizations provided information about road transport developments in their respective areas. The EU highlighted the main features of the White Paper of March 2011 while the IRU presented road industry's views about recent trends in the transport field, including a presentation about professional training being a key component towards the development of a sustainable road transport.

## **V. European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) (agenda item 4)**

### **A. Status of the Agreement**

10. SC.1 was informed that on 19 May 2011, the Government of Georgia acceded to the Agreement. Georgia's accession is conditional upon no AETR Contracting Party expressing opposition to the country's reservation within six months, i.e. by 19 November 2011. SC.1 welcomed the decision to accede, but found the reservation—as stated—unclear. The Government of the Russian Federation—as well as SC.1—invited the Government of Georgia to provide more clarification about the reservation.

### **B. Amendments to the Agreement**

11. The secretariat informed SC.1 about AETR Article 21 and the status of amendments to AETR Article 12, para. 5 and Article 14, para. 1. The amendments, while approved by SC.1 at their 105th session (ECE/TRANS/SC.1/392, para. 34), could not be forwarded to the UN Office of Legal Affairs. As explained by the secretariat, amendments can only be proposed by a Contracting Party.

### **C. AETR Expert Group**

12. The secretariat informed SC.1 about two special meetings of Contracting Parties to the AETR Agreement that took place on 4 March 2011 and 12 July 2011. The report of the 12 July session was adopted with three modifications. First, in paragraph 2, Spain was added to the list of participants. Second, paragraph 7 was modified to include the sentence: "In particular, the EU delegation explained that in order to support an amendment of Article 22bis so that non-EU AETR countries are effectively involved in the decision-making process on digital tachograph, the EU should become a contracting party to AETR." Third, upon the request of the secretariat, paragraph 7 was modified to include the following: "The secretariat informed contracting Parties about the status of amendments to AETR Appendix 1B concerning Commission Regulations (EU) No 68/2009 and No 1266/2009. Both Regulations were communicated by the secretariat to all Contracting Parties and UN Secretary-General on 12 March 2011 and entered into force three months later.

13. The Government of the Russian Federation requested that the EU provide additional information concerning the relationship between amending Article 22bis, involvement of AETR Contracting Parties in the decision-making process on digital tachograph and EU's intention to accede to the AETR Agreement.

14. The secretariat also provided an update on the progress in setting up an AETR Expert Group. He informed SC.1 that the EXCOM had endorsed the establishment of

AETR Expert Group at its meeting of 19 September 2011. SC.1 agreed to hold the first meeting of the AETR Expert Group on 2 March 2012 and requested the secretariat to prepare a background paper describing the main issues and options for possible consideration.

#### **D. Relationship between the AETR and European Union legislation**

15. The Working Party decided to postpone its discussion on whether the AETR or European Union (EU) law should prevail in transport between two EU member States until the first meeting of AETR EG at the earliest. SC.1 was also invited to consider the issue of the definition of a “journey.”

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

16. The secretariat informed SC.1 about the recent developments related to the implementation of the digital tachograph. In general, there has been an overall progress. Only Kazakhstan and Turkmenistan have not begun the implementation procedure.

17. Given inquiries from third countries about their rights and obligations under the AETR Agreement, SC.1 was invited to submit descriptions of current practices in this area. SC.1 was reminded that any information submitted to and collected by the secretariat will provide the basis to address point 5 of the terms of reference of the AETR Expert Group.

#### **F. Consistency between the 1949 and 1968 Convention on Road Traffic and the AETR Agreement**

18. The secretariat informed SC.1 about the need to maintain consistency between the 1949 and 1968 Conventions on Road Traffic and the AETR Agreement. In particular, only the “distinguishing signs” included in or declared under the 1949 and 1968 Road Traffic Conventions should be used as additional “national symbols” for printing on the digital tachograph cards. In this context, SC.1 took note of the United Kingdom’s use of “UK” and “GB” as its distinguishing signs and requested the secretariat to bring these differences to the attention of the Government of the United Kingdom and the EU.

