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Geneva, 16 April 2010

IRU RESOLUTION ON THE UNECE AETR AGREEMENT AND THE IMPLEMENTATION OF THE DIGITAL TACHOGRAPH

*adopted unanimously by the IRU General Assembly
in Geneva on 16 April 2010*

IRU Resolution on the AETR and the introduction of the digital tachograph in non-EU AETR countries as from 16 June 2010.

The International Road Transport Union (IRU) representing truck, bus, coach and taxi operators through its 180 Members in 74 countries on 5 continents,

Considering that:

- the digital tachograph should be fixed on newly registered vehicles in countries of *all* AETR Contracting Parties as from 16 June 2010, according to Amendment 5 of the AETR Agreement,
- the IRU and its Members in EU and non-EU AETR countries have always fully supported the principle behind the introduction of the digital tachograph in order to improve regulatory compliance, road safety and working conditions whereby, to which end and among other things, the IRU Academy has held a series of AETR Digital Tachograph training seminars in 2009-2010, all open to participation from governments and the private sector in the countries concerned,
- there remain numerous outstanding issues which have yet to be addressed, let alone resolved, before the effective introduction of the digital tachograph in non-EU AETR countries, which will unavoidably lead to a number of countries being unable to keep the deadline of 16 June 2010,
- the digital tachograph's value as an enforcement tool depends on the security of the distribution of the various tachograph cards and the creation of the supporting institutional and IT infrastructure, without which not only all the huge investments already realised for the proper implementation of the digital tachograph, but also the security of the whole system would be compromised,
- the EU's difficulties in the early 2000s to be ready to introduce the digital tachograph in all Member States according to previously fixed time schedules resulted in four postponements over a period of ten years;
- important legal contradictions should still be resolved in the AETR in force, such as those regarding the legal scope of the AETR and the process of updating the digital tachograph's technical specifications (Article 22bis),

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Taking into account the above, the road transport industry, represented by the IRU and its Member Associations, calls upon the Governments of the Contracting Parties to the AETR in EU and non-EU countries to

In the short term

- support, in the given circumstances, the implementation of a gentlemen's agreement containing the tolerance measures developed by the ad-hoc meeting of the UNECE Inland Transport Committee in Geneva at the end of February 2010, in order to prevent any disruption of international road traffic and avoid any unjust penalisation of transport operators / drivers driving vehicles registered in non-EU countries,
- agree in particular, to the following tolerance measures:
 - after 16 June 2010, newly registered vehicles must be fitted with digital tachographs, but drivers of such vehicles and those registered and already equipped with such tachographs before that date, from countries where driver or workshop/calibration cards are not available, will be granted a tolerance to circulate freely, until a certain date limit yet to be agreed upon by an extraordinary UNECE SC.1 meeting (see below), as today as long as
 - they have their devices calibrated at an authorised workshop on their first trip falling under the AETR rules in the first country where it is possible to do so,
 - they are able to make tachograph print outs or complete an inactivity attestation form for control purposes for each day, covering the period referred to in Article 7 (a) of the AETR Agreement.
 - the tolerance period will be available to drivers from unready Contracting Parties' until such time as their governments are able to issue the four cards needed to ensure the proper functioning of the digital tachograph in the appropriate secure environment,
- attend the extraordinary UNECE SC.1 meeting scheduled for 22-23 April 2010 in Geneva, where the tolerance measures will be approved as an informal 'gentlemen's agreement'; this concerns all Contracting Parties, in particular those which were not present at the February 2010 meeting, i.e. Armenia, Azerbaijan, Montenegro, Macedonia, Turkmenistan and Uzbekistan, who will only be able to benefit from the tolerance period if they attend the extraordinary SC.1 meeting and approve its decisions,
- Do their utmost for the fully-fledged implementation of AETR provisions on the digital tachograph as soon as possible.
- Inspection authorities in non-EU Contracting Parties who have not equipped their inspecting officers with electronic digital tachograph card readers must accept as sufficient for enforcement purposes the print-outs made at the roadside from digital tachograph equipped vehicles registered in the EU.

In the medium term

- clarify the extent to which the AETR Agreement is applicable to transport operations undertaken exclusively within the territory of the European Union,
- modify Article 22bis of the AETR so that changes to the technical specifications of the digital tachograph, as mandated under the Agreement, are not altered without the timely consent of all AETR Contracting Parties, but rather in line with the general provisions for amending the AETR Agreement.

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