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COMMISSION STAFF WORKING DOCUMENT

**PROGRESS DURING 2008 AT THE UN ECONOMIC COMMISSION FOR EUROPE
(UNECE)**

In accordance with the CARS 21 Communication of 7 February 2007

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1. INTRODUCTION

In accordance with the CARS 21 Communication of 7 February 2007¹, this Commission staff working document sets out the major automotive-related developments that have occurred during 2008 at the United Nations Economic Commission for Europe ("UNECE") with a view to informing the European Parliament, the Council and the public about progress achieved at UNECE and of the respect observed by the Commission with the political orientations set out in the relevant Community legislation. The 2008 staff working document is the second annual report on these activities.²

UNECE was established in 1947 with a view to setting out norms, standards and conventions to facilitate international cooperation for various sectors both within and outside the European region.³ In relation to vehicle regulations, there are three UNECE Agreements:

1. The **1958 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,;
2. The **1998 Global Agreement** concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, and
3. The **1997 Agreement** concerning the adoption of uniform conditions for periodical technical inspections for wheeled vehicles and the reciprocal recognition of such inspections.

The UNECE Agreements are administered by the World Forum for Harmonization of Vehicle Regulations (WP.29), situated in Geneva. The objective of WP.29 is to initiate and pursue actions aimed at the worldwide harmonization or development of technical regulations for vehicles. Permanent Subsidiary Working Parties (also known as Groups of Rapporteurs or "GRs") assist WP.29 in researching, analyzing and developing requirements with a view to increasing vehicles' safety and environmental performance in their respective areas of expertise.⁴ WP.29 holds one-week sessions three times a year and those of the various Working Parties are held twice a year.

Any country member of the United Nations, and any regional economic integration organization set up by country members of the United Nations, may participate fully in the activities of WP.29 and may become a contracting party to the Agreements administered by WP.29. Furthermore, non-governmental organizations such as road user groups, consumer

¹ Communication from the Commission to the European Parliament and Council, "A *Competitive Automotive Regulatory Framework for the 21st Century*", COM (2007) 22 final, 7 February 2007, Section 4 and Point 41.

² For automotive-related developments during 2007, see the Commission staff working document published on 26.2.2008 (SEC (2008)280).

³ Other commissions were established for Asia and the Pacific (ESCAP), Latin America and the Caribbean (ECLAC), Africa (ECA), and Western Asia (ESCWA).

⁴ There are six Permanent Subsidiary Working Parties: Pollution and Energy (GRPE), General Safety Provisions (GRSG), Brakes and Running Gear (GRRF), Lighting and Light-Signalling (GRE), Passive Safety (GRSP) and Noise (GRB).

associations, standard setting organizations, vehicle and parts manufacturers, may also participate in a consultative capacity in WP.29 or in its working groups.

The European Community has acceded to the 1958 and 1998 Agreements.⁵ In 2005, the Council authorized the Commission to negotiate the conditions for Community accession to the 1997 Agreement. In 2008, the Commission services reached the conclusion, however, that the Community cannot accede to the 1997 Agreement because there are currently important differences, in terms of scope and technical standards between the 1997 Agreement and Community legislation (specifically Council Directive 96/96/EC⁶, as amended, and Directive 2000/30/EC⁷), which do not allow accession to this Agreement. EU Member States have been informed of this position via the Article 133 Committee and the conclusions presented to WP.29 during the 145th session in June 2008.

In light of this, the staff working document will describe the progress under the 1958 and 1998 Agreements.

2. THE 1958 AGREEMENT

The purpose of the 1958 Agreement is to provide procedures for establishing uniform prescriptions regarding new motor vehicles and motor vehicle equipment and for reciprocal recognition of approvals issued under Regulations that are annexed to this Agreement.

The 1958 Agreement has currently 127 Regulations annexed to it. The Regulations contain technical provisions addressing a range of safety, environmental (noise and air pollution emission), energy and anti-theft requirements. In addition, the Regulations adopted under the 1958 Agreement also deal with the certification (or type-approval) procedure, the conformity of production (COP) procedure and the mutual recognition of type-approvals by contracting parties.

A contracting party to the 1958 Agreement can sign the UNECE Regulations in which it is interested, but it is not an obligation. If a contracting party decides to apply a Regulation, it becomes a binding act (i.e., the component type-approved in accordance with the UNECE Regulation by any of the contracting parties must be recognized by all other contracting parties which have signed the same Regulation). At the present time, reciprocal recognition for Regulations under the 1958 Agreement is only in respect of vehicle systems, parts and equipment, but not the entire vehicle.

