

Decision on use of term "UN GTR"

I. Background

1. The World Forum WP.29 agreed at its 154th session to harmonize the terms referring to the regulations and rules developed in the framework of the 3 Agreements administered by WP.29 (ECE/TRANS/WP.29/1091, paras. 9 and 16). In order to better reflect the reality and to encourage countries of other UN regions to join the activities of WP.29, it was agreed to refer to the Regulations annexed to the 1958 Agreement as "UN Regulation", the global technical regulations under the 1998 Agreement as "UN Global Technical Regulation (UN GTR)" and the Rules annexed to the 1997 Agreement as "UN Rule". It was also agreed to only use in the UN Regulations the terms "Contracting Party", "Type Approval Authority", "Technical Service" and "UN type approval" for approvals granted in accordance with the UN Regulations.

2. Upon the receipt for advice, the Office of Legal Affairs (OLA) stated on 25 July 2011 that, referring to the 1997 Agreement, the terms used in the Agreements shall be used. **This statement also applies to other Agreements.**

3. To make it possible to use the terms agreed by WP.29 in the legal context of the 3 Agreements, it will be necessary to amend the corresponding Agreement to reflect the new denomination UN Regulations, UN Global Technical Regulations (UN GTRs) and UN Rules. Furthermore, in the French version of the 1997 Agreement, the word "Rule" has been translated as "Règlement". To solve this, the secretariat prepared a Corrigendum to the Agreement.

4. In November 2011, AC.2 discussed this subject recommended to follow (see ECE/TRANS/WP.29/1093, paras. 20 and 24):

"20. WP.29/AC.2 noted that OLA had indicated that the terms "UN Regulations", "UN Global Technical Regulations (UN GTRs)" and "UN Rules" could not be used in legal documents, taking into account the current text of the 1958, 1998 and 1997 Agreements. Nevertheless, these terms could be used in administrative and informative documents in anticipation of the amendments to the Agreements. WP.29/AC.2 recommended using the next occasion for amending the Agreements to introduce the above-mentioned terms.

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24. The World Forum adopted the report of the Administrative Committee on its 107th session and its recommendations."

II. Instruction

5. Following the recommendation of WP.29 at its November 2011 session, the new terms UN Regulations, UN Global Technical Regulations (UN GTRs) and UN Rules had been used with the exception of the legal texts of the Agreements (the terms to be used are: Regulations, global technical regulations (gtrs) and Rules (Règlements en Français)). Once the Agreements are amended, the new terms can be used in all the documents.

6. The translation of these terms into French were established as follows:

UN Regulation

Règlement de l'ONU

UN Regulation No. 3

Règlement No 3 de l'ONU

UN Global Technical Regulation	Règlement technique mondial de l'ONU (RTM de l'ONU)
UN Global Technical Regulation No. 3	Règlement technique mondial No 3 de l'ONU
UN Rule	Règle de l'ONU (in the 1997 Agreement (Règlement))
UN Rule No. 1	Règle No 1 de l'ONU (in the 1997 Agreement (Règlement))

7. The translation into Russian of these terms was provided since the report of the June 2011 session of WP.29 had been published in Russian.

8. During the June 2016 session of WP.29, the World Forum endorsed draft Revision 3 to the 1958 Agreement which included the use of the term UN Regulation and thus solving the issue for this Agreement. While, the same amendments for the other two agreements remain pending.

III. Recent development

9. Following the adoption of Revision 3 to the 1958 Agreement and the adoption of the Special Resolution No. 2 to the 1998 Agreement, the Secretariat further investigated on this issue with OLA. The office of depositary functions of OLA answered with an email on 13/07/2016 that the question does not really fall under the purview of that office of OLA and that in principle does not constitute a problem to reference to "UN regulations", except the fact that the same term is used for other purposes absolutely unrelated to the sphere of transport (e.g., the UN staff regulations or financial regulations). However, OLA suggested that the matter may raise legal questions and suggested consulting the legal office in Geneva as to whether the reference to the United Nations in this context would be subject to any limitations.

10. Therefore, Mr. Nissler Chief of VRTIS section consulted directly UNOG legal office on this issue and explicitly asked whether there would be a need for an amendment of the 1998 Agreement to have the basis for using the term "UN GTR". The UNOG legal office explained him that this is not the case and that is up to the Contracting Parties (WP.29/AC.3) to authorise the use of the term "UN GTR" by the element of a WP.29/AC.3 decision.

IV. Conclusion

11. As this matter is quite sensitive, a quick solution should be found by AC.3 and AC.4 to keep harmonized the terminology in the Agreements and to ensure an unambiguous process for their depositary functions and their relevance for current and future Contracting Parties to the 1998 and 1997 Agreements.
