



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Preparation of the ninth session of the Group of Experts on the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR) under the aegis of the Working Party on Land Transport of the United Nations Economic Commission for Europe (UNECE)

In view of the Working Party on Land Transport on 16 October 2014, delegations will find attached a Note on the above-mentioned subject.

**INFORMATION NOTE FROM THE COMMISSION
IN VIEW OF THE NINTH SESSION OF THE GROUP OF EXPERTS ON AETR
GENEVA, 27 OCTOBER 2014**

1) BACKGROUND

The Expert Group on AETR has been mandated by the UNECE to elaborate a modification to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) and particularly to its Article 22bis (related to the decision making process regarding the adoption of the technical specifications of the tachograph). This work was initiated on the basis of demands of non-EU AETR Contracting Parties (and especially the Russian Federation) to be involved more in the decision making. It entails changing the current rules whereby any changes in the EU Regulation on tachograph are automatically transposed in the Agreement.

In February 2013 the Commission presented in UNECE an EU common position based on Article 218 (9) TFEU¹. This position provides for amendments not only to Article 22bis but also to Article 14 introducing the possibility for regional integration organizations (RIOs) to join the Agreement and the addition of a new article 10bis on the exchange of information on driver cards (based on the TACHOnet model). The amendments proposed were discussed during five meetings of the Expert Group, the last of which took place on 2 July 2014. The mandate of the Group expires in December 2014 and no further meeting has been scheduled by the UNECE Secretariat.

¹ Council decision 5826/13

2) REPORT FROM THE MEETING OF 2 JULY 2014

The report of the meeting as prepared by the UNECE Secretariat is enclosed (document ECE/TRANS/SC.1/GE.21/20). No notable progress has been registered, as the Russian Federation reiterated its opposition to accession by RIOs and to the concept of block vote. The Chair of the Group proposed a solution by which the EU would exercise a block vote without becoming a Contracting Party, to which the Commission representative opposed, as not being a legally sound idea. The UNECE Secretariat was therefore asked by the Chair to seek legal advice with United Nations Office of Legal Affairs on this issue.

3) PAPER DISTRIBUTED BY THE UNECE SECRETARIAT IN VIEW OF THE MEETING OF 27 OCTOBER 2014

The paper, titled "Draft Final Report" (Informal Document 1), summarizes the work and accomplishments of the Group and invites the experts to propose conclusions. It states that the experts did not agree on how to amend Articles 14 and 22bis and did not reach a consensus on how to proceed or did not discuss on the other points mentioned in the Terms of Reference, with the exception of the following two issues:

- 1) In relation to the exchange of information on driver cards, the experts agreed to introduce in the text of the Agreement a new Article 10bis
- 2) It was also agreed to extend until 30 June 2015 the validity of the Commission - UNECE Memorandum of Understanding recognising the JRC as AETR's Root Certification Authority.

4) THE EU COORDINATED POSITION IN VIEW OF THE EXPERT GROUP MEETING OF 27 OCTOBER 2014

The Commission is of the opinion that given the recent developments in relations with the Russian Federation, at this stage the issue cannot be pursued further. During the next meeting, the Commission will express its regret that the Parties were not able to reach a compromise and will commit to continue cooperating with all interested AETR Contracting Parties on the implementation of the digital tachograph system.

As regards the draft for a new Article 10bis, although the text was agreed by all Contracting Parties participating to the discussions, the Commission believes that, in the absence of agreement on the other, more important amendments which were part of EU's common position, it is not useful to include this provision in the AETR Agreement.

Annexes:

- 1) UNECE document ECE/TRANS/SC.1/GE.21/20 – Report of the 2 July 2014 meeting
 - 2) UNECE document ECE/TRANS/SC.1/GE.21/21- Annotated provisional agenda for the 27 October 2014 meeting
 - 3) UNECE "Informal Document No 1"
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