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

Seventh session

Geneva, 28 February 2014

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

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I. Attendance

1. The AETR Group of Experts held its seventh session in Geneva on 28 February 2014, chaired by Mr. R. Symonenko (Ukraine).
2. Representatives of the following UNECE member States participated: Azerbaijan, Belgium, Georgia, Germany, Hungary, Russian Federation, Spain, Sweden and Ukraine.
3. The representatives of non-ECE member States also participated: Jordan.
4. The European Union and Continental Automotive also participated.

II. Adoption of the Agenda (agenda item 1)

5. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/17)

III. Programme of Work (agenda item 2)

A. Development of proposals for amending the AETR Agreement, including Article 22bis

6. The experts continued to discuss the proposed amendments to Article 22bis. The Russian Federation indicated it could accept amending Article 14 to allow regional economic integration organizations to accede if a newly established administrative committee took decisions on the basis of unanimity or integration organizations would have only one vote. The proposal was deemed, at this time, unacceptable by the EU delegation.
7. The Group of Experts discussed the current wording of Article 14 which limits accession to the AETR to UNECE member States. The government of Jordan called upon AETR Contracting Parties to amend Article 14 to make it possible for the country to accede. A possible wording – modelled on article 42 of the CMR Convention – was presented and discussed. The Chair invited AETR Contracting Parties to volunteer to draft and table a suitable amendment proposal at the next Group of Experts meeting.
8. The secretariat was requested to delete the redundant phrase “of the present Convention (Agreement)” in paras 1 (a), 6 (c) and 7(a) of the Annex of ECE/TRANS/SC.1/GE.21/16 as well as the term “may” in 6 (e). The secretariat was also requested to insert the text of the original amendment proposal related to Article 14 into the Annex. The revised version is attached to this report.

B. Application of Regulation (EC) No. 561/2006 in the “AETR area”

9. The experts continued to discuss the application of Regulation (EC) No. 561/2006 in the “AETR area”. The EU delegation elaborated its legal position related to transport undertaken within the EU. The Russian Federation suggested that the EU to bring Regulation No. 561/2006 in line with the provisions of the AETR. Several experts requested more information on the subject and encouraged the EU to provide further explanation at the next Expert Group meeting.

C. Exchange of information on issuing digital tachograph cards

10. The experts encouraged an AETR Contracting Party to consider tabling an amendment proposal of Article 10bis (originally proposed by the Government of Ireland and found in the Annex of ECE/TRANS/SC.1/GE.21/16) for discussion and possible adoption at the SC.1 session in October 2014.

IV. Other business (agenda item 3)

11. The Group of Experts did not discuss any other business.

V. Date and place of next meeting (agenda item 4)

12. The Group of Experts will meet on 2 July 2014 (Wednesday) in Geneva.

Annex

Amended consolidated proposal for new articles 10bis and 22bis (incorporating changes and suggestions made on 28 February 2014 at the seventh session of the AETR Group of Experts)

Article 10bis

1. In order to ensure that drivers do not already hold a valid driver card in the sense of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, Contracting Parties shall maintain national electronic registers containing the following information on driver cards for a period at least equivalent to their period of validity:

- Surname and first name of the driver;
- Birth date and, if available, place of birth of the driver;
- Driving permit number and country of issue of driving permit;
- Status of the driver card;
- Driver card number.

2. Contracting Parties shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout their territories to card issuing authorities and control officers appointed to check the compliance with the rules on driving time and rest periods of professional drivers.

3. When issuing, replacing and, when necessary, renewing a driver card, Contracting Parties shall verify through electronic data exchange that the driver does not already hold another valid driver card. Contracting Parties shall ensure an adequate level of protection of the personal data exchanged, in line with the highest international standards. This shall include that the data exchanged be limited to the data necessary for the purpose of this verification and not used for any other purpose without the prior authorisation of the Contracting Party providing the personal data.

Proposal to be discussed:

Article 14 is modified as follows: Possible wording of Article 14

(Accession to AETR of regional integration organizations)

Paragraph 1a is inserted:

This Agreement shall also be open for signature by regional integration organizations.

For the purpose of this Agreement, a "regional integration organization" means any organization which is constituted by sovereign States of a given region which has competence in respect of certain matters governed by this Agreement and has been duly authorized to sign and to ratify, accept, approve or accede to this Agreement.

For the purposes of amending Appendices 1, 1B, 2 and 3, the representative of a Regional Integration Organisation Contracting Party to the Agreement delivers the votes of its constituent Member States without their presence being necessary in the vote.

Paragraph 5 is modified as follows:

In respect of each State or regional integration organizations which ratifies, or accedes to, this Agreement after the deposit of the eighth instrument of ratification or accession as referred to in paragraph 4 of this Article, the Agreement shall enter into force one hundred and eighty days after the deposit by that State or regional integration organization of its instrument of ratification or accession.

Article 22bis**Paragraph 1**

(a) There shall be an Administrative Committee that shall be responsible for deciding on amendments to Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, based in Geneva.

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

Paragraph 3

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

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 shall be convened 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 Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport 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 will 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 of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport.

(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 decision.

(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 decision.

Paragraph 8

If a proposal for the amendment of Appendix 1B of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, 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 of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport 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 of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, in the case envisaged by paragraph 7 of this article.

It appears that the Group of Experts does not wish to delete paragraphs 6(c) and 6(d) above. However, 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 of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport, 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 of the Annex to the AETR, Requirements for construction, testing, installation, and inspection of the digital control device used in road transport 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
