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

Fourth session

Geneva, 25 February 2013

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

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I. Attendance

1. The AETR Group of Expert's meeting held its fourth session in Geneva on 25 February 2013, chaired by Mr. Roman Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Azerbaijan, Belgium, Germany, Hungary, Ireland, Netherlands, Poland, Russian Federation, Spain, Turkey and Ukraine.
3. The European Commission and International Road Transport Union (IRU) were also represented. Continental Automotive also participated as observer.

II. Adoption of the Agenda (agenda item 1)

4. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/10).

III. Adoption of the Report (agenda item 2)

5. The Group of Experts adopted the report of its third session (ECE/TRANS/SC.1/GE.21/9).

IV. Programme of Work (agenda item 3)

A. 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

6. The secretariat informed the Expert Group that following the signing by the European Commission of the supplement to Memorandum of Understanding (Annex I, ECE/TRANS/SC.1/GE.21/4) on 5 December 2012, JRC's responsibility for the AETR Root Certification Authority had been extended until 30 June 2015. A copy of the signed supplement to Memorandum of Understanding is available on the AETR Expert Group website.

B. Development of proposals for amending the AETR Agreement, in particular Article 22bis, and Article 12, paragraph 6(b)

7. The Government of Ireland, representing the Presidency of the Council of the European Union (EU), presented Informal document No. 3 which contained a common position agreed upon by the 27 member States of the EU, in relation to the revision of Articles 22bis and 14 of the AETR Agreement, as well as a proposal for a new Article 10bis regarding the exchange of information on issuing digital tachograph cards.
8. In addition, the European Commission provided a detailed explanation of the proposed revisions to Articles 22bis and 14. This prompted a debate within the Expert Group as to the best approach to discussing this item, and led to the experts continuing their discussion on the proposed changes to Article 22bis as reflected in Annex II of

ECE/TRANS/SC.1/GE.21/9 while simultaneously taking into consideration the proposed revisions to Article 22bis from Informal document No. 3.

9. As there was no agreement on the proposals made, the Expert Group requested the secretariat to create a consolidated proposal for new Article 22bis based on the meeting's discussion. The Expert Group decided — at this time— not to consolidate the proposed amendments to Article 14 and the new Article 10bis. The consolidated proposal which combines Article 22bis proposals from Informal Document No. 3 and Annex II of ECE/TRANS/SC.1/GE.21/9 is reproduced in the Annex of this report.

10. The secretariat reminded the Expert Group about examining the possibility of removing the exemption in Article 12 paragraph 6(b) if Contracting Parties to the AETR Agreement agreed.

C. Third party rights and obligations under the AETR Agreement

11. As requested by the Expert Group at its previous session, the International Road Transport Union (IRU) presented its preliminary analysis (as of 17 January 2013) of the views of individual Contracting Parties provided to date concerning which legal instrument they considered to be applicable in different road transport scenarios (i.e. journeys undertaken either partially or entirely within the EU by non-EU and EU AETR transport companies). The presentation was provided in lieu of Informal document No. 1.

12. Based on the preliminary analysis, the AETR Agreement appeared to be the prevailing legal instrument. However, as only nine replies (from 7 EU Contracting Parties and 2 non-EU Contracting Parties) were received, the secretariat urged the Expert Group to encourage their Governments to provide this information to the secretariat as soon as possible so that a more accurate reflection of the prevailing legal instrument could be reached.

D. Exchange of information on:

1. Issuing digital tachograph cards

13. As requested by the Expert Group at its previous session, the European Commission gave a presentation on the Tachonet system and related procedures required for direct and indirect access, and data exchange. Informal document No. 2 (on creating an international agreement or amending the AETR Agreement to regulate the exchange of “AETR information”) was not submitted.

14. The experts' attention was drawn to the website of the Confederation of Organisations in Road Transport Enforcement (www.corte.be), and in particular to the secure network which offers authorities—in particular, tachograph cards issuing authorities—in charge of road transport enforcement a potential additional tool for exchanging information.

