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Proposal for a

COUNCIL DECISION

**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) of the United Nations Economic Commission for
Europe**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Evolution of EU and AETR rules

The European agreement concerning the work of crews of vehicles engaged in international road transport (European Road Transport Agreement, ERTA; Accord Européen sur les Transports Routiers, AETR) lays down rules on the driving times and rest periods for professional drivers. This multilateral agreement has been elaborated under the auspices of the Economic Commission for Europe of the United Nations (UNECE). It inspired similar rules within the European Union, namely Regulation (EC) 561/2006¹ on the driving time and rest periods and Regulation (EEC) 3821/85² on the tachograph which is the recording equipment used to check compliance with the rules on driving time and rest periods. The 27 EU Member States and 24 European and Central Asian countries are currently Contracting Parties to this agreement.

In 2006 the EU introduced the digital tachograph as its obligatory equipment for monitoring driving times and rest periods, replacing the analogue tachograph, which has been in use since 1985. The AETR Contracting Parties agreed subsequently to introduce the same digital tachograph in their vehicles used international transport as from 2011. They agreed at this occasion to insert in AETR a new Article 22bis which provides that the specifications of the tachograph, although decided unilaterally by the EU without prior consultation of non-EU Contracting Parties when amending Annex IB of Regulation (EEC) 3821/85, are extended automatically to all AETR Contracting Parties.

On 19 July 2011, the Commission made a proposal to modify Regulation (EEC) 3821/85 on the tachograph. The European Parliament voted its opinion on 3 July 2012. In parallel, the Council reached a general approach on 27 June in view of a position of the Council in first reading. The amended Regulation will introduce technological improvements which will have important consequences on the specifications of the digital tachograph. In this context, the Council inserted a recital according to which “the Commission will take the appropriate steps in UNECE to ensure the necessary coherence between Regulation 3821/85 and the AETR agreement.” The Commission's communication "Digital Tachograph: Roadmap for future activities"³ also outlined the need to adapt AETR to align it to the latest development in the field of tachograph.

Complaints of non-EU AETR Contracting Parties

¹ 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, 11.04.2006, p.1

² Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, OJ L 370, 31.12.1985, p. 8

³ COM(2011) 454 final

In 2009 the Commission adopted Regulation (EU) 1266/2009⁴, which *inter alia* addressed the so-called "one minute issue"⁵ (as from 1st October 2011) and introduced a second motion sensor (as from 1st October 2012). All tachographs fitted in vehicles after these dates were or will be required to comply with the new technical requirements. By virtue of Article 22bis, the non-EU Contracting Parties of the AETR are automatically subjected to these new obligations.

Faced with these developments in the EU, the Russian Federation, Belarus, Ukraine and Turkey became increasingly discontent with the automaticity of the mechanism of Article 22bis, which they consider unbalanced and inadequate to ensure a harmonised implementation of the digital tachograph. In 2011 they asked the UNECE competent body – the Working Party on Road Transport (SC.1) – to address formally this issue. In response to this request, in September 2011, SC.1 decided to create a Group of Experts on AETR in order to discuss the current situation in AETR and to make proposals for amending the agreement.

Need for a common position of EU in AETR

The AETR Expert Group met twice, on 2 March and 6 June 2012. During these meetings, non-EU Contracting Parties confirmed their willingness to find an acceptable solution allowing their involvement in the decision making process and made concrete proposals to that effect:

- (a) Firstly, the Russian Federation presented a proposal for a new Article 22bis, which would replace the current mechanism of transposition into AETR of the EU acquis with a decision making process placed in the hands of all AETR Contracting Parties. An Administrative Committee, constituted of all Contracting Parties, would be set up and would be empowered to define the specifications of the digital tachograph. Each Contracting Party would have a vote and decisions would be taken by a simple majority of those present and voting. A quorum of half of the Contracting Parties would be required.
- (b) Turkey asked the EU to make TACHOnet accessible by offering a technical solution that would suit the needs of all Contracting Parties in terms of privacy concerns and costs. It should be noted that currently the connections to TACHOnet are done on a voluntary basis by using *sui generis* solutions, but the most common solution employed is the indirect connection via the sTesta point of access of a given EU Member State (only Croatia and the former Yugoslav Republic of Macedonia connect directly via sTesta).
- (c) Ukraine and Turkey asked if it would be possible for the EU to accede to AETR, given its central role in the development of the tachograph. It would guarantee and simplify the necessary permanent alignment of the EU legislation with the AETR developments.

