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Monitoring of the 1998 Agreement:

**Reports of the Contracting Parties regarding the transposition
of UN Global Technical Regulations and their amendments
into their national/regional law**

**Transposition of GTRs: notifications and state of
play in the EU at the end of 2012 with regard to the
Agreement concerning the establishing of Global
Technical Regulations (GTR) for wheeled vehicles,
equipment and parts which can be fitted and/or be
used on wheeled vehicles (1998 Agreement)**

Submitted by the European Union



Brussels, 21 February 2013
DG ENTR / B.4

Subject: Transposition of GTRs: notifications and state of play in the EU at the end of 2012 with regard to the Agreement concerning the establishing of Global Technical Regulations (GTR) for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles (1998 Agreement)

In 1998 the EU acceded to the 1998 Agreement. Since then, 12 Global Technical Regulations (GTRs) have been agreed upon between the contracting parties. Multiple GTRs have already been amended once or twice to better fit the needs and to adapt for technical progress. When reviewing the depository notifications regarding GTRs on the UN website, it seems that only few GTRs have actually been transposed into national legislation at a global level. It is clearly recognised that this process of transposing internationally harmonised legislation is a very difficult and cumbersome process including many roadblocks that may take a long time to actually overcome. The EU would like to provide two examples that may show to contracting parties that the process in the EU is indeed very difficult but that it can be carried out after overcoming all the challenges on the road to transposition into EU type-approval legislation. For the sake of completeness we have attached in the Annex the latest notifications and state of play of the 12 GTRs at the end of 2012.

The first example is **GTR No 2** regarding uniform provisions concerning the measurement procedure for two-wheeled motorcycles equipped with a positive or compression ignition engine with regard to the emission of gaseous pollutants, CO₂ emissions and fuel consumption. This GTR was adopted on 22 June 2005 and amended on 14 November 2007 and 22 June 2011.

At a first stage, back in 2006, the EU recognised that the base World-harmonised motorcycle test cycle (WMTC), set-out in GTR No 2 as a globally accepted emission laboratory test procedure, is a valid alternative to the traditional European Driving Cycle (EDC) for motorcycles. This was recognised through Commission Directive 2006/72/EC¹. Dedicated but alternative emission limits associated with the use of the WMTC have been included in this Directive. The same Euro 3 limits were proposed by the EU in 2010 to the UN and were finally included as alternative emission limits to the principle ones set-out in amendment 2 to GTR No 2.

The next step for the EU is to make the WMTC set-out in a revised GTR No 2 the only valid approval test-cycle in the Union, which is targeted not only to be the valid test cycle for two-wheel motorcycles, but also for all other light vehicles of category L. This is the

¹ Commission Directive 2006/72/EC of 18 August 2006 amending for the purposes of adapting to technical progress Directive 97/24/EC of the European Parliament and of the Council on certain components and characteristics of two or three-wheel motor vehicles (OJ L 227, 19.8.2006, p. 43).

family name of light vehicles such as powered cycles, two- or three wheel mopeds, motorcycles with and without sidecar, tricycles and quadricycles. However, in the analysis it became clear that the scope of GTR No 2 would need to be opened for other category L vehicles. GTR No 2 has also to be further refined and to be adapted for technical progress before the EU can entirely integrate the provisions of a revised GTR No 2 in EU type-approval legislation.

In order to collaborate with contracting parties and stakeholders to improve GTR No 2 as well as to develop together other environmental requirements for such vehicles, the EU is sponsoring the L-EPPR working group² that has just started its activities (GRPE, January 2013). The target of this working group is to develop in parallel environmental measures for L-category vehicles under the 1958 and the 1998 Agreements which should result in a legal package that is acceptable world-wide for the approval of a L-category vehicle, which is up-to date with advancements in technology and that should reduce burden on manufacturers by reducing the cost of testing. If the results of the working group are at the envisaged level of environmental protection set-out in the recently adopted EU co-decision Regulation for the approval and market surveillance of L-category vehicles³, the subsequent steps on the mid to long term for the EU will be to entirely replace the environmental requirements for L-category vehicles with applicable UN provisions. The EU is confident that the cooperation within this group is beneficial for contracting parties, manufacturers as well as for citizens world-wide.

