



Economic and Social Council

Distr.: General
28 March 2012

Original: English/Russian

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)

First session

Geneva, 2 March 2012

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

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction (agenda item 1)	1–2	2
II. Attendance.....	3–5	2
III. Election of officers (agenda item 2)	6	2
IV. Adoption of the agenda (agenda item 3)	7	2
V. Overview of AETR issues (agenda item 4).....	8–11	2
VI. Programme of work (agenda item 5).....	12–15	3
VII. Other issues (agenda item 6)	16	4
VIII. Date and place of next meeting (agenda item 7)	17	4
Annexes		
I. Proposal for art.22bis, submitted by the Russian Federation		5
II. Text of the Memorandum of Understanding between United Nations Economic Commission for Europe and the European Commission.....		7

I. Introduction (agenda item 1)

1. The secretariat presented the circumstances that led to the establishment of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) Expert Group. It noted the decision of the Inland Transport Committee at its seventy-third session (Geneva, 1–3 March 2011) transforming the existing informal AETR expert group, set up by decision of the 105th session of the Working Party on Road Transport (SC.1), to a formal Expert Group for all Contracting Parties of AETR and European Union (EU). The Expert Group established its Terms of Reference (TOR) which were approved by the United Nations Economic Commission for Europe (UNECE) Executive Committee on 19 September 2011.

2. The secretariat also noted that participation in the Expert Group is open to all UNECE member States, all AETR Contracting Parties and the European Union. The Expert Group may also include eminent specialists or representatives of international organizations, NGOs and the private sector, in compliance with the UN rules and practices in this respect. The expected duration of the Expert Group is approximately two years (until December 2013) with a possibility of extension, if necessary. The Expert Group's parent body would be SC.1.

II. Attendance

3. The first Group of Experts Meeting of Contracting Parties to the AETR was held on 2 March 2012, chaired by Mr. Roman Symonenko (Ukraine).

4. Representatives of the following UNECE member States participated: Belarus, Georgia, Hungary, Netherlands, Poland, Russian Federation, Sweden, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

5. The European Commission and the following UNECE non-governmental organizations were also represented: International Road Transport Union (IRU), Institute for Protection and Security of the Citizen (IPSC). Automotive GmbH and Continental Automotive also participated as observers.

III. Election of officers (agenda item 2)

6. The Expert Group elected Mr. Roman Symonenko (Ukraine) as the Chairman. Mr. Vadim Donchenko (Russian Federation) and Mr. Bob Oudshoorn (the Netherlands) were elected as vice-chairs.

IV. Adoption of the agenda (agenda item 3)

7. The Expert Group on AETR adopted the first session's agenda without modifications.

V. Overview of AETR issues (agenda item 4)

8. The secretariat presented the AETR discussion paper (ECE/TRANS/2012/3) which provides the historical and legal background concerning the relationship between the AETR

Agreement and the EU framework. It also describes and examines possible options on how to modify the AETR Agreement in order to bridge the differences between the two regimes.

9. The Expert Group welcomed the discussion paper. It decided to take stock of the information provided in ECE/TRANS/2012/3 and invited experts to consider preparing and submitting their own legal analysis and proposals – partly on the basis of the discussion paper – for further discussion at future sessions. The secretariat noted that all written submissions need to be submitted to the secretariat 12 weeks before a meeting in order to be translated in time.

10. Drawing upon the discussion paper, the IRU offered to provide template tables/questionnaires. The tables could be made available on the UNECE website as to enable AETR Contracting Parties and the EU to provide answers concerning which legal instrument is 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) as well as to clarify the rights and obligations of third party operators when passing through AETR contracting parties' territory. The secretariat agreed to facilitate this by uploading the templates and monitoring responses with a view of generating a consolidated table of applicable rules in different scenarios. The Expert Group welcomed the offer by the IRU and the Secretariat.

11. The Expert Group was invited to provide comments to the secretariat on the discussion paper (ECE/TRANS/2012/3), to be incorporated into the text with the aim of developing the paper – over the course of next sessions – into a general reference document for the work of the group.