⁴ Commission Regulation (EU) No 1266/2009 of 16 December 2009 adapting for the tenth time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport, OJ L 339, 22.12.2009, p.3

⁵ The rounding to 60 seconds in the recording of driving time in case of frequent and short stops.

It was also proposed that the future Administrative Committee should not only be empowered to adopt technical specifications of the digital tachograph, but also to modify the social rules which are in scope of the AETR. However, the Commission considers that this idea is out of scope, currently not justified and does not intend to propose any follow up to it.

The next meetings of the Expert Group are scheduled on 25 October and 3 December 2012. It can be expected that the EU will be asked to take a clear and firm position so that the Expert Group can finalise its work. Given the importance and scope of the proposals made and since the matters covered by AETR are of exclusive competence of the EU, a simple on the spot coordination would not be sufficient and a formal coordinated position at EU level is necessary.

2. PROPOSED AMENDMENTS TO AETR

In view of the foregoing, it could be considered to preserve the current mechanism of Article 22bis and to block the ongoing discussions in the AETR Expert Group. However, this would not be a veritable option. In such a scenario, the social and tachograph rules would no longer be properly enforced by the non-EU AETR countries. Declarations in this sense have already been made by Russia, Belarus and Ukraine. They warned that they would no longer accept to be obliged to use a device the technical content of which they cannot influence.

It should be noted that some 8% of international transport by EU registered hauliers is with third countries on an EU average, the overwhelming part of it with AETR countries. The share of transport with non EU AETR countries can be more than 30% in certain Member States. Moreover the EU is a net exporter of manufactured goods to its AETR partners and the majority of these goods are carried out by EU hauliers. Any dispute between the EU and its AETR partners would therefore be detrimental to the EU's road freight transport industry.

Recent developments in Russia create additional complications. The Russian fleet potentially in scope of the European social rules is estimated at 4 to 5 million vehicles. Currently, only a small percentage of those vehicles perform international transport in scope of AETR and are equipped with a tachograph. However, this situation will change, as Russia has decided in 2012 to make the use of tachographs mandatory for national transport. It is therefore likely that Russia will be increasingly inclined to use its own tachograph in transports with the EU.

It appears therefore to be unequivocally in the EU's interest to engage in a revision of the current tachograph system. In view of the foregoing, the Commission proposes an EU position concerning the following amendments to AETR to be taken in the AETR Expert Group.

a. Modification of Art. 22bis

A modification of Art. 22bis would lead to the establishment of an Administrative Committee in Geneva under the auspices of UNECE. As a consequence, non-EU AETR partners would be able to influence the adaptation of tachograph to technical progress through the Administrative Committee. This newly created AETR Committee would take its decisions with a simple or qualified majority.

This scenario would create a problem of coherence between the specifications adopted by the Administrative Committee in Geneva and those adopted by the Commission after the opinion of the Committee on the adaptation to technical progress established by Regulation (EEC) 3821/85. The possible incoherence would encroach on the powers of the Committee

established pursuant to Regulation (EEC) 3821/85 and would require an increased effort of coordination within Member States and within the EU for establishing the positions to be taken in the UNECE bodies, as the Commission would not be able to express officially its position. If the EU becomes Contracting Party to the AETR, the coordinated Union position would be expressed by the European Commission.

Moreover, a modification of Art. 22bis would require strict conditions on the voting arrangements agreed for the newly created AETR Committee. Otherwise it may happen that notwithstanding possible EU internal coordination the number of Member States present during a meeting of this Committee could be insufficient to oppose inopportune amendments proposed by non-EU counterparts.

For instance, according to the proposal made by the Russian Federation at the first meeting of the Expert Group, the decisions could be taken by a simple majority of those present and voting, with a required quorum of half of the current 51 AETR Contracting Parties. In practice, that would mean that decisions could be taken in presence of at least 26 Contracting Parties and with at least 14 votes in favour. But at the meetings dedicated to AETR issues, typically only 6-7 EU Member States participate currently. On the contrary, the big non-EU stakeholders (Russia, Turkey, Ukraine) are always present and they have shown a good capacity of mobilising, when necessary, other Contracting Parties from CIS or Central Asian countries (e.g. Belarus, Kazakhstan).

b. Modification of Art. 14 to allow for EU accession to AETR

In the light of the above, the accession of the EU to AETR should be envisaged. The EU accession would preserve a dominant EU position in the definition of the specifications of the tachograph. It would guarantee the harmonised development of the EU legislation and of AETR as the rules adopted in Geneva would be directly applicable in the EU internal legal order, after their publication in the Official Journal. For Member States, this will avoid the legal uncertainty on whether AETR or the EU tachograph rules prevail.

