

Accession by the European Community to the UNECE 1997 Agreement

1. Objective

The objective of this document is to inform WP.29 about the last developments on the European Community accession to the UNECE 1997 Agreement, concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections.

2. Evaluation

By Decision of 23 November 2005, the Council authorised the Commission to negotiate the conditions for Community accession to the UNECE 1997 Agreement. As a result of the negotiations, the Agreement had been adapted but not enough to be in conformity with the Directive 96/96/EC¹.

The European Commission services have therefore decided to make a detailed comparison between the EU legislation and the UNECE 1997 Agreement. The following differences can be highlighted:

1. Directive 96/96/EC covers more **categories** of vehicles (cars, vans, buses, trucks) than Rule no.1 of the Agreement (restricted to buses and trucks, whose permissible max. mass exceeds 3,5 tons).
2. Rule no. 1 of the Agreement is restricted to vehicles used in **international traffic**. This is an important point as the "international traffic" has a different meaning if it is seen from an EU or a UN perspective. In fact, from the EU perspective, it means the traffic between EU and non-EU countries, while from the UN perspective, it addresses also the traffic within EU Member States.
3. The **mutual recognition** concerning the **issuing** of the roadworthiness **certificate** is foreseen by the Agreement, even if it is based upon a bilateral agreement. This is not allowed under EU legislation. The Council mandate clearly states that, in case of accession, "the Community will not apply Art. 12 on the bilateral agreement as a prior condition to technical inspections carried out by technical inspection bodies on behalf of another Member States."

¹ 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 (Official Journal L 046, 17/02/1997, p. 0001 – 0019)

4. An International Technical Inspection **Certificate** is foreseen by the Agreement, while no harmonised and uniform inspection certificate is foreseen by EU law².
5. Rule no.1 of the Agreement is by far more restricted in its technical provisions than Directive 96/96/EC.
6. **Braking systems:** Rule no.1 requires only the check that hydraulic braking system is not leaking, whereas Directive 96/96/EC goes far beyond, laying down not only 1 but 6 braking items to be checked in four pages of detailed specifications.
7. **Additional items** in Directive 96/96/EC over and above Rule no.1 are: steering and steering wheel, visibility, lamps, reflectors and electrical equipment, axles, wheels, tyres, suspension, chassis, etc.

An extensive dialogue between the European Commission and the Member States took place, in order to thorough review the advantages and disadvantages of an accession to the Agreement, in particular taking into consideration the recent major change in the geo-political configuration of the EU.

3. Conclusions

The European Commission arrived at the conclusion that the European Community cannot access the Agreement since the Agreement is not compatible, at this stage, with the "acquis communautaire". Important divergences exist regarding both the technical aspects and the scope of application. The balance between the efforts necessary for the alignment and the benefits provided by the accession seems disproportionate.

² Dir. 96/96/EC Art. 3/1:

"Member States shall take such measures as they deem necessary to make it possible to prove that a vehicle has passed a roadworthiness test complying with at least the provisions of this Directive.