VI. Programme of work (agenda item 5)

12. In the context of its terms of reference, the Expert Group discussed and decided on the priority issues to be addressed. There was general agreement that amending Article 22bis, creating an Administrative Committee and discussing the Memorandum of Understanding (MoU) between ECE and the European Commission Services regarding the recognition of the Joint Research Centre as the authority responsible for root and interoperability certification for non-EU AETR Contracting Parties were the most important and pressing issues.

13. The Group discussed Article 22bis and possible ways to amend it as to allow all Contracting Parties to have equitable rights and obligations in amending and implementing Appendix 1B. The Russian Federation submitted a proposal (in Russian), focusing on decision-making and voting procedures (annexed to this report). The Expert Group's discussion focused on the manner in which a new decision-making body will be set up – i.e. Administrative Committee – and related procedural aspects of how this body will function and what relationship it will have to SC.1. As a result, the Expert Group requested the secretariat to prepare a document which combines the proposal of the Russian Federation and the procedural steps indicated in the secretariat's AETR discussion paper (on page 25) into one consolidated proposal. If necessary, the document should be accompanied by the appropriate clarifications and explanations on the relevant matters. This document will become the basis for future discussions related to amending Article 22bis. The Russian Federation was encouraged to submit its proposal in English as soon as possible, to facilitate and accelerate the Expert Group's work.

14. The Expert Group discussed the possible ways forward on extending or renewing the MoU between UNECE and the European Commission Services (the text of the MOU is annexed to this report). The representative of the Institute for the Protection and Security of the Citizen (IPSC) delivered a presentation on the work of the Joint Research Centre to date

and indicated that the relevant deliverables would not be affected by potential expiry of the MoU so long as its funding from the European Commission was to be continued beyond June 2012. The European Commission noted that funding for the Joint Research Centre is expected to continue, subject to final confirmation at a later date. IPSC was invited to prepare a report on the past experience and propose steps for the future to be presented at the next Expert Group meeting.

15. The Expert Group decided to discuss some amendments to the terms of the present MoU at its next session, with a view to signing a new MoU in October 2012, coinciding with the next session of SC.1. Experts were invited to provide position papers and/or proposals. In the meantime, the Group decided to extend the validity of the current MoU until that time.

VII. Other issues (agenda item 6)

16. The Government of Georgia outlined key developments and plans related to its recent accession to the AETR Agreement. The European Commission noted the planned creation of the Tachograph Forum – a consultative body to support dialogue on technical matters.

VIII. Date and place of next meeting (agenda item 7)

17. The Expert Group asked the secretariat to schedule the next Expert Group session in June 2012. Subsequent to the Expert Group meeting, the secretariat arranged the next session of the Expert Group to be held on 6 June 2012 in Geneva.

Annex I

[Unofficial translation by the secretariat]

Proposal for art.22bis, submitted by the Russian Federation

Proposal for discussion

Article 22 bis

Procedure for the amendment of Appendix 1B

1. Amendments to Appendix 1B of the Annex to this Agreement shall be made in accordance with the procedure defined in this article.
2. Any proposal for amendments to the introductory articles of Appendix 1B shall be adopted by the Working Party on Road Transport of the Economic Commission for Europe by a majority of the Contracting Parties present and voting. Any amendment thus adopted will be communicated by the secretariat of the Working Party to the Secretary-General for notification of all Contracting Parties. It shall enter into force three months after the date of notification of the Contracting Parties.
3. Preparation and adoption of proposals concerning the text of Appendix 1B to this Agreement shall be made by the Administrative Committee, which shall consist of all Contracting Parties and function as part of the Working Party on Road Transport of the Economic Commission for Europe, in accordance with the procedure specified in this article.
4. At the request of any Contracting Party, any of its proposals to amend Appendix 1 of the Annex to this Agreement shall be considered by the Administrative Committee.
5. If adopted by the majority of the members of the Administrative Committee present and voting, and if such majority includes a majority of the Contracting Parties, the amendment shall be submitted to the Working Party on Road Transport of the Economic Commission for Europe for consideration.
7. If adopted by the majority of the members of the Working Party present and voting, and if such majority includes a majority of the Contracting Parties, the amendment shall be transmitted to the Secretary-General for communication to the competent administrations of all Contracting Parties.
8. 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.
9. 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.