⁵ The accession of the European Community to the 1958 and 1998 Agreements was achieved by the following two Council decisions: Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (OJ L 346, 17.12.1997, p.78); and Council Decision 2000/125/EC of 31 January 2000 concerning the conclusion of the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles (OJ L 35, 10.2.2000, p.12).

⁶ Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46, 17.2.1997, p.1).

⁷ Directive 2000/30/EC of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p.1).

Originally open only to UNECE members, the 1958 Agreement was revised in 1995 to promote the participation of non-European countries and became a global agreement. It currently has 48 contracting parties including the European Community and its 27 EU Member States, Australia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, the Republic of Korea (South Korea), Japan, FYR of Macedonia, Malaysia, Montenegro, New Zealand, Norway, Russia, Serbia, South Africa, Switzerland, Turkey, Ukraine and Thailand. The European Community became a contracting party to the 1958 Agreement in March 1998. In addition, approvals of vehicle systems, parts and equipment according to the Regulations of the 1958 Agreement are recognized over an even wider area than the contracting parties themselves, including, above all, most ASEAN countries.

Under the 1958 Agreement, a new Regulation or an amendment to an existing Regulation is adopted by a vote of two-thirds majority of contracting parties present and voting. The European Community votes in WP.29 on behalf of its Member States.

2.1. EC accession to UNECE Regulations

As of 31 December 2008, the European Community had acceded to 106 Regulations under the 1958 Agreement. The effect of accession to these Regulations is referred to in Articles 34 to 36 of the new Framework Directive 2007/46/EC.⁸

In particular, the European Community either introduces them as an obligatory part of the EC type-approval system (Article 34) or accepts them as equivalent (Article 35) in which case manufacturers may rely upon them as an alternative to the EC legislation.

2.2. UNECE progress during 2008

During 2008, WP.29 adopted 95 technical amendments to UNECE Regulations. These wide range of amendments were aimed at ensuring that the Regulations take into account the latest technical developments and governmental policy within the automotive industry.

For instance, WP 29 adopted important amendments on emissions testing. These new provisions introduce a **modified particulate mass measurement procedure** and a new **particle number measurement** method. The new test procedure will improve the measurement of particulates and help to introduce tougher emission limit and target ultrafine particulates.

An amendment concerning the type-approval of **plug-in hybrid cars** will allow the development of hybrid vehicles with a higher electric range and that can be recharged on the electrical network. The development of such cars will further contribute to reducing CO₂ emissions from cars.

Following on from the adoption in 2007 of similar amendments for trucks and buses, an amendment to the UNECE Regulation on braking for passenger cars and light commercial vehicles to include technical standards on **Electronic Stability Control (ESC)** was adopted. This amendment has been a priority for the European Community and is in conformity with

⁸ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p.1).

the stated road safety objectives outlined in the Commission's Communication on CARS 21.⁹ ESC systems act on the braking or power systems of a vehicle to assist the driver to maintain control of the vehicle in a critical situation (caused, for example, by poor road conditions or excessive speed during cornering). They usually act by sensing wheel slip in individual wheels and reducing power or applying braking to one or more wheels to regain stability. As well as preventing casualties, the widespread use of ESC in vehicles could significantly reduce the traffic congestion caused by accidents. Adoption of this amendment will allow the European Community to make ESC a mandatory requirement by reference to this Regulation. It is proposed to achieve this through the implementing measures of the General Safety Regulation that are being discussed by the EU co-legislators.

Finally, the 50th anniversary of the 1958 Agreement was celebrated in June 2008.¹⁰ In order to mark this occasion, a round table discussion was held in Geneva to commemorate the 1958 Agreement's history and to examine how its continuous expansion can help solve the challenges ahead. During this event, the participants reaffirmed the importance of the 1958 Agreement as the tool for global harmonization of vehicle legislation and mutual recognition of type-approvals.

3. THE 1998 GLOBAL AGREEMENT

The 1998 Global Agreement runs parallel to the 1958 Agreement. It was negotiated and concluded under the leadership of the European Community, Japan and the United States of America and entered into force in August 2000. The purpose of the 1998 Agreement is to further enhance the process of international harmonization by the joint development of global technical regulations (GTRs) regarding the safety, environmental protection systems, energy sources and theft prevention of wheeled vehicles, equipment and parts.

