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Report of the Working Party on Road Transport on its 108th session

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I. Attendance

1. The Working Party on Road Transport (SC.1) held its 108th session on 28-30 October 2013 in Geneva, chaired by Mr. R. Symonenko (Ukraine). Mr. R. Symonenko – Deputy Chair of SC.1 – was nominated by Mr. B. Oudshoorn (the current Chair of SC.1) to replace him during Mr. Oudshoorn's absence. The following United Nations Economic Commission for Europe (UNECE) member States were represented in the meeting: Belgium, Germany, Hungary, Netherlands, Poland, Russian Federation, Sweden, Switzerland, Turkey and Ukraine.

2. The following non-governmental organizations (NGOs) were also represented: the Council of Bureaux (CoB), Eurasian Economic Commission (EEC) and International Road Transport Union (IRU).

II. Adoption of the agenda (agenda item 1)

3. SC.1 adopted the session's agenda (ECE/TRANS/SC.1/399). The secretariat noted that the word "third" (prior to "fourth") was inadvertently omitted from the first sentence of annotations to agenda item 4 (b).

III. Adoption of the report of the 107th session and of the report of the SC.1 special session (agenda item 2)

4. The Working Party adopted the report of its 107th session (ECE/TRANS/SC.1/398).

5. It also adopted the report of its special session of 10-12 July 2013 (ECE/TRANS/SC.1/S/392).

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

A. Activities of UNECE bodies and other United Nations organizations

6. The secretariat presented recent developments in transboundary pollution including the 2012 finding by the International Agency on Research on Cancer that diesel engine exhaust is carcinogenic to humans (Informal document No. 1). SC.1 took note of the document and was invited to provide feedback (and additional information). The secretariat informed SC.1 that it intends to prepare conclusions and recommendations for consideration by the ITC bureau at its November 2013 session. The Chair encouraged SC.1 to participate in this process.

7. The Working Party was informed by the secretariat on the key decisions made at the seventy-fifth annual session of the Inland Transport Committee (ECE/TRANS/236 paras 15, 21-25) and a request "to start discussions on infrastructure requirements linked to the introduction of Intelligent Transport System (ITS)" (ECE/TRANS/236, para. 60).

8. The Working Party was also updated on the outcome of the review of the 2005 reform of ECE (E/ECE/1468, Annex III). The secretariat highlighted three key potential changes arising from the "Guidelines on procedures and practices for ECE bodies": (a) communication with ECE member States (b) nomination and election of Chairpersons and other members of the Bureaux of intergovernmental bodies and (c) procedures for the

adoption of draft decisions. The secretariat advised that it was awaiting clarification on the practical implementation of the new rules in relation to communication with ECE member States and procedures for the adoption of draft decisions. The secretariat further advised that it would be useful to incorporate the new guidelines into the Working Party's Terms of Reference and Rules of Procedure (ECE/TRANS/SC.1/396/Add.1). SC.1 took note of E/ECE/1468, Annex III and requested the secretariat to prepare a revised version of ECE/TRANS/SC.1/396/Add.1 for the next session of SC.1.

B. National delegations

9. Turkey's delegation informed SC.1 that the instruments of accession to the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) Agreement and the 1968 Convention on Road Traffic have been deposited and the country has now acceded to these international legal instruments. In addition, Turkey has completed its domestic acceptance procedures necessary for Annex 8 of the International Convention on Harmonization of Frontier Control of Goods to enter into force.

C. International organizations

10. A representative of IRU gave an overview of their analysis of the economic and transport situation in the world; the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) situation in the Russian Federation and recent related judicial developments; the adoption of a Quality Charter for International Haulage Operations under the ECMT Multilateral Quota and information on the restrictions on the quota distribution in 2014; and the opening of a new office in New York to strengthen the involvement of IRU in the United Nations activities.

11. A discussion on the TIR situation in the Russian Federation followed. SC.1 encouraged the Russian Federation to resolve this issue as soon as possible. SC.1 also invited the Russian Federation to provide information as soon as possible about decisions concerning the developments to enter into force after 1 December 2013. The Russian Federation advised that it intended to uphold its obligations under the TIR Convention and envisaged being in a position to inform the parties concerned about its solutions in the near future.

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

A. Status of the Agreement

12. The secretariat informed SC.1 about the unchanged status of the AETR Agreement (i.e. there are 51 Contracting Parties).

B. AETR Expert Group

13. The secretariat provided an update on the work of the AETR Expert Group, in particular, informing SC.1 about three meetings of the AETR Expert Group on 24 October 2012, 25 February and 24 June 2013 (ECE/TRANS/SC.1/GE.21/9,

ECE/TRANS/SC.1/GE.21/11 and ECE/TRANS/SC.1/GE.21/14). The summary of developments included: (1) the renewal of 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 until 30 June 2015, (2) the extension of the Group's mandate until the end of 2014 following the Executive Committee's decision taken on 11 July 2013 and (3) the opposing positions being held by the European Union (EU) and non-EU AETR Contracting Parties concerning the procedure for amending Appendix 1B.