Предложение к обсуждению

[Original Text in Russian]

Статья 22-бис

Процедура внесения поправок в добавление 1В

1. Поправки к добавлению 1В к приложению к настоящему Соглашению вносятся в соответствии с процедурой, определенной настоящей статьей.
2. Любое предложение по поправкам к вступительным статьям добавления 1В принимается Рабочей группой по автомобильному транспорту Европейской экономической комиссии большинством присутствующих и участвующих в голосовании Договаривающихся сторон. Любая принятая таким образом поправка будет направлена секретариатом упомянутой Рабочей группы Генеральному секретарю для уведомления всех Договаривающихся сторон. Она вступает в силу через три месяца после даты уведомления Договаривающихся сторон.
3. Подготовка и принятие предложений по тексту добавления 1В к настоящему Соглашению осуществляется Административным комитетом, в который входят все Договаривающиеся стороны и который функционирует в составе Рабочей группы по автомобильному транспорту Европейской экономической комиссии в соответствии с процедурой, предусмотренной в настоящей статье.
4. По просьбе какой-либо Договаривающейся стороны, любое ее предложение о внесении поправок в добавление 1в к приложению к настоящему Соглашению рассматривается Административным комитетом.
5. В случае одобрения поправки большинством членов Административного комитета, присутствующих и участвующих в голосовании, и если такое большинство включает большинство Договаривающихся сторон, она передается на рассмотрение в Рабочую группу по автомобильному транспорту Европейской экономической комиссии.
6. В случае одобрения поправки большинством членов Рабочей группы, присутствующих и участвующих в голосовании, и если такое большинство включает большинство Договаривающихся сторон, она передается Генеральному секретарю для направления компетентным администрациям всех Договаривающихся сторон.
7. Поправка вступает в силу в течение шестимесячного срока со дня уведомления Договаривающихся сторон или в срок оговоренный в тексте поправки, но не менее шестимесячного срока со дня уведомления Договаривающихся сторон.
8. В том случае, если предложение по поправкам, касающимся Добавления 1В к настоящему Соглашению, повлечет за собой также внесение поправки в иные статьи или приложения Соглашения, поправки к этому добавлению не смогут вступить в силу до вступления в силу поправок, касающихся иных частей Соглашения. Если при этом поправки к добавлению 1В представляются одновременно с поправками, относящимися к иным частям Соглашения, то дата вступления их в силу определяется датой, установленной на основании применения процедур, которые в общих чертах описаны в статье 21 с учетом даты указанной в поправке к Добавлению 1в в случае, предусмотренном пунктом 7 настоящей статьи.

Annex II

Text of the Memorandum of Understanding between United Nations Economic Commission for Europe and the European Commission

Memorandum of Understanding

between

THE EUROPEAN COMMISSION SERVICES

and

THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

The European Commission services, represented for the purpose of signing this Memorandum by Enrico GRILLO PASQUARELLI, Director for Land Transport of the Directorate-General for Energy and Transport, hereinafter referred to as 'TREN' and by Stephan LECHNER, Director of the Institute for the Protection and Security of the Citizen of the Joint Research Centre, hereinafter referred to as 'JRC',

On the one part,

and

the United Nations Economic Commission for Europe (hereinafter referred to as UNECE), Palais des Nations, CH-1211, Geneva 10, Switzerland, for the purpose of signing this Memorandum represented by Éva MOLNÁR, Director of Transport Division;

On the other part,

Hereafter collectively referred to as 'the Sides'

WHEREAS:

The major aim of the United Nations Economic Commission for Europe is to promote pan-European economic integration through, among others, setting out norms, standards and conventions to facilitate international cooperation within and outside the region.

A number of 57 legal instruments have been developed under the auspices of the UNECE to provide a commonly accepted legal and technical framework for the development of international road, rail, inland water and combined transport in the UNECE region.

The European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) of 1970 has been founded and developed under the auspices of the UNECE to safeguard minimum standards in road transport for fair competition, working conditions, and road safety, to the benefit of the society as a whole.

Since its creation in 1970, the AETR has been modified on several occasions to make it comply with technical advances, as well as to be harmonized with Community legislation so as to ensure unified social legislation and practices in road transport in the UNECE member countries at a Pan-European level.