GTRs are established by a consensus vote (i.e., each contracting party has a veto). The covered equipment and parts include vehicle construction, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices, and child restraint systems. Under the 1998 Agreement, countries from all regions of the world can jointly develop GTRs for vehicles and their components.

Unlike under the UNECE 1958 Agreement, GTRs adopted under the 1998 Agreement are not directly applicable law and there is no provision on the mutual recognition of approvals. Contracting parties can adopt any GTR in which it is interested. A contracting party that votes in favour of establishing a GTR shall have only the following obligations:

- to initiate a legislative procedure with a view to transposing the GTR into their domestic law;
- to report on the progress made in this legislative procedure.

Obligations under the 1998 Agreement are therefore purely procedural. There is no obligation to achieve a given result. A contracting party can also decide to accept the products complying with a GTR without adopting the same into its own laws or regulations (i.e., it can adopt the GTR as an option to the domestic regulation). While the legal value of the GTR is

⁹ See Section 3.4 of the CARS 21 Communication.

¹⁰ See Commission Press Release (IP/08/1061).

thus rather similar to a legislative programme, the practical value can be high if all contracting parties to the 1998 Agreement really follow the legislative programme enshrined in the GTR.

GTRs are currently transposed through their integration in substance into the UNECE Regulations adopted under the 1958 Agreement. GTRs which are transposed into EC law do so by virtue of the UNECE Regulations as described above.

The UNECE 1998 Agreement currently has 31 contracting parties, including the EC, France, the UK, Germany, Italy, Japan, the United States, Canada, China, India and (following its accession to the 1998 Agreement in 2008) Australia. The European Community votes on behalf of its Member States.

3.1. Establishment of GTRs

Since the entry into force of the 1998 Agreement in August 2000, nine GTRs have been established:

- GTR No.1 (door locks and door retention components),
- GTR No.2 (motorcycle emissions test cycle),
- GTR No.3 (motorcycle brake systems),
- GTR No.4 (test procedure for heavy-duty engine exhaust emissions),
- GTR No.5 (on-board diagnostic systems for road vehicles),
- GTR No.6 (safety glazing materials),
- GTR No.7 (head restraints),
- GTR No.8 (Electronic Stability Control systems), and
- GTR No.9 (pedestrian safety).

3.2. UNECE progress during 2008

2008 has been a very successful year with regard to the development of new GTRs. In total, four new GTRs were established: GTRs No.6 (safety glazing materials), No.7 (head restraints), No.8 (Electronic Stability Control systems) and No.9 (pedestrian safety).

The GTRs on head restraints and safety glazing materials will allow manufacturers to have only one single design for these areas in the main world markets. It will therefore decrease the administrative burden on motor manufacturers, while ensuring a high level of safety.

In parallel with the debate at EU level, a GTR on pedestrian protection was adopted in November 2008. The GTR is similar in content to the text adopted by the EU and the Commission has assured the necessary coherence between the EC legislation and the GTR. This text is a good example on how Europe is able to export its standards to other countries of the world.

A GTR on Electronic Stability Control systems for passenger cars has also been established. This GTR, which was sponsored by the European Community and the United States, includes a harmonized stability test procedure. Cars which satisfy the test requirements will be able to be sold in a wide range of markets. The requirements of this GTR have been transposed into a UNECE Regulation and will be made mandatory in EC legislation pursuant to implementing measures adopted under the proposal for an EC Regulation concerning type-approval requirements for the general safety of motor vehicles ("proposed General Safety Regulation").¹¹

4. RELATIONSHIP BETWEEN UNECE AND EC ACTIVITIES

4.1. Commission involvement in UNECE

Active participation by the Commission in UNECE work is crucial to ensure that European Community interests are taken into account. The Commission services therefore continuously increase their involvement in the Geneva technical legislative process.

Commission representatives actively participate in the meetings of the various Permanent Subsidiary Working Parties. In this way, the Commission can put forward proposals or amendments as well as intervene during the early stages of discussion. Involvement of the Commission at this early stage lowers the risk of subsequent rejection by contracting parties during the adoption process by WP.29.

If it becomes obvious that further discussions between experts are necessary, an informal working group may be set up within a working party with a view to making progress in the development of the legislation. The Commission is also attentive to ensure its participation in those informal groups where sensitive issues may be dealt with. This has been the case for child seats, protection of occupants in the case of coach roll-overs, and many other examples.