14. The Commonwealth of Independent States' (CIS) general position on amending of Article 22bis was provided to SC.1. At the request of the Russian Federation, the letter in Russian, containing the details of this position was distributed to SC.1 (letter of 28 October 2013, from Mr. N. Asaul, Chair of the CIS Road Transport Council, Deputy Minister of Transport addressed to Ms. E. Molnar, Director, UNECE, Transport Division).

15. The secretariat drew attention to the fact that the AETR Agreement in its present form does not allow non-UNECE member States to accede to it and become Contracting Parties. It shared that Algeria, Jordan, Morocco and Tunisia had expressed interest in becoming Contracting Parties.

16. The Chair advised the Working Party that these matters would be discussed at the AETR EG meeting on 31 October 2013.

17. The secretariat informed SC.1 that the next meetings of the AETR Expert Group were scheduled to take place on 31 October 2013 and 28 February 2014.

C. Implementation of the digital tachograph

18. The secretariat explained that virtually all non-EU AETR Contracting Parties had made measurable and significant progress in implementing the digital tachograph. Only Turkmenistan had yet to take steps to begin the implementation procedure (ECE/TRANS/2013/6). The Working Party encouraged Turkmenistan to begin to implement the digital tachograph given both the potential benefits and obligations. The Government of Turkey informed SC.1 that digital tachograph will become mandatory for Turkey's domestic transport in 2014.

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

A. Status of the Agreement

19. The secretariat informed SC.1 about the unchanged status of the AGR Agreement (ie there are 37 Contracting Parties).

B. Amendments to the Agreement

20. The secretariat informed SC.1 that the amendment to the AGR Agreement proposed by the Government of Hungary and adopted at the last session will enter into force on 6 December 2013 (see Depository Notification C.N.562. 2013.TREATIES-XI.B.28).

21. The secretariat reminded SC.1 that, at its 105th session, the issue of 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 Directive 2008/96/EC on road infrastructure safety management) was considered and approved. According to Article 7 of the AGR, SC.1 could only consider amendment proposals requested by a Contracting Party.

22. As no Contracting Party has indicated that it was willing to be the originator of the amendment proposal, the secretariat was unable to forward the amendment proposal to the United Nations Office of Legal Affairs. Germany recommended that the originator of the amendment proposal should preferably be a non-EU Contracting Party as the proposal was based on a European Commission Directive. This item remains open and continues to be on the agenda as no originator has yet been identified.

23. SC.1 also discussed the matter of incorporating selected “e-mobility” issues into the AGR Agreement (as alternative fuel issues are increasingly important). Belgium and Germany were in favour of keeping all international transport conventions up to date with emerging, important issues, and recommended that an informal meeting for interested Contracting Parties could be held to discuss the issues and next steps to take this matter forward. SC.1 agreed and requested the secretariat to schedule a meeting during the week of the Inland Transport Committee meetings (e.g. 24 February 2014, Geneva). SC.1 invited the Government of Germany to prepare a preliminary proposal or a discussion paper on this topic.

VII. Trans-European North-South Motorway (TEM) Project (agenda item 6)

24. The Working Party was briefed by the secretariat on the status of the TEM project. The key developments were: (a) the fifty-ninth and sixtieth sessions of the TEM Steering Committee took place in June and October 2013 (b) revisions to the TEM programme of work for 2014 were undertaken (c) the selection of a new TEM Project Manager would take place shortly.

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

A. Status of the Convention

25. The secretariat informed SC.1 about the unchanged status of the Convention (i.e. there are 55 Contracting Parties).

26. It was noted that Informal document No. 2 (i.e. a proposal by the Netherlands to study the CMR experience using a questionnaire developed in close cooperation with IRU) had not been submitted. In light of the technical nature of the anticipated proposal, the Chair requested that the item be retained on the agenda for a future meeting.

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

27. The secretariat informed SC.1 about the unchanged status of Protocol to the Convention (i.e. there are 41 Contracting Parties).

C. Additional Protocol to the CMR concerning the Electronic Consignment Note

28. SC.1 was informed about the accession of Denmark to the Additional Protocol on 28 June 2013. The International Road Transport Union described the results of the questionnaire related to the current application of electronic consignment notes.

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

A. International Motor Insurance System (Green Card)

29. The Working Party was informed by President of the Council of Bureaux (CoB) about recent developments in the “Green Card System.” Information was provided about financial stability of CoB members; geographical scope of the Green Card System; review of CoB’s internal regulations; the progress of its Data Protection Working Group; the new CoB website; membership issues of Armenia and Azerbaijan, and technical solutions for Kosovo; cooperation between CoB and Economic Cooperation Organization on the implementation of the White Card System; the CoB Academy; the signing of CoB’s “Protection of Visitors Agreement”; its activities on uninsured driving; its collaboration with the UNECE to organize a discussion forum for the UN Global Road Safety Week; and the creation of a specific working group on fraud. More details are provided in ECE/TRANS/SC.1/2013/1.