This modification would require to amend Article 14 of AETR to allow the participation of regional integration organisations. The accession itself would have to be done in a second step by a Council decision upon Commission proposal.

It is important to recall that, for AETR purposes, transport operations between EU Member States are considered as national transport operations (AETR applies only to international transport operations). This has been constantly the position of the EU and of its Member States. When acceding to AETR in the 70s, the Member States constituting the Communities at that time made a reservation which affirmed this principle. The principle continues to apply in spite of the fact that some EU Member States entered into the AETR agreement before acceding to the EU and therefore did not enter the abovementioned reservation. Consequently, when acceding, the EU should deposit a similar reservation which would, as a consequence, allow the EU to further develop its own digital tachograph, to be used in intra-EU transports.

It follows that the voting rules of the Administrative Committee would have to be designed to ensure an influential role for the EU. For instance by means of a qualified majority of two thirds of those present and voting (the EU delivering in block the votes of currently 27 Contracting Parties out of 51 potentially present). A quorum of half of the Contracting Parties would be required. The EU would coordinate its position on the basis of a Commission's

proposal by using the procedure of Article 218 (9) of the TFEU, which allows the Council to adopt a position on the Union's behalf in a body set up by an agreement.

It should be noted that such an option reflects established practices in international technical agreements. For instance the procedure envisaged would be exactly the one provided in the so-called "Revised 1958 Agreement" on the type approval of vehicles⁶.

The envisaged accession of the Union would be consistent with the so-called "AETR jurisprudence" of the Court of Justice. In its landmark ruling of 1971⁷, the Court stated that the area of work of crews of vehicles in road transport with third countries was a Community exclusive competence, and established the principle of parallelism between internal and external competences⁸. The EU has external exclusive competence on the subjects dealt with by AETR under the provisions of article 3(2) TFEU, because AETR affects common rules adopted by the European Union since long ago, as outlined by the AETR case-law of the ECJ. An additional argument is that recital 10 of Regulation (EC) No 561/2006 provides that, since the subject matter of the AETR falls within the scope of the Regulation, the power to negotiate and conclude the Agreement lies with the European Union⁹.

In addition, Article 3 of Council Regulation (EEC) n° 2829/77 of 12 December 1977 on the bringing into force of the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR)¹⁰ states that "Agreements to be reached with third countries pursuant to Article 2 (2) of the AETR shall be concluded by the Community. The measures provided for under Article 3 (2) of the AETR shall be adopted by the Council on a proposal from the Commission".

c. New article 10bis - Interconnection of national registers on driver cards

In accordance with Requirement 268a of Annex IB of Regulation (EEC) 3821/85, which was introduced by Commission Regulation (EU) No 1266/2009, Member States are obliged to exchange data electronically in order to ensure the uniqueness of the tachograph driver cards that they issue. This obligation extends to non-EU Contracting Parties of AETR, by virtue of Article 22bis.

To facilitate the compliance with this requirement at the EU level, the Commission developed and successfully implemented TACHOnet, an IT application allowing the interconnection of national registers for driver cards, to verify across Europe the uniqueness of such cards, in view of preventing frauds. The legal basis for TACHOnet is currently a Commission

⁶ Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions - Revision 2 - Including the amendments which entered into force on 16 October 1995, OJ L 346, 17.12.1997, p. 81–94

⁷ Judgment of the Court of Justice, AETR, Case 22/70 (31 March 1971)

⁸ In particular, the Court stated that "to the extent to which Community rules are promulgated for the attainment of the objectives of the Treaty, the Member States cannot, outside the framework of the Community Institutions, assume obligations which might affect those rules or alter their scope". In addition "these Community powers exclude the possibility of concurrent powers on the part of Member States, since any steps taken outside the framework of the Community Institutions would be incompatible with the unity of the common market and the uniform application of community law."

⁹ Article 3 of Regulation 3820/85 established this ground for EU competence in a clear way: "The Community shall enter into any negotiation with third countries which may prove necessary for the purpose of implementing this Regulation". See also Article 3 of Regulation (EEC) No 543/69.

¹⁰ OJ L 34 of 24.12.1977, p.11.

recommendation¹¹, which would be replaced by a dedicated provision inserted in the amendment of Regulation (EEC) 3821/85 currently being discussed in the European Parliament and the Council.