#### **G. Appendix IB of the Annex to the AETR Agreement**

19. The Working Party considered reviewing and updating Appendix 1B of the Annex to the AETR Agreement contained in ECE/TRANS/SC.1/2006/2/Add.1. In particular, SC.1 was reminded that the secretariat had communicated Commission Regulations (EU) No 68/2009 and No 1266/2009. Both Regulations have been communicated by the secretariat to all Contracting Parties and UN Secretary-General and entered into force on 12 June 2011.

20. The Government of the Russian Federation requested to be provided with the clarification about the applicability of the amendments without them being explicitly referenced in the Agreement.

## **VI. European Agreement on Main International Traffic Arteries (AGR) (agenda item 5)**

### **A. Status of the Agreement**

21. The secretariat informed SC.1 about amendments proposed by Hungary, Norway/Sweden and Turkey which have been approved by SC.1 (Annex II, ECE/TRANS/SC.1/388). The amendments entered into force on 8 December 2010.

22. SC.1 considered Informal document No. 1 submitted by the Government of Hungary that proposes extending E66 from Szekesfehervar to Szolnok. SC.1 took note, welcomed and agreed in principle with the proposal. It requested the secretariat to make the informal document available in French and Russian with a view of considering the adoption of the proposal at the next session.

### **B. Amendments to the Agreement**

23. SC.1 was reminded that at its 105th session, the Working Party considered and approved amendments to the AGR on procedures relating to road safety impact assessments, road safety audits, the management of road network safety as well as safety inspections (based on European Commission's Directive 2008/96/EC on road infrastructure safety management). The secretariat informed SC.1 about article 7 of the AGR concerning procedures for amending the main text of the AGR agreement and the need for a contracting party to propose amendments. SC.1 invited contracting parties to submit a formal amendment proposal. The secretariat—upon receiving amendment proposals to include in the AGR procedures relating to road safety impact assessments, road safety audits, the management of road network safety as well as safety inspections—will forward them to the Secretary-General.

## **VII. Trans-European North-South Motorway (TEM) project (agenda item 6)**

24. The Working Party was informed about the status of the project, including the revision of the TEM Master Plan recently published in two volumes.

## **VIII. Convention on the Contract for the International Carriage of Goods by Road (CMR) (agenda item 7)**

### **A. Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR)**

25. The secretariat informed SC.1 that on 23 November 2010, Poland acceded to the Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR). This legal instrument entered into force for Poland on 21 February 2011. SC.1 was informed that the Government of the Netherlands is preparing a questionnaire – to be distributed to SC.1– to study the experiences with CMR.

## **B. Additional Protocol to the CMR concerning the Electronic Consignment Note**

26. The secretariat informed SC.1 that on 7 March 2011, the conditions for the entry into force of the Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the electronic consignment note were met. Accordingly, the Protocol entered into force on 5 June 2011. There are currently seven Contracting Parties: Bulgaria, Czech Republic, Latvia, Lithuania, the Netherlands, Spain and Switzerland.

27. The secretariat reminded SC.1 about Article 5 of the Additional Protocol that stipulates that parties interested in the performance of e-CMR will agree on the procedures and their implementation. SC.1 invited other CMR Contracting Parties to accede to e-CMR and to begin work to operationalize the Additional Protocol (as per Article 5 of e-CMR).

## **IX. Facilitation of international road transport (agenda item 8)**

### **A. International Motor Insurance system (Green Card)**

28. The Working Party was informed by a representative of the Council of Bureaux about recent developments in the “Green Card system”. The COB president’s report is contained in ECE/TRANS/SC.1/2011/4.

### **B. Proposal for a global multilateral agreement on the international regular transport of passengers by coach and bus (OmniBUS)**

29. The informal group of experts provided an update of its activities—in particular about the outcome of the third meeting of the expert group from 31 May to 1 June 2011—with respect to the proposal for a multilateral agreement on the international regular transport of passengers by coach and bus (OmniBUS). The secretariat was requested to assist to the extent possible in preparing another two-day session of the informal Omnibus expert group in the first half of 2012 with a view of finalizing the draft at the next SC.1 session.

