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COMMISSION STAFF WORKING DOCUMENT

**PROGRESS DURING 2007 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 2007 at the United Nations Economic Commission for Europe ("UNECE"). The objective is to inform 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 2007 staff working document is the first report and, as stated in the CARS 21 Communication, reports will be issued on an annual basis.

UNECE was established in 1947 with a view to setting out norms, standards and conventions to facilitate international cooperation within and outside the European region.² In relation to the automotive industry, the European Community is a contracting party to two UNECE Agreements.³ These Agreements serve as a legal framework for technical conditions of approval and the reciprocal recognition of approval for motor vehicles:

- the "UNECE 1958 Agreement"⁴: 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; and
- the "UNECE 1998 Agreement"⁵: 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.

The above-mentioned Agreements are administered by the World Forum for Harmonization of Vehicle Registrations (WP.29), situated in Geneva.

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. Non-governmental organizations may also participate in a consultative capacity in WP.29 or in its working groups.

Subsidiary Working Parties (also known as Groups of Rapporteurs or "GRs") assist WP.29 in researching, analyzing and developing requirements for technical regulations in their respective areas of expertise: Pollution and Energy (GRPE), General Safety Provisions (GRSG), Brakes and Running Gear (GRRF), Lighting and Light-Signalling (GRE), Passive

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

³ There is also a UNECE 1997 Agreement on Periodical Technical Inspections. The 1997 Agreement is not dealt with in this staff working document as the European Community is not a contracting party yet.

⁴ 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).

⁵ 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).

Safety (GRSP) and Noise (GRB). WP.29 holds regular sessions three times a year and those of the Working Parties are held twice a year.

2. UNECE 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 125 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. If a contracting party decides to apply a Regulation, it becomes a binding act. 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.

The 1958 Agreement currently has 47 contracting parties including the European Community and its 27 EU Member States, Australia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Republic of 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. Regulations applied in the EU

As of 31 December 2007, the European Community had acceded to 104 Regulations under the 1958 Agreement. These Regulations are now referred to in Article 34 to Article 36 of the new Framework Directive 2007/46/EC.⁶ The 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. Progress during 2007

New Regulations

During 2007, WP.29 adopted two new Regulations:

- 1) Uniform provisions concerning the approval of motor vehicles with regard to the forward field of vision of the driver; and
- 2) Uniform provisions concerning the approval of partitioning systems to protect passengers against displaced luggage, supplied as non-original equipment.

⁶ 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).

After having received approval by two separate Council decisions⁷, the Community voted in favour of the two new Regulations.

The Regulation on Field of Vision applies to the 180° forward field of vision of drivers. Its purpose is to ensure an adequate field of vision when the windscreen and other glazed surfaces are dry and clean. The Regulation on Partitioning Systems applies to devices supplied as non-original vehicle equipment that are intended to protect occupants from the danger resulting from the displacement of luggage into the vehicle seating areas in a frontal impact. Both Regulations apply to category M₁ vehicles (i.e., passenger cars).

Amendments to the UNECE Regulations

During 2007, WP.29 adopted 74 technical amendments to UNECE Regulations. These amendments were aimed at ensuring that the Regulations take into account the latest technical developments in the automotive industry. For instance, WP 29 adopted an amendment relating to the type-approval of run-flat tyres. Run-flat tyres, which are tyres that can be used over a limited distance at a reduced pressure, are starting to be fitted on new cars. The Regulation dealing with tyres (Regulation 64 on temporary-use spare wheels/tyres) was therefore adapted in order to set out specific requirements for run-flat warning devices.

Two important technical amendments were adopted during 2007 on **Electronic Stability Control (ESC)** for trucks and buses, and **Daytime Running Lamps (DRL)**.⁸ Both these amendments are in conformity with the stated road safety objectives outlined in the Commission's Communication on CARS 21.⁹

Agreement on ESC has been a priority for the European Community. 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 involving large vehicles. The agreement requires heavy vehicles approved by the UNECE braking Regulation (Regulation 13) to be fitted with an ESC system meeting an agreed specification. Adoption of this amendment allows the European Community to make ESC a mandatory requirement by reference to this Regulation.

The UNECE requirements on ESC will be phased in over a number of years, with priority given to vehicles where the potential benefit is the greatest, such as heavy truck/trailer combinations and tourist coaches. As a result of this amendment, Regulation 13 will require new vehicle types in most of the common categories to be fitted with ESC from 2010.

The European Community also supported the introduction of specific requirements on dedicated DRL. Dedicated DRLs have the advantage of a much lower energy consumption compared to normal dipped beam lights. This is particularly the case if light emitting diodes (LEDs) are used for dedicated DRL.

The amendment requires that cars, trucks and buses approved under the UNECE lighting Regulation (Regulation 48) will be fitted with dedicated DRL. The adoption of this amendment at UNECE will therefore help to increase the number of vehicles fitted with dedicated daytime running lamps on European roads.

⁷ Council Decision (2007/159/EC) and Council Decision (2007/160/EC) of 22 February 2007 (OJ L 69, 9.3.2007, pp.37-39).

⁸ For further information on the ESC amendment, see Commission Press Release IP/07/1710.

⁹ See Section 3.4 of the CARS 21 Communication.

In this context, it should be noted that the Commission no longer intends to propose legislation on the use of DRL to oblige all drivers of existing vehicles to switch on their normal dipped-beam lights during daytime. This would have increased the energy consumption and CO₂ emissions of vehicles. Consequently, while the UNECE amendment will eventually result in the obligatory fitting of dedicated DRL for new vehicles, the proposal about existing vehicles has been abandoned.

