



Economic and Social Council

Distr.: General
14 June 2012

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Road Transport

Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR)

Second session

Geneva, 6 June 2012

Report of the Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR) on its second session

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I. Attendance

1. The second Group of Expert's meeting of Contracting Parties to the AETR was held on 6 June 2012, chaired by Mr. Roman Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Belgium, Georgia, Germany, Hungary, Netherlands, Poland, Russian Federation, Sweden, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.
3. The European Commission and the following UNECE non-governmental organizations were also represented: International Road Transport Union (IRU), the Institute for Protection and Security of the Citizen (IPSC). Continental Automotive also participated as observer.

II. Adoption of the agenda (agenda item 1)

4. The Group of Experts adopted the session's agenda, after the secretariat noted that Informal documents Nos. 1 and 2 as reflected in the annotations had been replaced by formal documents ECE/TRANS/SC.1/GE.21/6 and ECE/TRANS/SC.1/GE.21/5 respectively, and that the document submitted by the Joint Research Centre under agenda item 3(a) was formal document ECE/TRANS/SC1/GE.21/7.

III. Adoption of the report (agenda item 2)

5. The Group of Experts adopted the report of the first session.

IV. Programme of work (agenda item 3)

A. Memorandum of understanding between the UNECE and European Commission services which recognizes the Joint Research Centre as the authority responsible for Root and Interoperability Certification for non-EU AETR Contracting Parties

6. Experts discussed matters related to the Memorandum of Understanding between the UNECE and European Commission services which recognizes the Joint Research Centre (JRC) as the authority responsible for Root and Interoperability Certification for non-EU AETR Contracting Parties. As the Memorandum is due to expire on 30 June 2012, experts focused the discussions on the conditions under which the Memorandum could be extended.
7. Experts agreed that the services provided by the JRC should be continued. The representative of the Joint Research Centre presented a report of JRC activities (ECE/TRANS/SC.1/GE.21/7) and indicated possible ways forward with regard to the existence of one or more certification laboratories across the AETR territory.
8. The European Commission proposed extending the validity of the current MOU with some amendments aimed at accommodating calls to include experts from non-EU AETR Contracting Parties in the testing and certification process. The proposal by the European Commission was endorsed in general. On the basis of discussions of experts, the secretariat prepared a document, appended to this report as Annex I, which supplements the

text of the current MOU by adding the requested amendments, and which upon signature by the competent officials will extend the validity of the MOU from 1 July 2012 to 30 June 2015.

9. The Group of Experts adopted the proposed text. The European Commission agreed to forward the text to its legal department for final approval and to then arrange for the document to be signed and brought into effect before 30 June 2012.

B. Development of proposals for amending the AETR Agreement, in particular Article 22bis, including the creation of a new institutional arrangement such as an administrative committee

10. The Group of Experts welcomed the document prepared and presented by the secretariat, on the amendment of article 22bis AETR and the creation of an administrative committee. The document combined a proposal tabled by the Russian Federation at the first session of the AETR Expert Group and a “customized example” from page 25 of ECE/TRANS/2012/3.

11. Discussions focused on the function of the administrative committee, the relationship of this new body with SC.1 and the voting procedure for adoption of decisions. Experts adopted part of the consolidated proposal presented by the secretariat, and introduced amendments to some paragraphs. Experts agreed to continue discussing the proposal at the next session on the basis of an amended consolidated proposal, which takes into account the changes and comments made at this session (prepared by the secretariat and appended as Annex II).

C. Third party rights and obligations under the AETR Agreement

12. Experts took note of document ECE/TRANS/SC.1/GE.21/5, prepared by the International Road Transport Union, which provided templates for (i) third party rights and obligations under the AETR Agreement (ii) clarifications concerning the prevailing legal instrument applicable to road transport operations undertaken either partially or entirely within the EU by non-EU AETR transport companies.

13. The secretariat informed the Group of Experts that the tables will be available on the UNECE website in electronic format, and requested all AETR Contracting Parties to provide the relevant information, in order to determine whether there is a divergence or convergence of views on the interpretation of the applicable legal framework.

D. Other elements from the AETR Expert Group terms of reference

14. Under this agenda item, experts discussed the issue of data and information exchange platforms which relates to point 3 of the Group’s Terms of Reference. The European Commission presented the latest issues on the Tachonet system, including the launch of a study to assess the technical feasibility of a centralized access point to the system for non-EU AETR Contracting Parties. The access is expected to be available not earlier than the end of 2013. In the meantime, the European Commission envisages inviting non-EU AETR Contracting Parties to meetings of the Tachonet Expert Group.

15. The Russian Federation informed the Group of Experts that due to international law commitments and domestic legislation on data protection and security, the transmission of data abroad is not permitted in the Russian Federation.

16. The Group of Experts requested the secretariat to include the topic “The Tachonet system and related procedures required for data exchange” in the agenda of the next session.

V. Other business (agenda item 4)

17. Experts discussed a variety of operational issues on the use of analogue and digital tachographs in the AETR area.

VI. Date of next meeting (agenda item 5)

18. The Expert Group will hold its third session on 24 October 2012 (on the last day of the SC.1) and the fourth session on 3 December 2012 (both in Geneva).