The second example concerns **GTR No 8** regarding Electronic Stability Control (ESC). Between the first proposal of the draft GTR No 8 and its actual transposition into EU type-approval legislation and its final application it will take more than 6 years (June 2008 – November 2014). The EU is not in a position to directly refer to a GTR and to replace EU approval requirements, just by including a dynamic link to the GTR and to its latest set of amendments in type-approval legislation. The complexity for the EU is that for the purposes of legal certainty the GTR has first to be transposed into a UN Regulation (1958 Agreement). This consolidated Regulation will then need to be translated into the 23 languages and to be published in the Official Journal of the European Union. In case this would be an entirely new UN Regulation the Commission would draft a Council Decision in order to propose acceding to this Regulation, which has to be approved by the Member States in order to be adopted.

² <https://www2.unece.org/wiki/pages/viewpage.action?pageId=5800520>

³ [http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-424)

In the case of **GTR No 8** its provisions have been included in UN Regulation 13H on uniform provisions concerning the approval of passenger cars with regard to braking, to which the EU already acceded in July 2001. With the adoption of the Regulation (EC) No 661/2009⁴, referred to as the General Safety Regulation, fitting of ESC on M1 and N1 vehicles has become mandatory as of 1 November 2011 for new types of the relevant categories M1 and N1 vehicles. As of 11 November 2014 it will be mandatory to fit ESC on all new vehicles of these categories being registered in the EU.

(signed electronically)
Philippe Jean

⁴ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.07.2009, p. 1).

Annex

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- **Subject: Transposition of GTRs: notifications and state of play in the EU at the end of 2012 with regard to the Agreement concerning the establishing of Global Technical Regulations (GTR) for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles (1998 Agreement)**

The Directorate-General for Enterprise and Industry (DG ENTR) of the European Commission, on behalf of the EU presents its compliments to the Secretary General of the United Nations and has the honour to refer to the Agreement concerning the establishing of Global Technical Regulations (GTRs) for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles (1998 Agreement), done at Geneva on 25 June 1998.

DG ENTR has the honour to provide the following notifications and updates on the state of play of the 12 GTRs to the Secretary General under Article 7 of the 1998 Agreement.

GTR No. 1: door locks and door retention components

The EU notified the UN on 08 February 2008 that GTR No. 1 regarding door locks and door retention components was transposed in EU approval legislation (*final notification*).

At the 157th session of WP.29 in June 2012 amendment 1 to GTR No. 1 was agreed which ensures that GTR No. 1 is updated for technical progress.

The requirements of amendment 1 to GTR No. 1 were transposed into UN regulation No. 11, which was accepted as alternative to Directive 70/387/EEC⁵. Directive 70/387/EEC was repealed by means of Regulation (EC) No. 661/2009⁶. Subsequently, UN Regulation No. 11 was made mandatory in EU type-approval by means of Commission Regulation (EU) No. 1229/2012 of 10 December 2012 amending Annexes IV and XII to Directive 2007/46/EC (Framework Directive)⁷. Consequently the European Union has transposed amendment 1 to GTR No. 1 (*final notification*).

⁵ OJ L 176, 10.08.1970, p. 5.

⁶ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1).

⁷ OJ L 353, 21.12.2012, p. 1.

GTR No. 2: measurement procedure for two-wheeled motorcycles equipped with a positive or compression ignition engine with regard to the emission of gaseous pollutants, CO₂ emissions and fuel consumption (WMTC)

The EU notified the UN on 29 August 2006 that GTR No. 2 regarding the World-harmonised Motorcycle Test Cycle (WMTC) was transposed in EU approval legislation (*final notification*).

At the 143th session of WP.29 in November 2007, respectively at the 149th session of WP29 in November 2009 amendments 1 and 2 to GTR No. 2 were adopted. Both amendments ensure that the GTR No. 2 is updated for technical progress.

The vehicle speed profile set-out in GTR No. 2 is accepted in the EU as alternative to the relevant provisions for two-wheeled motorcycles set-out in Chapter 5 of Directive 97/24/EC⁸, amended by Commission Directive 2006/72/EC⁹. The amendments 1 and 2 and associated supplements to GTR No. 2 have been integrated in the draft proposal for a Regulation on environmental and propulsion performance requirements (REPPR) for the approval of L-category vehicles and is therefore anticipated to be transposed in EU approval legislation in the future. However, in the meantime certain flaws and errors have been noted in GTR No. 2, which have to be corrected before the Union can entirely replace the environmental requirements regarding emission test types I and II, by referring to the provisions set-out in GTR No. 2. For this purpose the EU is sponsoring the UNECE L-EPPR working group operating under GRPE in order to discuss the identified concerns with other contracting parties and to find solutions to address these issues and concerns. In summary, transposition of amendments 1 and 2 of GTR No. 2 is in process.

