Council of the
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TRANS 350

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and within the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE) as regards amendments to Appendix 1B to the Annex to the AETR

COUNCIL DECISION (EU) 2024/…

of …

on the position to be adopted on behalf of the European Union within the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and within the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE) as regards amendments to Appendix 1B to the Annex to the AETR

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR)[1] entered into force on 5 January 1976. It was last amended on 20 September 2010.

(2) Pursuant to Article 22bis of the AETR, proposals for amendments to the introductory Articles of Appendix 1B to Annex to the AETR may be adopted by the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE) by a majority of Contracting Parties present and voting. After adoption, amendments are submitted to the Secretary-General of the United Nations for notification to all Contracting Parties.

(3) The Group of Experts on the AETR and the Working Party on Road Transport have been established by the UNECE in the framework of the AETR. The Working Party is a body empowered to develop and adopt amendments to the introductory Articles of Appendix 1B to the Annex to the AETR, while the Group of Experts is a body empowered to develop and submit proposals for amendments to the Working Party.

[1] OJ L 95, 8.4.1978, p. 1.

(4) The Group of Experts on the AETR and the Working Party on Road Transport, during their sessions to be held respectively on 28 October 2024 and 29 to 31 October 2024, or at subsequent sessions, will respectively develop the proposal for, and adopt the amendments to Appendix 1B to the Annex to the AETR relating to the future implementation of certain certification activities within the framework of the AETR. Those certification activities are needed to operate the AETR's digital tachograph scheme, which is largely based on the Union system.

(5) It is appropriate to establish the position to be adopted on the Union's behalf within the Group of Experts on the AETR and within the Working Party on Road Transport, as the amendments to Appendix 1B to the Annex to the AETR will be binding under international law in accordance with Articles 21(6) and 22bis(2) of the AETR, and are capable of decisively influencing the content of Union legislation, namely Regulations (EC) No 561/2006[2] and (EU) No 165/2014[3] of the European Parliament and of the Council.

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[2] Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

[3] Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

(6) The proposed amendments aim to resolve a difficult situation in the implementation of the AETR digital tachograph scheme regarding the provision of certain certification activities by the Commission to certain non-EU AETR Contracting Parties under a memorandum of understanding signed between UNECE and Commission services in 2009. That memorandum of understanding has been renewed several times through administrative arrangements, and was most recently renewed on 28 November 2023 for a period until 31 May 2024.

(7) Under these administrative arrangements, the Commission issues interoperability certificates to equipment manufacturers, which are needed for AETR type approval of such equipment. Requirement 278 of Appendix 1B to the Annex to the AETR currently provides for a single competent body to be responsible for interoperability certification.

(8) The Commission is also responsible for tasks relating to the generation, holding and managing of the European key pair within the public key infrastructure of the AETR digital tachograph system. This key pair is used to certify the national public keys of Contracting Parties, which are themselves used to certify keys inserted in each piece of equipment. Requirement CSM_007 of Sub-Appendix XI of Appendix 1B to the AETR currently provides for a body recognised at an international level to be responsible for root certification activities.

(9) Following the decision from the Commission to suspend those certification activities for Russia and Belarus as a result of Russia's war of agression against Ukraine with the continued military support by Belarus, the role of the Commission in the implementation of the AETR has been questioned by those countries. A new administrative arrangement is therefore highly unlikely, which jeopardises the provision of certification activities by the Commission to 14 other non-EU AETR Contracting Parties.

(10) The Union should therefore support a proposal to amend Appendix 1B to the Annex to the AETR to have the role of the Commission recognised in the AETR itself, for it to continue supporting the implementation of the AETR and providing certification activities to non-EU countries under certain conditions.

(11) The Union's position within the Group of Experts on the AETR is to be expressed by the Commission, and the Union's position within the Working Party on Road Transport is to be expressed by Member States acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf in the 36th session of the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the 119th session of the Working Party on Road Transport of the United Nations Economic Commission for Europe (UNECE), or at any subsequent sessions as regards amendments to Appendix 1B to the Annex to the AETR, is set out in the Attachment to this Decision.

2. Minor changes to the position referred to in paragraph 1 may be agreed without a further decision of the Council.

Article 2

The position referred to in Article 1 shall be expressed by the Commission in the Group of Experts on the AETR and by the Member States acting jointly in the interest of the Union, in the UNECE Working Party on Road Transport.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at …, …

For the Council
The President