The proposed amendments of AETR should be used to introduce a new article (Article 10bis) in the text of the AETR, which would make more transparent the obligation enshrined in Requirement 268a and confirm the mandatory character of the electronic exchange of data concerning the driver cards between Contracting Parties. It would generalise and make more viable in the long term a practice already in place in several non EU Contracting Parties who decided on a voluntary basis to join TACHOnet on the basis of bilateral agreements with individual Member States.

Under Directive 95/46/EC¹², the transfers of data are only possible to third countries which ensure an adequate level of protection of the personal data. It is therefore proposed to insert an obligation to Contracting Parties to ensure an adequate level of protection of personal data in the new Article 10 bis.

Article 25 (2) of the Directive provides that the adequacy of the level of protection afforded by a third country has to be assessed in the light of the circumstances, including the nature of the data and the purpose of the proposed processing operation. In this respect, it is to be noted that the sensitivity of the data concerning tachograph cards is rather low. The information stored in national registers (interconnected via TACHOnet within the EU) is limited and quite generic (name and surname of driver, date and, if available, place of birth; driving licence number and country of issue of driving licence; status of the driver card and driver card number) and in any case already entirely available to the non-EU control officer in the course of roadside checks. The authorities having access to these information would be limited to card issuing authorities and control officers appointed to check the compliance with the rules on driving time and rest periods of professional drivers. Moreover the purpose of the electronic exchange of information is only to guarantee that the national registers of AETR Contracting Parties do not contain several active driver cards delivered to a same driver.

In these circumstances, it can be reasonably assumed that all or most non-EU AETR Contracting Parties are able to ensure an adequate level of protection of the personal data related to tachograph cards. In any case, in accordance with Article 25 (4) of the Directive, if it is found that a third country does not ensure such an adequate level of protection, Member States would be allowed to take the measures necessary to prevent any transfer of data to the country in question.

Moreover, it should be noted that TACHOnet uses an EU's internal IT communication system (sTESTA) about which there are restrictions on export and implementation applicable to certain non-EU States. Among non-EU AETR countries, only those countries which are candidates to accession to the EU are able to connect to TACHOnet directly vis sTESTA. Amongst the others, some could arrange, on a voluntary basis, indirect connection with individual Member States on the basis of the aforementioned bilateral agreements. However,

¹¹ Commission recommendation of 13 January 2010 on the secure exchange of electronic data between Member States to check the uniqueness of driver cards that they issue, OJ L9/10, 14.01.2010

¹² Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

this later solution is burdensome for the parties involved, is suboptimal by multiplying the connection points and does not cover all the Contracting Parties.

It might therefore be necessary to create an alternative IT system to offer to non-EU Contracting Parties an alternative electronic mean of exchanging information with the Member States (and countries candidates to accession) taking into account the security constraints of the current TACHOnet and sTESTA systems. The Commission is in the process of launching a study to identify the available technical possibilities for instance by using a secured internet-based connection. The results of the study should be available by the end of 2013.

3. PROCEDURE TO REVISE AETR

Articles 20 and 21 of the AETR establish the mechanism for the revision of the agreement. Article 21 is of particular interest for the EU because it allows for a "silent" revision procedure which does not suppose the ratification by Contracting Parties of the proposed amendments. Since this procedure does not foresee a formal negotiation procedure, it appears appropriate to have recourse to a Council decision establishing a common position.

In line with the EU position adopted pursuant to Article 218 (9) TFEU, Member States shall be acting jointly in the interest of the Union in engaging the revision of the AETR, in line with the duty of sincere cooperation pursuant to Article 4(3) TEU

Given the time necessary to complete the procedures needed to amend AETR, it is appropriate to find a transitional solution to consult AETR countries in the decisions on changes to tachograph taken at the level of the EU. In this respect, the Commission has already proposed in its proposal to amend Regulation (EEC) N° 3821/85 to create a "Tachograph Forum" which would involve experts from both EU Member States and non EU Contracting Parties. The intention of the Commission is to consult this Forum before any decisions on the technical updates of Annex IB.

