

AETR amendment: a possible way forward

Land Transport Unit (DGMOVE)

Initial remarks

- **AETR has been providing a sustainable and stable framework for the transport of goods and passengers throughout Europe**
- **The success of AETR is underpinned by the adoption of common rules on the tachograph**
 - Technological update according to a clear procedure
 - One body ensuring security and interoperability
- **Any future amendment must keep the same stable framework and credibility**

Interoperability

- **Before amending AETR, it is necessary to define (at least)**
 - ✦ Accreditation procedure, guaranteeing the capacity of candidate labs. JRC should be the body designated to carry out the accreditation
 - ✦ Testing procedure;
 - ✦ Test equipment: certified for performing the test procedure in the same way and with similar results regardless the test centre;
 - ✦ Availability and update of the set of reference (cards and vehicle units)
 - ✦ Training of the laboratories crew
 - ✦ Definition of cross validation campaigns
- **Implementation in AETR: Appendix 4?**
- **Planning: roadmap, specific task force?**

Article 22 bis

- **Agreement on a package**

1. Article 22bis: procedure for modification of Appendix 1B
2. Article 14: access of the EU to AETR
3. Update of tachograph rules to be applied (incorporating Regulation 165/2014 and Annex IC to Regulation 2016/799)

Article 22 bis applies to the tachograph specifications adopted by the Commission on 18 March 2016 (published in the official journal of the European Union on 26 May 2016)

The specifications are to be applied by the AETR Contracting Parties on the basis of the procedure provided for in (the current version of) Article 22 bis of the AETR. The fact that these specifications were adopted on the basis of Regulation 165/2014 - which replaced and repealed Regulation 3821/85 which is referred to in Article 22 bis of the AETR - is not relevant. The principle of recognition of the specifications defined at EU level by the AETR Contracting Parties shall apply to any modifications of these specifications, irrespective of whether they are adopted on the basis of Regulation 3821/85 or another legal text. This position already emerges from recital 33 of Regulation 165/2014: "In the context of the application of the AETR Agreement, references to Regulation (EEC)No 3821/85 should be understood as references to this Regulation."

This position is in line with Article 31 of the Vienna convention on the law of treaties whereby "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose". The mere fact that, EU internally, the relevant rules are now contained in a new Regulation that replaces the former one, is irrelevant for the object and purpose of Article 22bis. The same applies to the fact that, compared to Regulation 3821/85, Regulation 165/2014 employs a different legislative technique, whereby the relevant technical requirements are no longer contained in an annex to the legislator's act, but in a separate Commission implementing Regulation. And the same applies also to the technological developments inherent in the smart tachograph, since Article 22bis does not contain any limitations in this regard. As a consequence the references to Regulation 3821/85 in the AETR shall be read as being made, from its date of application, to Regulation 165/2014.



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Thank you