GTR No. 3: motorcycle brake systems

The EU notified the UN on 08 February 2008 that GTR No. 3 regarding motorcycle brake systems had been transposed in EU approval legislation (*final notification*).

At the 145th session of WP.29, in June 2008, amendment 1 to GTR No. 3 was adopted. This amendment 1 ensures that GTR No. 3 is updated for technical progress.

The measurement of the Peak Braking Coefficient (PBC) as referred to in amendment 1 to GTR No. 3 may be measured according to the test procedure set-out in Appendix 1 to Annex 3 of UN Regulation No. 78, which is proposed to be part of EU approval legislation set-out in Annex VIII to Regulation 2010/0271(COD)¹⁰ regarding approval and market surveillance of two- or three-wheel vehicles and quadricycles and its proposed delegated act regarding vehicle functional safety (RVFSR). The EU is therefore in the process of transposing amendment 1 to GTR No. 3 in EU approval legislation of L-category vehicles.

⁸ OJ L 226, 18.08.1997, p. 1.

⁹ Commission Directive 2006/72/EC of 18 August 2006 amending for the purposes of adapting to technical progress Directive 97/24/EC of the European Parliament and of the Council on certain components and characteristics of two or three-wheel motor vehicles (OJ L 227, 19.08.2006, p. 43.)

¹⁰ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-424>

GTR No. 4: Test procedure for compression-ignition (C.I.) engines and positive ignition (P.I.) engines fuelled with natural gas (NG) or liquefied petroleum gas (LPG) with regard to the emission of pollutants (WHDC)

The EU notified the UN on 08 February 2008 that GTR No. 4 regarding the World-harmonised Heavy Duty vehicle Test Cycle (WHDC) had been transposed in EU approval legislation (*final notification*).

At the 149th session of WP.29 in November 2009, respectively at the 151st session of WP.29 in June 2010 amendments 1 and 2 of GTR No. 4 were adopted. Both amendments ensure that GTR No. 4 is updated for technical progress.

Amendments 1 and 2 of GTR No. 4 have been transposed in UN Regulation 49 and in Commission Regulation (EU) No 582/2011¹¹, which both make part of the EU approval legislation for Heavy Duty vehicles. Consequently the EU would like to herewith notify the UN that Amendments 1 and 2 to GTR No. 4 have been transposed in EU approval legislation (*final notification*).

GTR No. 5: technical requirements for on-board diagnostic systems (OBD) for road vehicles

The EU notified on 08 February 2008 that GTR No. 5 regarding on-board diagnostic systems had been transposed in EU approval legislation (*final notification*).

At the 158th session of WP.29 in November 2012 amendment 1 to GTR No. 5 was agreed which ensures that GTR No. 5 is updated for technical progress.

Amendment 1 to GTR No. 5 was transposed into UN Regulation 49 and into Commission Regulation (EU) No 64/2012¹². Thus, the European Union has transposed amendment 1 to GTR No. 5 (*final notification*).

GTR No. 6: safety glazing materials for motor vehicles

At the 144th session of WP.29 in March 2008 GTR No. 6 regarding safety glazing materials was adopted.

Subsequently the requirements of GTR No. 6 were transposed into the existing UN Regulation No. 43, which is accepted in the EU as alternative to Council Directive 92/22/EEC¹³. In accordance with Regulation (EC) No. 661/2009⁶, Directive 92/22/EEC will be repealed as of 1 November 2014 and

¹¹ Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1).

¹² Commission Regulation (EU) No 64/2012 of 23 January 2012 amending Regulation (EU) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) (OJ L 28, 31.1.2012, p. 1).

¹³ Council Directive 92/22/EEC of 31 March 1992 on safety glazing and glazing materials on motor vehicles and their trailers (OJ L 129, 14.05.1992, p. 11.).

replaced by UN Regulation No. 43 for EU whole vehicle type-approval. Consequently the European Union has transposed GTR No. 6 (*final notification*).

At the 156th session of WP.29 in March 2012 amendment 1 to GTR No. 6 was agreed to correct GTR No. 6.

Amendment 1 to GTR No. 6 is transposed into UN Regulation 43. Thus, the European Union has transposed amendment 1 to GTR No. 6 (*final notification*).

GTR No. 7: head restraints

At the 144th session of WP.29 in March 2008 GTR No. 7 regarding head restraints was adopted.

