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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**

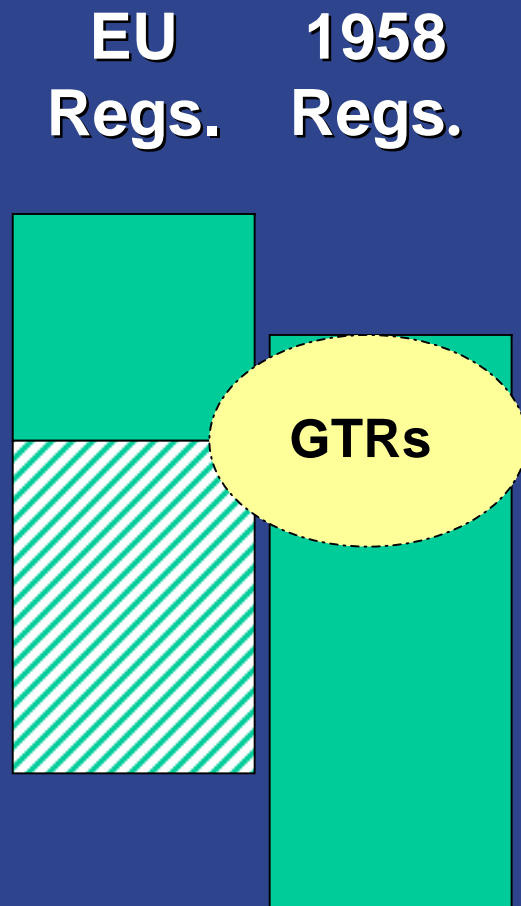
Principles of GTR transposition II

- 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

Principles of GTR transposition III

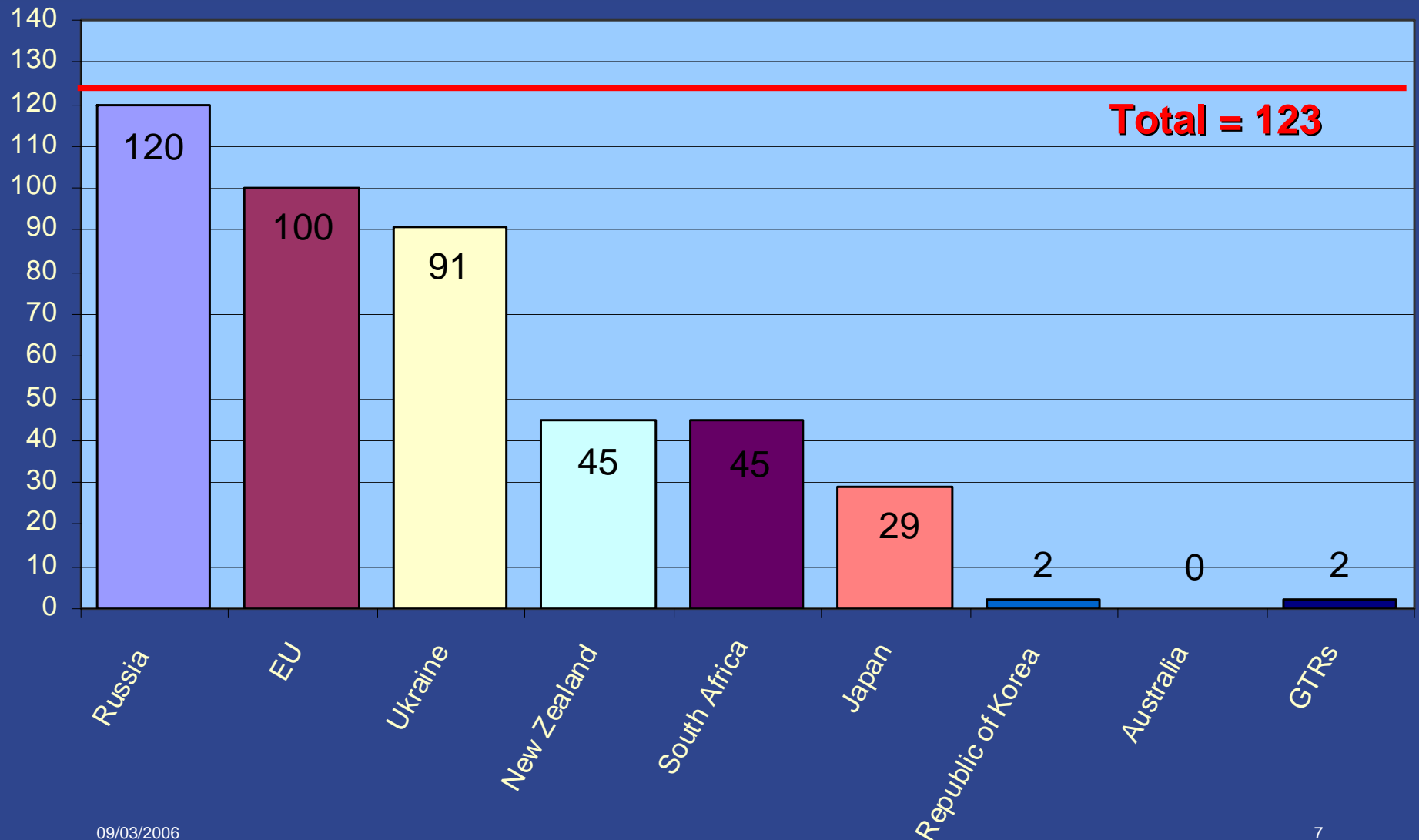
- Although transposition as mandatory law would be preferable...
- ...two transitory periods needed:
 - for the transposition of GTRs that need limit values, equivalence calculation, etc.
 - in the transposition act ('lead time' for industry)
- Thus, the "old" legislation continues to apply for several 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



