



Economic and Social Council

Distr.: General
29 March 2023

Original: English

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)

Thirty-first session

Geneva, 20 February 2023

Report of the Group of Experts on the European Agreement concerning Work of Crews of Vehicles Engaged in International Road Transport on its thirty-first session

I. Attendance

1. The AETR Group of Experts held its thirty-first session in Geneva on 20 February 2023, chaired by Mr. R. Symonenko (Ukraine).
2. Representatives of the following ECE member States participated, Belarus, France, Norway, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine and the United Kingdom of Great Britain and Northern Ireland.
3. The representative of the European Union, Iran National Inventions and Innovation Team, and International Road Transport Union (IRU) were present.

II. Adoption of the Agenda (agenda item 1)

4. The Group of Experts adopted the session's agenda (ECE/TRANS/SC.1/GE.21/69).

III. Programme of Work (agenda item 2)

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

5. The Group of Experts was informed that no bilateral meetings between the Russian Federation and European Commission have been held since the last session. As a result, no progress was made related to ECE/TRANS/SC.1/GE.21/2021/2 (amendments proposed by Portugal). The Russian Federation reiterated that its position remains unchanged as per ECE/TRANS/SC.1/GE.21/2021/3. The Russian Federation already initiated and currently expressed its readiness to hold bilateral discussions. Belarus expressed its wish to be included in any future consultations, should they take place.



B. Appendix 1C

6. The Group was invited to discuss ECE/TRANS/SC.1/GE.21/2018/1/Rev.1 (Portugal's proposals to modify Annex IC in order to adapt the European Union specifications on the smart tachograph to the AETR legal framework (as Appendix 1C)) together with ECE/TRANS/SC.1/GE.21/2023/1 (comments submitted by the Russian Federation at this session). After preliminary discussion, the Group determined it was not prepared to consider the document in detail at the present session, so it will begin substantive deliberations at a next session.

7. The Russian Federation explained that the references to amending AETR Article 3 in ECE/TRANS/SC.1/GE.21/2023/1 should refer to amending AETR Article 4. While these references support ECE/TRANS/SC.1/GE.21/2023/2 (Belarus' amendment proposal on "force majeure" situations), they are not a part of the comments on Appendix 1C.

C. Application of Regulation No. 561/2006 in the "AETR area"

8. At previous sessions, the Group of Experts discussed this subject and invited national experts to exchange information on best practices related to treatment of vehicles from "non-AETR area" entering the territory of the European Union or a non-EU AETR Contracting Party. The Group is encouraged to continue exchanging information on this subject at the next session.

IV. TACHOnet (agenda item 3)

9. The European Union is yet to submit a revised version of ECE/TRANS/SC.1/GE.21/2019/1/Rev.3 (a proposal to introduce a new Appendix 4 on exchange of information). The Group will be invited to discuss the revised document (ECE/TRANS/SC.1/GE.21/2019/1/Rev.4), if and when submitted.

V. Other Business (agenda item 4)

10. The Group discussed an amendment proposal – submitted by Belarus - concerning Article 4, paragraph 2 for applications of the AETR Agreement in the "force majeure" situations (ECE/TRANS/SC.1/GE.21/2023/2). The Russian Federation supported the proposal (ECE/TRANS/SC.1/GE.21/2023/1). After discussion, the Group decided to continue its deliberations at the next session. In the meantime, a revised proposal (in Russian) is appended to the report of the present session (Annex 1). This proposal was not discussed by the Group. The proponents were invited to submit a revised proposal prior to 17 March 2023 so it can be translated into English and French.

11. The Group of Experts took note of submission of Informal document No.1 by the Republic of North Macedonia.

12. Türkiye informed about the extraordinary conditions caused by the devastating earthquakes. It also introduced Informal document No.2 requesting an exemption from AETR rules in driving times and rest periods due to recent earthquakes.

13. In response, the Group unanimously welcomed the request and, thus, it invited the Contracting Parties to consider a temporary exemption to Turkish vehicles in the frame of tachograph controls until the end of state of emergency (8 May 2023).

14. IRU commented via Informal document No.3 pointing out that the national transport operations are exempt and that AETR Article 2(f) which stipulates vehicles used in emergencies or rescue operations, including the non-commercial transport of humanitarian aid, are also exempt from the provisions of the AETR Agreement. The swift response of Contracting Parties will be appreciated by Türkiye in order to timely inform and properly instruct the Turkish international hauliers.

15. In light of the requested extension of the Group's mandate, the secretariat suggested that the Group re-visit its terms of reference (ECE/EX/2011/L.16) in due course. The Group took note of the suggestion.