Annex I

Supplement to the Memorandum of Understanding between the United Nations Economic Commission for Europe (UNECE) and the European Commission (EC) services

Pursuant to the Memorandum of Understanding (MOU) between the United Nations Economic Commission for Europe (UNECE) and the European Commission (EC) services - effective as of 23 January 2009 and expiring on 30 June 2012 - concerning “their mutual desire to cooperate in the field of harmonized implementation of the AETR in all Contracting Parties as well as more effective “understanding and resolving issues pertaining to the full implementation of the digital tachograph requirements of the AETR, especially by the non-EU Contracting Parties to it”;

Taking into account Article 2.3 of the MOU which stipulates that the UNECE and EC services will contribute to smooth sustainability and further development of the system after 30 June 2012;

Acknowledging the need and desire of the AETR Agreement Contracting Parties expressed during the first and second sessions of the AETR Expert Group on 2 March and 6 June 2012 to continue the services provided by the Joint Research Centre (JRC) after the expiry of the MOU;

The undersigned, representatives of UNECE and EC services, agree to the following:

1. The present document extends the validity of the MOU until 30 June 2015;
2. For the period of 1 July 2012 until 30 June 2015, the UNECE and EC services will endeavour to contribute to sustainability and further development of the system by, *inter alia*, exploring and assessing the options proposed in ECE/TRANS/SC.1/GE.21/7, paragraphs 100-107;
3. The Expert Group on AETR (and Working Party on Road Transport as its parent body) shall be the designated forum for discussion on the above;
4. For the period of 1 July 2012 until 30 June 2015, the JRC will operate a UNECE - EC inter-operability laboratory for the digital tachograph system. This laboratory may host experts seconded by non-EU AETR Contracting Parties according to the JRC’s internal rules;
5. The present document is to be attached to the current MOU with legal validity equal to that of the MOU.

UNECE	Joint Research Centre	European Commission Services
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Date	Date	Date.....
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Place	Place	Place.....
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Ms. Eva Molnar

Annex II

Amended consolidated proposal for new article 22bis (incorporating changes and suggestions made on 6 June 2012 at the second session of the AETR Expert Group)

Article 22bis

Paragraph 1

(a) There shall be an Administrative Committee that shall be responsible for deciding on amendments to Appendix 1B of the present Convention, based in Geneva.

Proposals to be discussed:

- Replace the term “Appendix 1B” with “Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport” (NB. If replaced in paragraph 1(a), need to replace all other references to “Appendix 1B”);
- Expand the mandate of an Administrative Committee from “Appendix 1B” to “AETR Agreement”.

(b) The Administrative Committee shall be composed of all the Contracting Parties to the Agreement.

No changes

Paragraph 2

The Administrative Committee shall be based in Geneva. Its sessions will normally be held in Geneva. The Committee may decide to hold sessions in other locations.

No changes

Paragraph 3

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with appropriate secretariat services.

-No changes

Paragraph 4

The Committee shall elect a Chair and Vice-Chair every two years.

The Committee shall elect a Chair and two Vice-Chairs every two years.

Paragraph 5

The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe up to twice per year.

Proposals to be discussed:

- The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe twice per year. Additional sessions may be convened, if it is so needed, at the request of a minimum of five Contracting Parties;
- The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe up to twice per year. Additional sessions may be convened, if it is so needed, at the request of a minimum of five Contracting Parties.

Paragraph 6

A quorum of not less than one-half plus one (+1) of the Contracting Parties shall be required to be present for the Administrative Committee to be able to adopt decisions.

Still to be discussed

Paragraph 7

- (a) Any Contracting Party may propose amendments to Appendix 1B of the present Convention.
- (b) Any amendment proposal shall be submitted to the secretariat of the Economic Commission for Europe, in writing, 6 months before the meeting of the Administrative Committee at which it is proposed for adoption.

Still to be discussed

- (c) The text of any proposed amendment shall be communicated in the three ECE languages to all Parties at least ninety days before the meeting of the Administrative Committee at which it is proposed for adoption.

-Still to be discussed

Paragraph 8

- (a) The Working Party on Road Transport (SC.1) may discuss proposals for amendments to Appendix 1B to be decided by the Administrative Committee.

- to be deleted

- (b) The Administrative Committee shall adopt decisions by majority vote of all Contracting Parties.

Proposals to be discussed:

- The Administrative Committee shall adopt decisions by at least 75 per cent majority vote of Contracting Parties present and voting;
 - The Administrative Committee shall adopt decisions by majority vote of all Contracting Parties;
 - move paragraph 8(b) to paragraph 6.
- (c) Amendments to Appendix 1B of the present Convention adopted in accordance with paragraphs (a) and (b) above shall be communicated by the Secretary-General to all Parties for ratification, approval or acceptance.
move paragraph 8(c) to paragraph 6.

(d) The amendment shall enter into force within six months from the date of notification of the Contracting Parties or within the period specified in the text of the amendment, but not less than six months from the date of notification of the Contracting Parties.

move paragraph 8(d) to paragraph 6.

Paragraph 9

For the purpose of taking decisions, each Contracting Party shall have one vote.

- *Still to be discussed*

Paragraph 10

If a proposal for the amendment of Appendix 1B to this Agreement, leads to the amendment of other articles or annexes of the Agreement, the amendments to the Appendix cannot enter into force before entry into force of amendments relating to other parts of the Agreement. If, in such a case, the amendments to Appendix 1B are presented simultaneously with the amendments relating to other parts of the Agreement, the date of their entry into force shall be determined by the date established pursuant to application of procedures, which are described in general in Article 21, taking into account the date specified in the amendment to Appendix 1B, in the case envisaged by paragraph 7 of this article.

- Still to be discussed