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

30. The Government of Switzerland provided an overview of its proposal for a global multilateral agreement on the international regular transport of passengers by coach and bus (OmniBUS) (ECE/TRANS/SC.1/S/2013/1/Rev.1). SC.1 had a general discussion on it and focused on checking the cross references to articles and annexes. SC.1 also reviewed Annexes V, Va and VI. It requested the secretariat to schedule a special SC.1 session in 2014 to substantively discuss the provisions of ECE/TRANS/SC.1/S/2013/1/Rev.1. The Chair suggested that ECE/TRANS/SC.1/S/2013/1/Rev.1 in tracked changes (as made during this session including the incorporation of ECE/TRANS/SC.1/S/2013/1/Rev.1/Corr.1) be used at the special session. SC.1 expressed its appreciation to the Government of Switzerland for its work on the draft OmniBUS agreement.

31. Belgium, Germany and Hungary thanked the Swiss delegation for their efforts in developing the draft OmniBUS agreement and recalled that there are, currently at the European Union level, discussions on the international transport of passengers by coach and bus. Presently, these discussions are still ongoing and decisions are pending. As a result, present EU member States would refrain from participating in the discussion of the OmniBUS agreement.

C. Quantitative restrictions imposed on international road transport of goods

32. The Government of Turkey informed SC.1 of the outcome of the 1 March 2013 meeting of the informal group of experts, made up of Turkey, European Commission and IRU, on the “Draft convention aligning bilateral agreements on international road transport

with the mandatory rules of multilateral instruments governing international road transit” (ECE/TRANS/SC.1/2010/5/Rev.1). In addition, Turkey provided the results of its analysis on the impact of road transport quotas (ECE/TRANS/SC.1/2013/4). The presentation, based on modelling undertaken by an Istanbul-based university, emphasized that Turkey had sustained a loss of approximately 1.7 billion kilo of cargo not being shipped by road (equivalent to 5.56 billion United States dollars) due to quotas. SC.1 discussed the methodology on which the model was based, the scope of the model, as well as the countries which were indicated to have been adversely affected. The Working Party agreed to continue discussion on this model at the next session and requested Turkey to invite an expert from the Istanbul-based university to explain the model in more detail. The Polish delegation pointed out that the bilateral agreements on international road transit and transport are the correct legal basis to regulate issues related to the transit of goods by road.

D. The relationship between the origin of goods and transport operations

33. SC.1 discussed transport and border crossing issues related to the origin of goods, frontier controls and road transport permits. The Government of Poland presented Informal document No. 4 which described the issue of control of bilateral transport operations of goods by authorities of some countries outside the EU that, in the opinion of the Polish delegation, incorrectly classify these transport operations as third-country transport operations (e.g. Belarus, Kazakhstan and Turkey). Turkey pointed out that it is necessary for border controls to analyse all evidence in order to correctly determine the type of transport operations. It also encouraged bilateral discussions on this subject. The Polish delegation underlined that determining the kind of transport operation on the basis of not only transport documents such as CMR consignment note, TIR carnet, but also on the basis of some commercial documents such as the commercial invoices, is in violation of the provisions of CMR Convention, ECMT guide, UNECE Consolidated Regulation on the Facilitation of International Road Transport (Revision 4) and bilateral agreements on international road transport. The Polish delegation pointed out that this problematic issue is no longer a bilateral problem between Poland and some other countries, but had become or would soon become a common problem. As the problem has elevated in the course of the last year, the Polish delegation requested SC.1 secretariat to distribute Informal document No. 4 to all UNECE member States to obtain their position on this issue.

X. Safety at Level Crossings Expert Group (agenda item 9)

34. The Working Party was updated about the UNECE Executive Committee’s meeting on 11 July 2013 which endorsed the establishment of the “Safety at level crossings” multidisciplinary group of experts. The first session of the Expert Group is scheduled for 20 January 2014 in Geneva. The 2014 Inland Transport Security Discussion Forum, tentatively scheduled for 21 January 2014 has been postponed.

XI. Programme of work and biennial evaluation 2014-2015 (agenda item 10)

35. The Working Party considered and approved its programme of work and evaluation of its accomplishments and indicators of achievement for 2014–2015 (ECE/TRANS/SC.1/2013/2). SC.1 also considered and approved its programme of work for 2014-2018 (ECE/TRANS/SC.1/2013/3) with two revisions. Specifically, on page 4, the title of subpoint (f) will be changed to “More effective promotion and implementation of transport-related UNECE agreements and conventions” and the subpoint (g) will be

assigned “Priority 1”. The secretariat will prepare ECE/TRANS/SC.1/2013/3/Rev.1 to reflect these changes.

XII. Other business (agenda item 11)

36. There was no discussion under this agenda item.

XIII. Date of next session (agenda item 12)

37. The next SC.1 session is scheduled for 27-29 October 2014.

XIV. Adoption of decisions (agenda item 13)

38. The Working Party adopted the report of its 108th session.