The most recent amendment to the AETR entered into force on 16 June 2006, introducing the digital tachograph for checking more efficiently the driving times and rest periods of professional drivers. The object of this modification was to ensure continuity in harmonized conditions by the AETR and the EU legislation in this area so as to improve road safety by the use of a device which is more effective than the mechanical tachograph.

The introduction of the digital tachograph requires considerable efforts of a financial, social and institutional nature from all the Contracting Parties to the AETR. Taking into account that many of the non-EU Contracting Parties to the AETR are developing economies, it has been agreed that they would be granted a four years transition period for full implementation of the digital tachograph.

As from 16 June 2010, the digital tachograph will become mandatory for new vehicles put into service for the first time in the non-EU Contracting Parties to the AETR and the Contracting Parties should be able to issue tachograph cards as from 16 March 2010. In order to be ready for that, the non-EU Contracting Parties to the AETR will have to adopt new legislation, establish new institutions and strengthen the existing ones, and overall they will have to ensure the proper enforcement mechanism for the digital tachograph.

The Commission's Joint Research Centre (JRC) in Ispra, Italy, is currently the only body delivering two main types of services in relation with the implementation of the digital tachograph in the EU member States, namely certification operations through the European Root Certification Authority (ERCA) and interoperability certifications through its Laboratory for Interoperability Certification. With the signature of the present Memorandum of Understanding, JRC will deliver the same types of services to the non-EU countries that are Contracting Parties to the AETR.

Within the framework of certification operations, the JRC will review and approve the national policies of the non-EU Contracting Parties to the AETR, with respect to the cryptographic keys and key certificates used in the mutual authentication, secure messaging and digital signature mechanisms of the digital tachograph. The objective of the policy review process is to establish a

comparable level of security amongst all the countries which are Contracting Parties to the AETR and use the digital tachograph.

Within the framework of interoperability operations, the JRC will carry out tests on pieces of equipment needed to fully implement the digital tachograph and will issue Interoperability Certificates for them. A valid Interoperability Certificate, together with valid Functional and Security Certificates, is a pre-condition for the equipment and/or pieces of it to be type-approved by the National Type Approval Authority of the AETR Contracting Party.

Through joint efforts of UNECE and the European Commission services, new approaches can be identified and developed to assist non-EU Contracting Parties to the AETR in the smooth implementation of the digital tachograph within the deadline specified in the Agreement, thus working to the mutual benefit of both organizations and the Contracting Parties to the AETR in the achievement of their objectives.

An administrative arrangement will facilitate the interaction between the actors for more efficient and cost-effective implementation of the digital tachograph.

The Sides have expressed their mutual desire to co-operate in the field of harmonized implementation of the AETR in all the Contracting Parties to it and are for that purpose signing the present Memorandum of Understanding,

HAVE DECIDED AS FOLLOWS:

SECTION 1 – OBJECTIVE OF THE MEMORANDUM

The objective of this Memorandum of Understanding is to contribute more effectively to 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.

SECTION 2 – SPECIFIC ACTIONS

In order to fully achieve the objective of this Memorandum of Understanding, the Parties will take the following actions:

2.1 The United Nations Economic Commission for Europe:

- a) Acts as the AETR Authority, in charge of identifying non-EU AETR Contracting Parties' Authorities responsible for the implementation of the digital tachograph notably with respect to the cryptographic keys and key certificates used in the mutual authentication, secure messaging and digital signature mechanisms of the digital tachograph. To this end, the UNECE secretariat:
 - decides with the JRC on a form template for identification of the Authorities;