An initiative has been taken in the past in order to transpose the requirements of GTR No. 7 as in its current adopted state into the existing UN Regulation No. 17 by means of working document ECE/TRANS/WP.29/GRSP/2009/15. The UN Regulation is an accepted alternative to Council Directive 74/408/EEC¹⁴, according to Annex IV of Directive 2007/46/EC¹⁵.

By means of the General Safety Regulation⁶, Directive 74/408/EEC will be repealed as of 1 November 2014 and replaced by UN Regulation No. 17 for EU whole vehicle type-approval. However, the work on phase 2 of the GTR is currently in an advanced state and it was therefore decided to instead transpose the GTR including the phase 2 requirements at once into UN Regulation No. 17 when the GTR phase 2 process is finished. As a result the aforementioned proposal has been withdrawn and an updated proposal will be submitted for consideration of GRSP in line with the completion of phase 2.

GTR No. 8: electronic stability control systems

At the 145th session of WP.29 in June 2008 GTR No. 8 was adopted.

The General Safety Regulation⁶ sets-out the mandatory application of electronic stability systems in compliance with the prescriptions of UN Regulation No. 13-H into which GTR No. 8 has been transposed. As of 1 November 2011 such application is mandatory for new types of the relevant categories M₁ and N₁ vehicles and as of 11 November 2014 it is mandatory for all new vehicles of these categories being registered in the EU. Consequently the European Union has transposed GTR No. 8 (*final notification*).

GTR No. 9: pedestrian safety

The EU notified the UN on 11 May 2010 that GTR No. 9 on pedestrian safety had been transposed in EU approval legislation (*final notification*).

¹⁴ Council Directive 74/408/EEC of 22 July 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (strength of seats and of their anchorages), OJ L 221, 12.08.1974, p. 1.

¹⁵ Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), OJ L 263, 9.10.2007, p. 1.

At the 152nd session of WP.29, in November 2010, amendment 1 to UN GTR No. 9 was adopted. This amendment ensures that GTR No. 9 is updated for technical progress.

GTR No 9 and amendment 1 were transposed in UN Regulation No. 127 and in Commission Regulation (EU) No 459/2011¹⁶. Consequently the EU would like to herewith notify the UN that Amendment 1 to GTR No. 9 has been transposed in EU approval legislation (*final notification*).

GTR No. 10: Off-cycle emissions (OCE)

At the 148th session of WP.29 in June 2009 GTR No. 10 on off-cycle emissions (OCE) was adopted.

GTR No. 10 was transposed in UN Regulation No. 49 and in Commission Regulation (EU) No. 582/2011, which are part of the EU approval legislation for Heavy Duty vehicles. Consequently the EU would like to herewith notify the UN that GTR No 10 has been transposed in EU approval legislation (*final notification*).

GTR No 11: Test procedure for compression-ignition engines to be installed in agricultural and forestry tractors and in non-road mobile machinery with regard to the emissions of pollutants by the engine (NRMM)

At the 149th session of WP.29 in November 2009 GTR No. 11 on emission requirements for engines fitted in agricultural and forestry vehicles as well as in non-road mobile machinery (NRMM) was adopted.

GTR No. 11 has been transposed in the existing UN Regulation No. 96 which makes part of the EU legislation as UN Regulation No. 96 is referred to in Directive 97/68/EC¹⁷. Consequently the EU would like to herewith notify the UN that GTR No. 11 has been transposed in EU approval legislation (*final Notification*).

GTR No. 12: location, identification and operation of motorcycle controls, tell-tales and indicators

At the 155th session of WP.29 in November 2011 GTR No. 12 was adopted.

GTR No. 12 is in process of being transposed into existing UN Regulation No. 60 regarding uniform provisions concerning the approval of two-wheeled motor cycles and mopeds with regard to driver-operated controls including the identification of controls, tell-tales and indicators. The EU is considering making UN Regulation No. 60 compulsory in the proposal for a Regulation on

¹⁶ Commission Regulation (EU) No 459/2011 of 12 May 2011 amending the Annex to Regulation (EC) No 631/2009 laying down detailed rules for the implementation of Annex I to Regulation (EC) No 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users (OJ L 124, 13.5.2011, p. 1).

¹⁷ Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.2.1998, p. 1).

vehicle functional safety requirements (RVFSR) regarding the approval of L-category vehicles and it is likely that the UN Regulation will indeed be transposed into EU approval legislation. In summary the EU herewith reports that the transposition of GTR No. 12 in EU approval legislation is in process.

The Directorate-General for Enterprise and Industry of the European Commission avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

Philippe Jean