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**

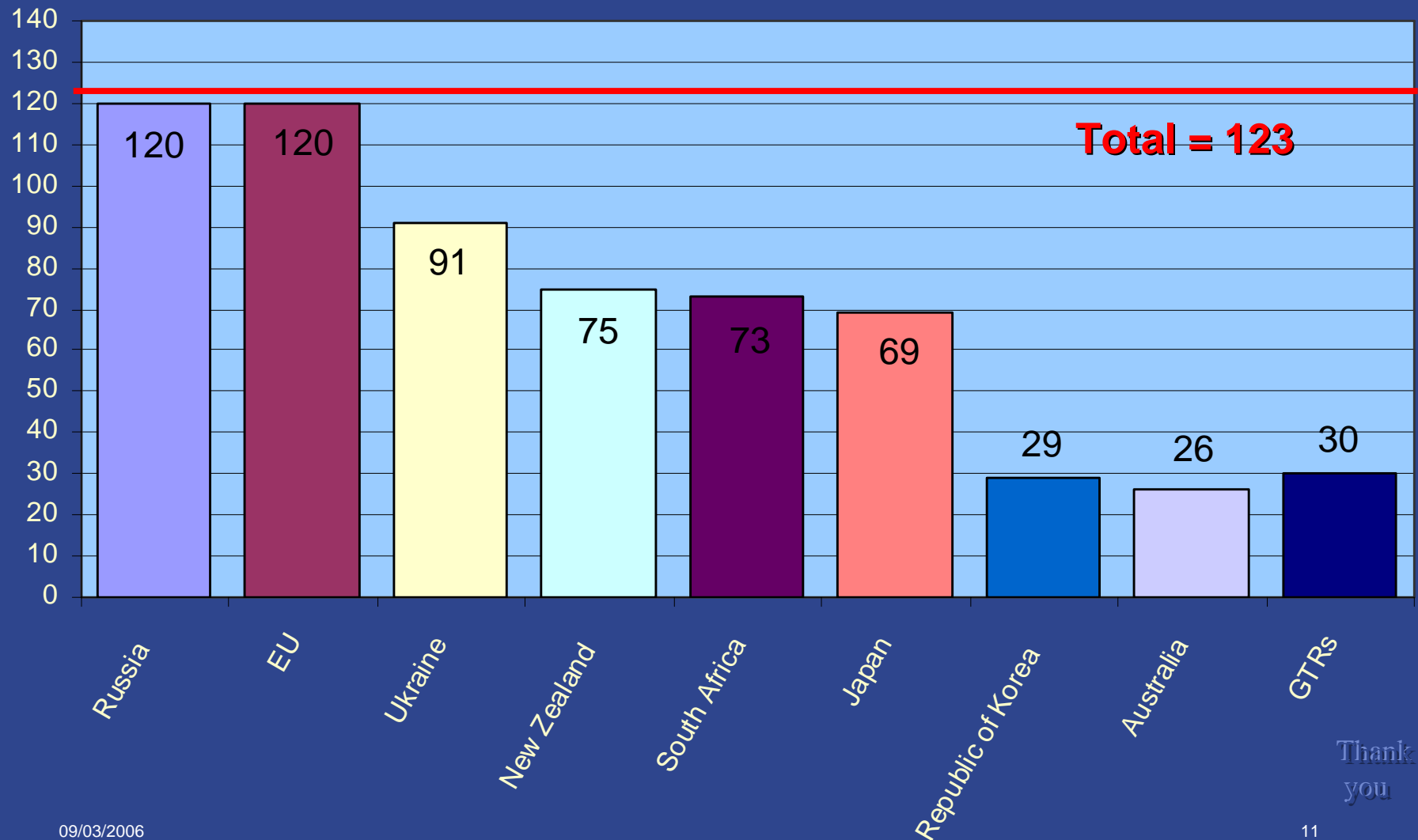
How to remedy?

- **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?**

1958 Regulations per CP by 2016?





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THANK YOU
for your attention

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