16. With respect to the Memorandum of Understanding between the UNECE and European Commission services (COM), Belarus and the Russian Federation reiterated their concerns about the non-compliance by JRC under the MoU. These two countries stressed that JRC should perform such obligations on a non-discriminatory basis. The two countries shared their views regarding the possibility of establishing other root certification and interoperability centres. These two countries requested the COM to provide information on JRC readiness to deliver its services to the non-EU countries that are Contracting Parties to the AETR Agreement. Belarus and the Russian Federation requested their statement to be attached to the report (Annex 2).

17. The European Commission noted that in relation to the positions expressed unilaterally in the previous paragraph of this report, such discussion had not been agreed to at the beginning of the meeting and can therefore not be considered part of the agenda. It nevertheless opposed the views of the Russian Federation and Belarus regarding the implementation of the Administrative Arrangement, and informed that it is ready to implement the terms of the Administrative Arrangement as voted upon last October by SC.1.

VI. Date and Place of Next Meeting (agenda item 5)

18. The next meeting is scheduled for 12 June 2023 at Palais des Nations in Geneva. The deadline for the submission of formal documents is 17 March 2023.

VII. Adoption of the Report (agenda item 6)

19. The Group of Experts adopted the report of this session.

Annex I

[Original: Russian]

Revised amendment proposal to AETR Article 4

Submitted by Belarus and the Russian Federation in Russian, without English and French translation available during the meeting*

Proposals for amendment of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), done at Geneva, 1 July 1970

“Add a paragraph 2 to article 4 of AETR, to read as follows:

2.

(a) In the event that force majeure situations occur in a Contracting Party to the Agreement, thus preventing the application to international road transport, carried out by any means of transport on its territory, of the provisions of article 10 of this Agreement, the Contracting Party may declare such a situation, informing the secretariat of the Working Party on Road Transport of the United Nations Economic Commission for Europe and, at the same time, the Secretary-General of the United Nations. The purpose of such a declaration shall be to determine the possibility for the Contracting Party, instead of using the control devices/driver cards provided for in the Appendix to this Agreement, as amended, of limiting the requirement to the presentation, whenever requested by an inspecting official of any Contracting Party, of the daily record sheets completed manually by each member of the crew for the current day and the preceding 28 calendar days.

(b) When declaring the situation referred to in subparagraph (a) of this paragraph, the Contracting Party shall also declare the measures taken to eliminate such a situation and the duration for which the declaration shall be applicable. The declaration shall be valid for no more than two years.

(c) The secretariat of the Working Party on Road Transport of the Economic Commission for Europe shall, no later than 15 calendar days after receipt of a declaration under subparagraph (a) of this paragraph, officially notify the competent authorities of all Contracting Parties of the occurrence in a Contracting Party of the situation referred to in subparagraph (a) of this paragraph. The possibility provided under subparagraph (a) of this paragraph shall arise 15 calendar days from the date of such notification.”

* Reproduced as received without any changes.

Annex II

[Original: Russian]

Submitted by Belarus and the Russian Federation in Russian, without English and French translation available during the meeting*

Proposals for the Report of the Working Party, on point 4 (b):

1. The delegation of the Russian Federation and the delegation of Belarus noted current difficulties with the fulfilment by the Joint Research Centre (JRC) of its obligations under the Memorandum.
2. The delegation of the Russian Federation and the delegation of Belarus expressed the need for JRC to meet its obligations under the Memorandum, according to which JRC was obliged to provide its services (in particular, issuance of national key certifications and certifications of tachographs and their components for interoperability) to all Contracting Parties, including those that were not members of the European Union. External situations must not block the provision by JRC of services and must not constitute grounds for refusing the provision of JRC services to States that were not members of the European Union. There were no objections from the participants of the Working Party.
3. The delegation of the Russian Federation and the delegation of Belarus, in accordance with paragraph 4 of the Terms of Reference of the AETR Group of Experts, expressed the view that it would be useful to establish a similar JRC responsible for issuing national key certifications and certification of tachographs and their components for interoperability, as well as for other functions, to facilitate the resolution of issues related to the implementation of the AETR provisions concerning digital tachographs in States that were not members of the European Union. The delegation of the Russian Federation and the delegation of Belarus agreed that AETR Contracting Parties which were not members of the European Union should decide on their own or through a representative body elected by such countries to recognize a particular certification body. ECE must not prevent such countries from expressing their intentions, nor should it in any way bring influence or coercion to bear on such intentions. The European Commission expressed the position that additional work was advisable on the issue.
4. The European Commission expressed the opinion that JRC was in full compliance with the requirements of the Memorandum.

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