4.2. Incorporation of UNECE Regulations into Community law

The incorporation of UNECE Regulations into Community law is explicitly recognized in Chapter XIII of the new Framework Directive 2007/46/EC (Articles 34-35), in particular by Article 34 (4). A notable recent example of the use of a direct reference to the technical requirements in a UNECE Regulation is the EC Directive on day time running lights.¹²

Making reference to UNECE Regulations in an EC regulatory act is what could be qualified as the "traditional" approach. In addition to this possibility, however, the Framework Directive also allows the possibility of making UNECE Regulations directly mandatory for the purpose of EC type-approval of motor vehicles and their components (Article 34). This option has been never used so far. Through the proposed General Safety Regulation it is suggested not only to use for the first time the possibility of making UNECE Regulations mandatory but even to apply this approach on the majority of the items which are currently the subject of type-approval requirements.

¹¹ {SEC (2008) 1908} {SEC (2008) 1909} /* COM (2008) 316 final – COD 2008/0100*/ 23.5.2008.

¹² Commission Directive 2008/89/EC of 24 September 2008 amending, for the purposes of its adaptation to technical progress, Council Directive 76/756/EEC concerning the installation of lighting and light-signalling devices on motor vehicles and their trailers (OJ L 257, 25.9.2008, p.14).

At present, vehicle manufacturers seeking approval for their components or systems have had the choice of meeting the requirements of either the relevant EC Directive or the corresponding UNECE Regulation. Most of the EC Directives on vehicle parts are largely copies of the corresponding UNECE Regulations. As technology progresses, the UNECE Regulations are constantly amended and the EC Directives have to be regularly updated to keep them in line with the content of the respective UNECE Regulations. There are, however, periods when, due to administrative procedures, the corresponding instruments may be out of line with each other. This duality of EC Directives and UNECE Regulations is confusing, unnecessary and wasteful of resources. The current duplication of regulatory acts increases the complexity of the regulatory framework, and involves much administrative effort from all stakeholders in order to keep up to date with the regulations. Furthermore, manufacturers have shown an increasing tendency to choose an approval based on the relevant UNECE Regulation rather than the EC Directive since approval through the UNECE system allows access to markets outside the EU (such as Russia, South Africa or Japan). Hence the individual Directives are becoming increasingly redundant where a suitable UNECE alternative is available.

In light of the above, in 2006 the CARS 21 group¹³ recommended that 38 EC Directives should be replaced by equivalent UNECE Regulations. Following the recommendations of the CARS 21 group, the proposed General Safety Regulation will repeal almost 40 EC Directives and replace them with the corresponding UNECE Regulations. As type-approvals issued under the UNECE Regulations will be applied for the purpose of EC type approval, duplication will be avoided not only in technical requirements but also in certification and administrative procedures. This is of significant benefit for both the Member States type-approval authorities and the automotive industry. First, and in line with the recommendations of the CARS 21 High Level Group, it avoids duplication and simplifies the Community legislation. In addition, type-approval that is directly based on internationally agreed standards will improve market access to third countries, even to those countries which are not UNECE contracting parties themselves.

On the other hand, involvement in UNECE does not prejudice the ability of the European Community to legislate independently. As emphasized in the CARS 21 Communication, the Commission fully recognizes the importance for the EC to retain its ability to legislate independently of UNECE where there is a need for earlier or more stringent action.¹⁴ Under the proposed General Safety Regulation, the EC will apply UNECE technical specifications (e.g. on Electronic Stability Control systems), thereby promoting wider harmonization, while also giving establishing its own standards where necessary (e.g., the limit values for low rolling resistance tyres). Furthermore, even when the UNECE Regulations have been made mandatory, it will be possible, according to the comitology provisions included in the proposal, for the Commission to adopt EC measures in the event that a UNECE Regulation would be deemed inappropriate for fulfilling EC objectives, such as enhanced road safety.

4.3 International bilateral activities

UNECE plays an important role to help open up new export markets for European industry by tackling non-tariff barriers (NTBs) in third countries. In particular, the UNECE legal framework is being used in the EU's FTA negotiation with South Korea. Although South

¹³ See Section 3.2 of the CARS 21 Communication.

¹⁴ See the Executive Summary of the CARS 21 Communication.