### **C. Quantitative restriction imposed on international road transport of goods**

30. The Working Party was informed about the results of an examination by an informal group of experts, made up of Turkey, European Commission and the International Road Transport Union (IRU) and other interested Parties, of the “Draft convention aligning bilateral agreements on international road transport with the mandatory rules of multilateral instruments governing international road transit”. The informal expert group had not met since the last SC.1 session, however, the Government of Turkey reported sending out letters to 22 countries about quantitative restrictions imposed on international road transport. The secretariat was requested to arrange a meeting room for the first meeting of this informal group on 29 February 2012 coinciding with the seventy-fourth session of ITC. The secretariat will communicate this information to UNECE member States.

31. The secretariat informed SC.1 about ongoing work in the area of “Openness of International Road Freight Transport Markets in the ECE Region”. In this context, Mr. P.

Krausz presented preliminary results of his study. The final report is expected to be tabled and discussed at the next SC.1 session.

#### **D. The relationship between the origin of goods and transport operation**

32. At the initiative of the Government of Poland, SC.1 discussed transport and border crossing issues related to the origin of goods, frontier controls and bilateral road transport permits. As an example, the Government of Poland reported on the difficulties of Polish truck operators transporting goods to the Russian Federation. SC.1 took note of the issue and invited the Government of Poland to prepare a paper elaborating on the situation. SC.1 invited all those interested to provide and share descriptions of similar experiences.

#### **X. Safety at Level Crossing Expert Group (agenda item 9)**

33. The secretariat informed SC.1 about the Inland Transport Committee's recommendation for the Working Party on Road Traffic Safety (WP.1), the Working Party on Road Transport (SC.1) and the Working Party on Rail Transport (SC.2) to consider creating a joint Group of Experts to work on enhancing safety at level crossings (ECE/TRANS/221, para. 50). The secretariat also informed SC.1 that WP.1 had noted the Inland Transport Committee's recommendation to WP.1, SC.1 and SC.2, and had agreed to take part in this initiative (ECE/TRANS/WP.1/131, para. 21).

34. SC.1 welcomed the initiative and adopted the terms of reference of Expert Group on safety at level crossings (ECE/EX/2011/L.16) taking into account the ongoing work and initiatives.

#### **XI. Amendments to "Terms of Reference and Rules of procedure of the Working Party on Road Transport (agenda item 10)**

35. SC.1 noted that at the 105<sup>th</sup> session, the Working Party (SC.1) elected its officers for the period 2011–2013 in accordance with its "Terms of reference and rules of procedure" (TRANS/SC.1/377/Add.1). At the same session, SC.1 requested a change in its "Terms of reference" to accommodate the selection of two Vice-Chairs.

36. The secretariat informed the Working Party about the procedures required to effect the change. SC.1 discussed and agreed on the amendments to TRANS/SC.1/377/Add.1 and requested the secretariat to submit the document to ITC for approval with a view of selecting SC.1 chair and two vice-chairs at the next SC.1 session in October 2012.

#### **XII. Planning of future work (agenda item 10)**

##### **A. Review and extension of the mandate of the Working party on Road Transport**

37. The Working Party considered and approved its programme of work for the bienniums 2012-2013 and 2012-2016 (ECE/TRANS/SC.1/2011/5 and ECE/TRANS/SC.1/2011/6).

**B. Possible responses to the challenges identified by the Chairs of the Committee's subsidiary bodies**

38. The Working Party also considered the continued relevance of its work within the framework of the 5-year review of the ECE reform adopted in 2005 and approved the extension of the mandate of the Working Party on Road Transport.

**C. Programme of work and Evaluation**

39. The Working Party also noted the results of the first meeting of the Chairs of the Committee's subsidiary bodies on the multidisciplinary and cross-sectoral issues requiring further cooperation and possible responses (Informal document No. 2 of the ITC Bureau meeting of 20 June 2011).

**XIII. Other business**

40. The Government of Ukraine noted a 600 litre fuel restriction applicable to Ukrainian hauliers at the border with Poland. The Government of Poland stated that the restriction applies to all transport operators, including Polish hauliers, entering Poland.

**XIV. Date of next session**

41. The Working Party was informed that the secretariat scheduled the 107<sup>th</sup> session for 22–24 October 2012.

**XV. Adoption of decisions**

42. The Working Party adopted a list of decisions taken at the 106th session.

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