Improving the UNECE mutual recognition system

At the initiative of the European Community, an agreement among the contracting parties was reached in relation to interpretation issues and requirements for technical services in the framework of the 1958 Agreement. A document on this matter, "*Enforcement of type-approval and conformity production standards*", was adopted at the March 2007 session of WP.29.¹⁰ The document should ensure that technical services of the contracting parties will follow a more consistent approach in their interpretations. Many of the concepts used in this document derive from the new Framework Directive 2007/46/EC (e.g. designation of technical services and assessment of their skills).¹¹

3. UNECE 1998 AGREEMENT

The UNECE 1998 Agreement 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 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. It runs in parallel to the 1958 Agreement. 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 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. While the legal value of the GTR is 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, which need transposition into EU law, are currently transposed through their integration in substance into the Regulations adopted under the 1958 Agreement and enter into EU law through those Regulations as described above.

¹⁰ WP.29-141-26. <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/geninf141.html>

¹¹ Articles 41 and 42 of Directive 2007/46/EC.

The UNECE 1998 Agreement currently has 29 contracting parties, including the EC, France, the UK, Germany, Italy, Japan, the United States, Canada, China and India. The European Community votes on behalf of its Member States.

3.1. GTRs adopted so far

Since the entry into force of the 1998 Agreement, five GTRs have been established: GTR 1 (door locks); GTR 2 (worldwide motorcycle emissions test cycle); GTR 3 (motorcycle brake systems); GTR 4 (world-wide heavy-duty certification procedure); and GTR 5 (heavy-duty on-board diagnostic systems).

3.2. Progress during 2007

Progress in the development of new GTRs

No new GTRs were adopted in the course of 2007. However, WP.29 has worked towards their adoption in various fields.

In parallel with the debate at EU level, a GTR on pedestrian protection is being discussed. In addition, a discussion on a GTR on hydrogen began in UNECE (which, likewise, will also run in parallel with the discussion with the European Parliament and Council on an EU Regulation on hydrogen). The Commission will assure the necessary coherence between the EU Regulations and any GTRs.

The discussion on two new GTRs on head restraints and glazing has also resulted in significant progress and the roadmap agreed this year should allow the adoption of these GTRs in the course of 2008. These GTRs will allow manufacturers to have only one single design for the main world markets. It will therefore decrease the administrative burden while ensuring a high level of safety.

The European Community is also co-sponsoring (with the United States) a GTR on Electronic Stability Control for passenger cars that will introduce a harmonized stability test procedure. It will allow manufacturers to sell cars meeting the test requirements in a wide range of markets. This GTR is expected to be agreed by contracting parties in 2008.

First adaptations of GTRs to technical progress

At the November 2007 meeting of WP.29, two technical amendments to GTRs were adopted: an amendment to GTR 2, allowing low-powered motorcycles to be taken into account in the test-cycle, and an amendment to GTR 3 on motorcycle braking clarifying the vehicle categories. These were the first GTRs to be adapted to technical progress following the emergence of new technical developments.

4. RELATIONSHIP BETWEEN UNECE AND EC ACTIVITIES

4.1. Commission involvement in UNECE

Active participation by the Commission in UNECE is crucial to ensure that European interests are taken into account. The Commission services have therefore continuously increased their involvement in the Geneva process.

The European Community benefits from the results of this process by using references to UNECE Regulations in EU legislation. This avoids duplication and simplifies Community legislation in line with the recommendations of the CARS 21 High Level Group.¹² This

¹² See Section 3.2 of the CARS 21 Communication.

process is given explicit recognition in Chapter XIII of the new Framework Directive 2007/46/EC (Articles 34 -36) on International Regulations, in particular by Article 34 (4).

4.2. Independent European Community legislative initiatives

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.¹³ The EC can also develop appropriate legislation that is based on the detailed technical specifications set out in the UNECE Regulations (e.g. Electronic Stability Control).

Recent examples of independent EC legislative initiatives include:

- Proposed Regulation on reduction of CO₂ emissions from cars (published on 19 December 2007);¹⁴
- Proposed Regulation on emission requirements for heavy-duty vehicles (Euro VI) (published on 21 December 2007);¹⁵
- Proposed Regulation on type-approval of hydrogen powered motor vehicles and amending Directive 2007/46/EC (published on 10 October 2007);¹⁶
- Proposed Regulation on the protection of pedestrians and other vulnerable road users (published on 3 October 2007).¹⁷

5. ACCESS TO DOCUMENTS

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. In particular, the Commission publishes, on an annual basis, the list of Regulations under the

¹³ See the Executive Summary of the CARS 21 Communication.

¹⁴ COM (2007) 856 final, 19.12.2007.

¹⁵ COM (2007) 851 final, 21.12.2007

¹⁶ Proposal for a Regulation of the European Parliament and of the Council on type-approval of hydrogen powered motor vehicles and amending Directive 2007/46/EC, COM (2007) 593 final, 10.10.2007.

¹⁷ Proposal for a Regulation of the European Parliament and of the Council on the protection of pedestrians and other vulnerable road users, COM (2007) 560 final, 3.10.2007.

1958 Agreement to which the Community has acceded.¹⁸ 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 powers¹⁹, 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

2007 has been a year in which useful progress has been achieved at the UNECE. The two new UNECE Regulations (field of vision and partitioning systems) contribute towards a more complete set of global technical standards. Furthermore, the adoption of 74 technical amendments to UNECE Regulations ensure that global regulations are as clear and as up-to-date as possible. Where appropriate (e.g. ESC and DRL) the changes will be incorporated into EC legislation. The Commission services will work

¹⁸ OJ C 166, 20.7.2007, p.7.

¹⁹ OJ L 184, 17.07.1999, p.23.