Proposal for a

COUNCIL DECISION

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) of the United Nations Economic Commission for Europe

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 90, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

After having informed the European Parliament,

Whereas:

- (1) As stated by the Court of Justice¹³ the area of the work of crews of vehicles engaged in road transport is an exclusive external competence of the European Union. This competence has been exercised internally notably by the adoption of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport¹⁴, Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport¹⁵, Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport¹⁶ and more recently by Regulation (EC) No 561/2006 of the European Parliament and of the Council¹⁷. Since the subject matter of the AETR falls within the scope of Regulation 561/2006, the power to negotiate and conclude the Agreement lies with the Union. The rules in the area of the work of crews of vehicles engaged in road transport with third countries, including the rules on the recording equipment used to ensure their compliance, are a matter falling both under the EU Regulations and under the AETR agreement. It is imperative that these rules are harmonized;

¹³ Judgment of the Court of Justice of 31 March 1971, AETR, Case 22/70.

¹⁴ OJ L 77, 29.3.1969, p.49.

¹⁵ OJ L 370, 31.12.1985, p. 1.

¹⁶ OJ L 370, 31.12.1985, p. 8.

¹⁷ OJ L 102, 11.4.2006, p. 1.

- (2) The particular circumstances in which the AETR negotiations took place warrant, by way of exception, a procedure whereby the Member States of the Union individually deposited the instruments of ratification or accession in a concerted action but nonetheless acted in the interest and on behalf of the Union;
- (3) The next meeting of the Expert Group will take place on 3 December 2012. At that occasion; the expert group will possibly examine proposals which are leading to an amendment of AETR. This will produce legal effects as referred to in Article 218 (9) TFEU.
- (4) The EU Member States as Contracting Parties of AETR are under an obligation to cooperate in order to engage the mechanism for the revision of the AETR Agreement established in particular in its Article 21, in accordance with Council Regulation (EEC) 2829/77 of 12 December 1977 on the bringing into force of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR)¹⁸ and in line with the duty of sincere cooperation pursuant to Article 4 (3) TEU;
- (5) In order to achieve a pan-European harmonization in the field of recording equipment in road transport (tachographs), it is necessary that a unique decision-making process is put in place, which takes into account the prerogatives of the European Union and the interests of third countries which are Contracting Parties to the AETR Agreement;
- (6) Article 22bis of the AETR Agreement currently provides that changes to Council Regulation (EEC) No 3821/85 concerning the digital tachograph are automatically taken over by all AETR Contracting Parties, without any formal consultation before the adoption of the changes by the European Union. As outlined in the Commission's communication "Digital Tachograph : Roadmap for future activities"¹⁹, the current mechanism jeopardises the correct and harmonised implementation of the measures introduced in the proposed revision of Council Regulation (EEC) No 3821/85 and the digital tachograph by non-EU Contracting Parties. It is therefore in the interest of the European Union to improve the decision-making process as regards digital tachographs and AETR and amend accordingly Article 22bis, by creating, in the framework of United Nations Economic Commission for Europe (UNECE), an Administrative Committee that would define the technical specifications of the tachograph for the entire AETR area.
- (7) The specificities of the AETR Agreement and of the envisaged decision making process in its newly created committee under Article 22bis in addition to the fact the European Union has exclusive competence in the area of the work of crews of vehicles engaged in road transport justifies the accession of the European Union to AETR, which would also be in line with the AETR Court ruling in the case 22/70 and would also guarantee the effective representation of the EU's interests in the UNECE proceedings. After its accession, the Union's position adopted by the Council, in accordance with Article 218 (9) TFEU will be expressed by the Commission on behalf of the EU who will exercise in the Administrative Committee the votes of all Member States.

¹⁸ OJ L 334, 24.12.1977, p. 11.

¹⁹ COM(2011) 454 final

- (8) Currently Article 14 of AETR does not open the accession to AETR to bodies other than States members of the UNECE and States admitted to UNECE in a consultative capacity. For that reason, in order to allow the accession of the European Union to AETR, Article 14 should be amended and should provide that European regional integration organizations are able to accede to AETR.
- (9) In order to effectively implement Requirement 268a of Annex IB of Regulation 3821/85 and, to ensure a more effective scrutiny and control of driver cards in the AETR area, and to facilitate the task of control officers, national electronic registers should be established and provision made for the interconnection of those registers. The provisions for the interconnection should be established respecting the internal security requirements of the Contracting Parties and ensuring an adequate level of protection of personal data exchanged, in line with the highest international standards.

HAS ADOPTED THIS DECISION:

Article 1

(1) The position of the Union in the Group of Experts on the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR) shall be in accordance with the Annex to this Decision and shall be expressed by the Member States which are members of AETR, acting jointly in the interest of the Union.

