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TRANS 167

**'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	7642/23
Subject:	Proposal for a COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Group of Experts of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR), within the Working Party on Road Transport of the United Nations Economic Commission for Europe and, if relevant, in relation to a communication by the United Nations Secretary-General pursuant to Article 21(1) of the AETR, as regards an amendment to introduce a 'force majeure' clause – Adoption

**I. INTRODUCTION**

1. On 20 March 2023 the Commission submitted to the Council a proposal on the subject above.
2. The AETR (1970) counts 52 Contracting Parties, including all Member States. The currently relevant EU position from 2021<sup>1</sup> aims at introducing the smart tachograph (version 2) in the AETR area, at giving Contracting Parties more decision-making power over rules on the modernisation of the tachograph, and at allowing the Union to accede to the organisation.

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<sup>1</sup> COUNCIL DECISION (EU) 2021/366 of 22 February 2021 on the position to be adopted, on behalf of the European Union, in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe (OJ L 70, 1.3.2021, p. 12.

3. The proposal aims at adopting a negative EU position towards proposals put forward by two Contracting Parties to amend AETR by introducing a ‘force majeure’ clause in relation to the tachograph obligation.
4. A previous initiative in the same context aimed at a certain interpretation of the current rules allowing to drive, in exceptional circumstances, without a driver card ensuring the recording of the tachograph.<sup>2</sup>

## II. WORK AT THE PREPARATORY BODY

5. The Working Group on Land Transport examined the proposal on 29 March 2023. France entered a parliamentary scrutiny reservation. Delegations taking the floor supported the draft EU position, as they considered that a ‘force majeure’ provision as proposed by the two Contracting Parties could largely invalidate the international efforts to control drivers’ driving and rest times, and could undermine restrictive measures concerning the export of technology products, which were adopted against those countries.
6. It was pointed out that the technical agreement of UNECE bodies with a suggestion to amend AETR is not a condition for presenting the amendments to the Secretary-General of the United Nations. In such a case, referred to in Article 3 of the draft Union position, coordination with authorities in charge of relations to the UN would be important.
7. The Presidency invited delegations to submit any additional observations in writing by 4 April 2023; the Secretariat circulated a revised text.<sup>3</sup> No delegation made further comments.
8. The next meeting of an UNECE body, where the various initiatives for amending AETR will be discussed, will be the meeting of the group of experts on 12 June 2023.

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<sup>2</sup> See note ST 6197/23.

<sup>3</sup> See note ST 8038/23.

### III. CONCLUSIONS

9. The Permanent Representatives Committee is invited to endorse the draft Decision and to submit it for adoption to the Council, as presented in document ST 8096/23, which was revised by the lawyer-linguists.
  10. Once adopted, the European Parliament will be informed about the Council Decision.
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