Korea is a contracting party to the 1958 Agreement, it has adopted very few UNECE Regulations. Under the Sectoral Annex on non-tariff barriers in the automotive sector which is currently being negotiated, South Korea would recognize the UNECE regulatory framework as the relevant international standard-setting body for motor vehicles. South Korea would also commit, in respect to about two-thirds of its applicable national standards, either to accept equivalence with the respective UNECE Regulations or to harmonize to UNECE standards. Agreement with South Korea to recognise equivalence or harmonize domestic standards with UNECE standards would be a crucial step towards creating a level playing field in terms of market access. In particular, acceptance of vehicles complying with UNECE Regulations will substantially improve market access of EU automotive products which, with respect to a large number of issues, will no longer have to be re-designed to comply with unique Korean requirements.

Reference to the harmonization work carried out in the UNECE framework is also made in the context of our bilateral cooperation with the USA in particular the Transatlantic Economic Council. Encouraging and promoting greater international harmonization of technical requirements under the auspices of UNECE is indeed one of the main objectives of the regulatory co-operation between NHTSA (National Highway Traffic Safety Administration of the U.S. Department of Transportation) and the Directorate for Consumer Goods (DG Enterprise/F) in the Directorate – General for Enterprise and Industry of the European Commission, as set out in their Memorandum of Cooperation in the field of motor vehicle regulations signed in June 2008. Other countries have also expressed an interest to promote bilateral regulatory co-operation in the automotive sector using the work carried out at the UNECE.

5. ACCESS TO DOCUMENTS

Extensive information about the work carried out at UNECE can be found at its website. In particular, the following information is published on the UNECE website (and is regularly updated):

- UNECE Agreements;
- Regulations adopted under Agreements;
- agendas, minutes, (formal) working documents, informal documents, documents adopted by WP.29;
- agendas, minutes, (formal) working documents and informal documents of the six Subsidiary Working Parties;
- agendas, minutes and working documents of the informal groups established for specific purposes, e.g. the development of a Global Technical Regulation.

All these UNECE documents can most easily be accessed from the following link:

<http://www.unece.org/trans/main/welcwp29.htm>

The Commission services supplement the mass of information available from UNECE. Information on the application of UNECE Regulations and references to them in Directives can be found at

<http://ec.europa.eu/enterprise/automotive/unece/info.htm>

In addition, the Commission publishes, on an annual basis, a table summarising the state of the UNECE Regulations (as last amended) under the 1958 Agreement to which the Community has acceded.¹⁵ Additional documentation is accessible from the following link:

<http://ec.europa.eu/enterprise/automotive/unece/index.htm>

Finally, in accordance with Council Decision 1999/468/EC relating to procedures for the exercise of its implementing powers¹⁶, the Commission informs the European Parliament about the work adopted via the committee procedure, in particular the committee's agendas and minutes. These documents can be found in the comitology register and from the following link:

http://ec.europa.eu/enterprise/automotive/catp_meetings/index.htm

6. CONCLUSIONS

2008 has been a very productive year at the UNECE. The establishment of four new GTRs represents considerable progress towards international harmonization of vehicle test requirements. Furthermore, the adoption of 95 technical amendments to UNECE Regulations under the 1958 Agreement will contribute towards the construction of vehicles meeting the latest technological progress in terms of vehicle safety and environmental performance.

Where it is appropriate, the technical changes that have been made at a UNECE level (e.g. ESC) will be incorporated into EC legislation. Furthermore, and as demonstrated by the proposed General Safety Regulation, compliance with the requirements in one or more UNECE Regulations can become the only option for type-approval.

The resultant close links between EC legislation and UNECE Regulations will enable European vehicles that have been manufactured in accordance with UNECE standards to be accepted in many other countries. As highlighted by the CARS 21 mid-term report, this regulatory simplification and international harmonisation is broadly welcomed by all stakeholders and will ensure that the European automotive industry will remain competitive around the world¹⁷.

¹⁵ For the table of the UNECE Regulations to which the EC has acceded as of 31 December 2007, see OJ C 47, 20.2.2008, p.1.

¹⁶ OJ L 184, 17.07.1999, p.23.

¹⁷ See Section 3.2 of the CARS 21 Mid-Term Review and High Level Conference – Conclusions and Report (29.10.2008),

http://ec.europa.eu/enterprise/automotive/pagesbackground/competitiveness/cars21_mtr_report.pdf