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TRANSPOSITION OF GTRS: THE EUROPEAN PERSPECTIVE

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Why do we use more and more 1958 Regulations?

- **CARS 21: A Competitive Automotive Regulatory System for the 21st Century**
- Streamlining of regulations, avoidance of duplication
- Mutual recognition of approvals far beyond the EU area
- Direct applicability / no transposition
- Prevail over most of the law of the EU and EU Member States
Principles of GTR transposition I

- Transposition via parallel 1958 act (amendment to Regulation X)
- Transposition measure to be adopted simultaneously with the GTR itself
Principles of GTR transposition II

• GTRs are “established” (not adopted!)

• No obligation to “adopt” (i.e. transpose) GTRs, but just to launch the procedure

• Thus, no obligation to make GTR prescriptions mandatory: an alternative application will suffice
Although transposition as mandatory law would be preferable…

…two transitory periods needed:
- for the transposition of GTRs that need limit values, equivalence calculation, etc.
- in the transposition act (‘lead time’ for industry)

Thus, the “old” legislation continues to apply for several years
Ideal structure for the EU area

- Either EU regulation or 1958 Regulation for each specific subject matter / no duplication
- GTRs as preparatory step to directly applicable law
- fixing the max. level of harmonisation achievable with partners outside the 1958 Agreement area
1958 Regulations per CP by 2006

Total = 123
Why are there so few GTRs?

- Desire of some CPs to make GTRs mandatory: less flexibility
- Domestic need for impact assessments for requirements
- Intolerance with regard to legislative alternatives and options in GTRs
How to remedy?

- Consider accepting GTRs as an alternative to domestic law
- Reasonable use of impact assessments
- Consider a third way (e.g., new test method in motor cycle braking GTR)
- Recognise when there is no full harmonisation possible
- Take the non-consensual parts out of the scope
- Fix legislative alternatives clearly
Outlook

- If all the remedies were applied systematically...
- ... what would be the result?
THANK YOU for your attention

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