2. Contracting Parties' obligations under Article 12, paragraphs 1 to 4, and 5

15. Article 12, paragraphs 1 to 4, requires Contracting Parties to adopt all appropriate measures to ensure observance of the provisions of the AETR Agreement, in particular by an adequate level of roadside checks and checks performed on the premises of undertakings annually covering a large and representative proportion of drivers, undertakings and vehicles of all transport categories within the scope of the Agreement.

16. Based on the application by the Contracting Parties of these obligations, Article 12, paragraph 5, states that the UNECE should issue a report every two years.

17. The secretariat informed the Expert Group that the last report issued by the UNECE was more than two years ago, and indicated that at the 108th session of the Working Party on Road Transport (SC.1) to be held in October 2013, Contracting Parties would be reminded to provide the required information to the secretariat.

18. The Netherlands advised that EU Contracting Parties are required to provide similar information to the European Commission, and suggested that the secretariat could contact the European Commission to obtain a copy of the relevant form, which could be distributed to non-EU Contracting Parties as well.

V. Other business (agenda item 4)

19. Continental Automotive delivered a presentation on the relationship between the provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the AETR Agreement. It was shown that, in some cases, it is quite challenging to reconcile the location of digital tachograph sensors with the ADR requirements. The Netherlands suggested that there could be various ways to address this matter and that the Working Party on the Transport of Dangerous Goods (WP.15) is better suited to addressing this issue.

20. In light of the limited progress by the Expert Group to date over proposals on how to amend Article 22bis, the Expert Group agreed to use the opportunity of the seventy-fifth session of the Inland Transport Committee to seek ITC's approval to extend its mandate beyond 31 December 2013.

VI. Date and place of next meeting (agenda item 5)

21. The Expert Group was informed that the secretariat has scheduled the next session for 24 June 2013 (Monday) in Geneva.

Annex

Amended consolidated proposal for new article 22bis (incorporating changes and suggestions made on 25 February 2013 at the fourth 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 “Appendices 1, 1B, 2 and 3”. (NB. If replaced in paragraph 1(a), need to replace all other references to “Appendix 1B with “Appendices 1, 1B, 2 and 3”);

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

Consider adding a sentence about participation in a consultative capacity. For example:

The Administrative Committee shall, in discharging its functions, use information from all relevant sources when the Committee deems it appropriate to do so.

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 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 once per year. Additional sessions may (will) be convened, if it is so needed, at the request of a minimum of five Contracting Parties.

Paragraph 6

- (a) 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.
- (b) The Administrative Committee shall adopt decisions by at least 75 per cent majority vote of Contracting Parties present and voting.

Proposal to be discussed:

The Administrative Committee shall adopt decisions by majority vote of those Contracting Parties present and voting.

- (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.
- (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.
- (e) For the purpose of taking decisions, each Contracting Party shall have one vote.

Still to be discussed

For the purpose of taking decisions, each Contracting Party shall have a vote. The representative of a regional integration organization Contracting Party to the Agreement may deliver the votes of its constituent Member States without their presence in the vote being necessary.

Paragraph 7

- (a) Any Contracting Party may propose amendments to Appendix 1B of the present Agreement.
- (b) Any amendment proposal shall be submitted to the secretariat of the United Nations Economic Commission for Europe, in writing, at least 90 days before the meeting of the Administrative Committee at which it is proposed for adoption.
- (c) The text of any proposed amendment shall be communicated in the three ECE languages to all Contracting Parties at least 30 days before the meeting of the Administrative Committee at which it is proposed for adoption.

Still to be discussed

Paragraph 8

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: If Paragraphs 6(c) and 6(d) above are deleted, the above version of Paragraph 8 is to be replaced by the following version.

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.

Paragraph 9

The amendment of Article 22bis shall enter into force once at least one regional integration organization has become a Contracting Party to the Agreement.

Still to be discussed