The Member States shall communicate these proposed amendments to the Secretary-General of the United Nations, in accordance with the procedure described in article 21 (1) of AETR.

(2) Formal and minor changes to this position may be agreed without requiring that position to be amended.

Article 2

This decision is addressed to the Member States.

This Decision shall enter into force on [....].

Done at Brussels,

*For the Council
The President*

ANNEX I

New wording of Article 22 bis (Procedure for the amendment of Appendix 1B)

Article 22 bis is replaced by the following Article:

1. An Administrative Committee shall be established which shall be responsible for deciding on amendments to Appendix 1B of the present Agreement. The Administrative Committee shall be composed of all the Contracting Parties to the Agreement.
2. The administrative Committee shall be based in Geneva. Its sessions shall normally be held in Geneva. The Committee may decide to hold sessions in other locations.
3. The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with appropriate secretarial services.
4. The Committee shall elect a chair and two vice-chairs every two years.
5. The Secretary-General of the United Nations shall convene the Administrative Committee under the auspices of the United Nations Economic Commission for Europe when needed and in any case once per year.
6. Any Contracting Party may propose amendments to Appendix 1B of the present Agreement. Any amendment proposal shall be submitted to the Secretariat of the Economic Commission for Europe, in writing, 3 months before the meeting of the Administrative Committee at which it is proposed for adoption. The text of any proposed amendment shall be communicated in the three ECE languages to all Contracting Parties at least one month before the meeting of the Administrative Committee at which it is proposed for adoption.
7. A quorum of not less than one half plus one of the Contracting Parties shall be required to be present for the Administrative Committee to be able to adopt decisions. For the determination of the quorum Regional Integration organizations, being Contracting Parties to this Agreement, vote with the number of votes of their Member States without their presence in the vote being necessary.
8. The Administrative Committee shall adopt decisions by majority vote of those Contracting Parties present and voting.
9. For the purpose of taking decisions, each Contracting Party shall have a vote. The representative of a Regional Integration organization Contracting Party to the Agreement delivers the votes of its constituent Member States without being their presence in the vote necessary.
10. If a proposal for the amendment of Appendix 1B to this Agreement leads to the amendment of other articles or annexes of the Agreement, the amendments to the Appendix cannot enter into force before entry into force of amendments relating to other parts of the Agreement. If, in such a case, the amendments to Appendix 1B are presented simultaneously with the amendments relating to other parts of the Agreement, the date of their entry into force shall be determined by the date established pursuant to application of procedures, which are described in general in Article 21, taking into account the date specified in the amendment to Appendix 1B, in the case envisaged by paragraph 7 of this article.

ANNEX II

Possible wording of Article 14 (Accession to AETR of regional integration organizations)

Article 14 is modified as follows:

Paragraph 1a is inserted:

"This Agreement shall also be open for signature by regional integration organizations. For the purpose of this Agreement, a "regional integration organization" means any organization which is constituted by sovereign States of a given region which has competence in respect of certain matters governed by this Agreement and has been duly authorized to sign and to ratify, accept, approve or accede to this Agreement"

Paragraph 5 is modified as follows:

5. In respect of each State **or regional integration organizations** which ratifies, or accedes to, this Agreement after the deposit of the eighth instrument of ratification or accession as referred to in paragraph 4 of this article, the Agreement shall enter into force one hundred and eighty days after the deposit by that State **or regional integration organization** of its instrument of ratification or accession.

ANNEX III

Possible wording of a new Article 10bis

1. In order to ensure that drivers do not already hold a valid driver card in the sense of Appendix 1B of the Annex to the Agreement, Contracting Parties shall maintain national electronic registers containing the following information on driver cards for a period at least equivalent to their period of validity:

- Surname and first name of the driver
- Birth date and, if available, place of birth of the driver
- Driving licence number and country of issue of driving licence (if applicable)
- Status of the driver card
- Driver card number

2. Contracting Parties shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout their territories to card issuing authorities and control officers appointed to check the compliance with the rules on driving time and rest periods of professional drivers.

3. When issuing, replacing and, when necessary, renewing a driver card, Contracting Parties shall verify through electronic data exchange that the driver does not already hold another valid driver card. Contracting Parties shall ensure an adequate level of protection of the personal data exchanged, in line with the highest international standards. This shall include that the data exchanged be limited to the data necessary for the purpose of this verification and not used for any other purpose without the prior authorisation of the Contracting Party providing the personal data.