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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Seventieth session  
Geneva, 19-21 February 2008  
Item 6(c) of the provisional agenda

**IMPLEMENTATION OF THE PRIORITIES OF THE UNECE REFORM  
FOR STRENGTHENING SOME ACTIVITIES OF THE COMMITTEE**

**Implementation and monitoring of legal instruments**

Note by the Secretariat

**I. MANDATE**

1. This document is submitted in accordance with the request of the Bureau of the Inland Transport Committee on 4 June 2007 (see ECE/TRANS/2008/1, Annex II, paras.11 and 12).

**II. STRENGTHENING AND MONITORING OF THE IMPLEMENTATION  
OF VIENNA CONVENTION ON ROAD TRAFFIC AND THE EUROPEAN  
AGREEMENT SUPPLEMENTED IT**

2. A questionnaire was sent on 25 July 2007 to Contracting Parties to the Vienna Convention on Road Traffic (deadline for answer: 31 October 2007). Until now, we received 7 replies (4 from non-EU countries and 3 from the EU countries).

**III. STRENGTHENING AND MONITORING OF THE IMPLEMENTATION OF THE  
AETR**

3. According to paragraph 5 of Article 12 of the AETR Agreement, the UNECE is expected to report every two years on the application by Contracting Parties of paragraph 1 of this Article.

4. For this purpose, the secretariat has elaborated a questionnaire based on the format already used by the European Commission and also by the ECMT. It is to be used exclusively by AETR

Contracting Parties that were not EU members during the period from 1 January 2005 to 31 December 2006. A report will be established by the European Commission for EU countries. In future, the possibility of preparing a joint report will be considered.

5. Until now, only one country replied to this questionnaire, in spite of two reminders one at the SC.1 session and the other by e-mail on 1st November.

#### **IV. CURRENT PROBLEMS CONCERNING THE AETR**

6. The Working Party on Road Transport (SC.1) considered at its 101st session (16-18 October 2007) the implementation of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR).

##### **A. Concerning the harmonization of rest and driving periods**

7. A consensus solution had to be found at this SC.1 session on two difficult points.

8. First, the Russian Federation, Ukraine and Belarus accepted the text concerning the extra-territoriality of penalties (art. 12) proposed in the document examined at the session.

9. Concerning the second point (calculation of rest periods: a 45 hours period of rest every two weeks [art. 8, para. 6]), in spite of best and continued efforts by the chairman, secretariat and the delegates, no consensus was reached. SC.1 was asked to use all the possibilities for negotiations in order to find a solution about this issue as soon as possible.

10. Outside these questions, there was a long discussion on the legal value of some provisions of EU Regulation No.561/2006 which for the Russian Federation, Belarus and Ukraine would be contrary to the provisions of the AETR (Art. 2). As the positions on this issue were opposite, SC.1 asked the representatives from the European Commission and these three countries to search for a consensus solution, instead of focusing discussion on a legal conflict between AETR and the EU law. This conflict would become groundless once a solution is found.

11. In order to try to find a consensus solution on the points that were still unresolved, the Working Party asked to the ITC to authorize the holding of a special session of the SC.1 on 26-27 May 2008 with the aim to finalise the text if a consensus appeared imminent.

##### **B. Implementation of the digital tachograph**

12. The document (ECE/TRANS/SC.1/2006/9) attached gives a detailed inventory of various aspects to be considered by non-EU countries to implement the digital tachograph in their territory. This document was distributed to SC.1 members in 2006.

13. The European Commission's representative stated, at the SC.1 session that, in a spirit of partnership, the Commission was completely open to help the non-EU countries in the implementation process of the digital tachograph. In particular experts from non-EU countries could be seconded, according to a way to be defined, to the certification laboratory in Ispra (Italy) which is in charge of the delivery of the cryptographic keys and the interoperability certificates. In the same way, the European Commission is ready to support exchanges of experts and experience within the framework of seminars or workshops. Moreover, the Commission

could go even further via a possible financial support in certain fields (including seminars and workshops), but such a support is linked to reaching a consensus on the amendments concerning time periods of rest and control, which is currently under discussion.

14. Concerning Appendix 1B of the AETR, not yet available in Russian, the Bureau is informed that the secretariat is currently working on the adaptation of this appendix 1B in English and French in the context of the AETR. This preliminary work is necessary before being able to request the translation of the text into the Russian language. The adaptation of the text by the secretariat will be finished at the latest before 15th January. Then, the secretariat will make every possible effort to accelerate the translation of this document into Russian.

15. In order to assist in the implementation of the digital tachograph, countries were supposed to provide the secretariat with address of the persons/service in charge of the implementation of the digital tachograph. The secretariat regrets to inform the Bureau that no responses have arrived as a reply to the letter/request which invited countries to take part in the meeting of the special Group in May 2007. These information/addresses are absolutely necessary to facilitate the implementation of the digital tachograph and to organize contact with the laboratory in charge in Ispra to deliver cryptographic keys.

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