- sends the identification form, through official channels, to all non-EU Contracting Parties to the AETR;
 - receives, through official channels, the identification form duly filled-in;
 - checks the identification form received and if the form is correctly filled-in sends it to the JRC for the purpose of establishing key management services; if not, liaises with the Contracting Party to correct the situation;
 - receives from the Contracting Parties any subsequent modification of the initial identification form and sends the updated information to JRC;
 - keeps an updated database of these Authorities;
- b) Checks the cards' additional features in application of Requirement 181 of Appendix B to the AETR: 'After consulting the UN/ECE secretariat, Contracting Parties may add colors or markings, such as security features, without prejudice to the other provisions of this Appendix';
 - c) Establishes a database of approval certificates and notifications of refusal, based on information received from each Contracting Party, in the light of Article 4 of the Annex to the AETR;
 - d) Establishes a database of the approved fitters and workshops and the cards issued to them, based on lists sent officially by the competent authorities of each Contracting Party and makes data available to all the other Contracting Parties;
 - e) Monitors the type approval disputes in the non-EU Contracting Parties to the AETR, based on information sent by the Contracting Parties' competent authorities;
 - f) Guides the non-EU Contracting Parties to the AETR in their efforts to implement the digital tachograph and helps them identify, in the EU countries, partners they could cooperate with in these efforts;
 - g) Establishes a database of the Contracting Parties that are able to implement on their territories the provisions relating to the digital control device in conformity with Appendix 1B before the expiry of the four-year deadline;
 - h) Acts as a contact point for the AETR-EU Risk Management Group when it has to deal with non- EU Contracting Parties to the AETR;
 - i) Informs officially each Contracting Party of the necessity - for the digital tachograph system to be implemented by the end of the transition period - to have a single AETR Root Certification Authority (AETR- RCA) established, which will be the EU-ERCA (EC- DG JRC);
 - j) Supports the establishment of a UNECE Trust Fund based on voluntary contributions from donor community and AETR Contracting Parties aimed at funding technical assistance activities for the implementation of the digital tachograph and covering, if necessary, costs related to the functioning of the European Root Certification Authority (ERCA) of the cryptographic key management infrastructure supporting the digital tachograph system;

2.2 The European Commission services

- a) are responsible for the European Root Certification Authority (ERCA) of the cryptographic key management infrastructure supporting the digital tachograph system;
- b) are responsible, until 30 June 2012, for the AETR Root Certification Authority (AETR-RCA); in this capacity, the JRC performs all the relevant tasks provided for in the AETR

without financial implications from the UNECE and applying the same conditions for the non-EU Contracting Parties to the AETR and applicants as those applied for the EU ones;
 c) contributes, notably in the framework of UNECE's Working Party on Road Transport (SC.1) and in close collaboration with the UNECE Secretariat:

- to capacity-building in non-EU Contracting Parties to the AETR notably for developing Risk Management procedures with an emphasis on risk assessment capabilities;
- to facilitating exchanges of experts and experience through seminars or workshops, organized notably in the framework of UNECE's Working Party on Road Transport (SC.1) but also in the non-EU Contracting Parties to the AETR, for the implementation of the digital tachograph.

- 2.3 The UNECE and European Commission services will contribute to smooth sustainability and further development of the system after 30 June 2012.

SECTION 3 – EVALUATION OF THE COLLABORATION

- 3.1 The Sides will meet at least once a year to evaluate past activities, develop detailed plans for future co-operative projects, and discuss any matter concerning the implementation of the present Memorandum of Understanding. To this end, the UNECE and the Commission services will each designate one person to serve as its co-ordinator with responsibility for the respective planning. The co-ordinators will equally be free to nominate any other members to represent them or to attend meetings. The meetings are prepared by the co-ordinators.
- 3.2 The co-ordinators for the Commission services will be: Szabolcs Schmidt, Head of Unit TREN/E1 and Thomas Hartung, Head of Unit JRC/G7.
- The co-ordinator for the UNECE will be: Virginia Tanase, Economic Affairs Officer, Transport Division.
- 3.3 All correspondence under this Memorandum shall be sent to the co-ordinators.
- 3.4 The Sides will communicate to each other in writing any changes with regard to the above-mentioned co-ordinators.

SECTION 4 – FUNDS

The Sides will finance themselves their activities.

SECTION 5 – RECOGNITION OF JRC AS THE AETR AUTHORITY

UNECE recognizes the JRC as the AETR Authority for Root Certification and for Interoperability Certification for the non-EU Contracting Parties to the AETR.

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

Date: 23 January 2009
Place: Geneva



Éva MOLNÁR

EUROPEAN COMMISSION SERVICES

Date: 17 Dec 2008
Place: Bruxelles



Enrico GRILLO PASQUARELLI

Date: 12.01.09
Place: _____



Stephan LECHNER