



**Economic and Social
Council**

Distr.

GENERAL

TRANS/WP.29/2005/50

7 April 2005

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

World Forum for Harmonization of Vehicle Regulations (WP.29)

(One-hundred-and-thirty-sixth session, 21-24 June 2005,
agenda item B.2.7.)

PROPOSAL FOR CONTRACTING PARTIES' DECLARATION
OF CHOICE OF ALTERNATIVE PROVISIONS CONTAINED
IN GLOBAL TECHNICAL REGULATIONS (GTR)

Transmitted by the representative of Canada

Note: The document reproduced below is submitted by Canada to the Executive Committee (AC.3) for consideration. The document is based on informal document No. WP.29-135-20 (TRANS/WP.29/1039, para. 19).

This document is a working document circulated for discussion and comments. The use of this document for other purposes is the entire responsibility of the user. Documents are also available via the INTERNET:

<http://www.unece.org/trans/main/welcwp29.htm>

CONTRACTING PARTIES' DECLARATION OF CHOICE OF ALTERNATIVE PROVISIONS CONTAINED IN GLOBAL TECHNICAL REGULATIONS (gtr)

A. PROPOSAL

The table included at the end of this document is proposed as a component of the future "1998 Agreement Status Document" to become an instrument for dissemination of information regarding the choice of alternative provisions contained in the global technical regulations (gtr) as they are adopted by individual Contracting Parties.

B. JUSTIFICATION

According to its stated purpose, by establishing a process for promoting the development of gtr-s, the 1998 Agreement is to achieve "high levels of safety, environmental protection, energy efficiency, and anti-theft performance within the global community, and [is] to ensure that actions under this Agreement do not promote, or result in, a lowering of these levels within the jurisdiction of Contracting Parties, including the sub-national level".

The 1998 Agreement allows that a "Contracting Party, that has adopted into its own laws or regulations an established global technical regulation, may decide to ... amend the adopted [gtr]". Each Contracting Party may maintain in its law different or additional provisions, appropriate for its national situation. Such provisions may include requirements that are more or less stringent or more or less difficult to meet than those established in a gtr.

The only condition for keeping such divergent provision(s) is that the Contracting Party notifies of its decision the Secretary-General. It is assumed that in turn the Secretary-General would inform all other Contracting Parties of the content of each such received communication.

When a gtr is registered in the Global Registry and subsequently certain modifications are communicated to the Secretary-General, there is no specified mechanism for maintenance and dissemination of such information regarding divergent provisions in the laws of the individual Contracting Parties. This may create administrative problems and it may render a gtr an ineffective tool for motor vehicle and motor vehicle component manufacturers.

To avoid the need for amendment of a new gtr by Contracting Parties who consider alternative or additional safety provisions and subsequent communication to the Secretary-General, Canada would suggest inclusion of all divergent provisions in the text of gtr-s in the form of options. Such options would clearly identify areas where global harmony is not yet achieved. The proposed document would become a guide for all interested parties wanting to identify particular aberrations from a gtr in a territory of each Contracting Party needing to preserve their own regulatory preferences as well as a useful tool for the vehicle manufacturers in the process of vehicle design.

In the work on a gtr, regarding installation of lighting and light-signalling devices on vehicles, Canada has encountered a challenge of incorporating provisions, which are not mutually acceptable to all Contracting Parties. The subjects of these provisions are recognized as integral to the document, yet their technical contents differ in details from jurisdiction to jurisdiction. For example, in the case of presence of rear fog lamps or side marker lamps on vehicle less than 6 m long, some jurisdictions require them as mandatory equipment, others allow them and leave the installation decision to the vehicle manufacturers.

In cases where one common solution could not be agreed upon, and instead of including in the gtr only the most demanding provision, which than could be interpreted in a less demanding fashion in the jurisdictions of individual Contracting Parties, GRE has decided to express suggested proposals in the form of options.

Canada has considered several possible ways that would make the information concerning preference of options by the Contracting Parties readily available to all concerned.

1. Identify the choices of option by the Contracting Parties by identifying Contracting Parties adjacent to their preferred options directly in the text of a gtr.
2. Attach to gtr an Annex, which would list all paragraphs containing options and identify the choice of these options by individual Contracting Parties.
3. Include a list, mentioned in 2. above, in a document presenting the status of the 1998 Agreement. This document could be similar to document TRANS/WP.29/343 regarding the 1958 Agreement.

The first two solutions would make it necessary to amend a gtr every time a Contracting Party would change its choice of option. This would require submission of proposed gtr amendment to the Working Party (GR) and subsequently submission of such amendment for adoption by AC.3 during WP.29 session.

The third solution would only require a note to the UNECE/WP.29 secretariat from the Contracting Party wishing to indicate or change its choice of options. Such information would then be reflected in a routine update to the "status document". Consequently, Canada would recommend the third solution.

Canada believes that early adoption of a mechanism dealing with provisions of gtrs, for which agreeable solution cannot be presently found, would facilitate faster gtr development and would help all GR-s to develop more versatile and clear gtr-s.

Annex 1

gtr No. 1

TITLE:

GLOBAL TECHNICAL REGULATION CONCERNING DOOR LOCKS
AND DOOR RETENTION COMPONENTS

	Contracting Party	Entry into force:	Rescinded:	Options and amendments determined by Contracting Parties:
1.	CANADA	dd mm yyyy <u>2/</u>		5.3.2.1.(a)
2.	UNITED STATES OF AMERICA	dd mm yyyy <u>1/</u>		5.3.2.1.(a)
3.	JAPAN			5.3.2.1.
4.	FRANCE			5.3.2.1.
5.	UNITED KINGDOM			5.3.2.1.
6.	EUROPEAN COMMUNITY			5.3.2.1.
7.	GERMANY			5.3.2.1.
8.	RUSSIAN FEDERATION			5.3.2.1.
9.	PEOPLE'S REPUBLIC OF CHINA			5.3.2.1.
10.	REPUBLIC OF KOREA			5.3.2.1.
11.	ITALY			5.3.2.1.
12.	SOUTH AFRICA			5.3.2.1.
13.	FINLAND			5.3.2.1.
14.	HUNGARY			5.3.2.1.
15.	TURKEY			5.3.2.1.
16.	SLOVAKIA			5.3.2.1.
17.	NEW ZEALAND			5.3.2.1.
18.	NETHERLANDS			5.3.2.1.
19.	AZERBAIJAN			5.3.2.1.
20.	SPAIN			5.3.2.1.
21..	ROMANIA			5.3.2.1.
22..	SWEDEN			5.3.2.1.

1/ Contracting Party decided to adopt this gtr into its own laws.

2/ Contracting Party decided that this gtr might be used as an alternative to its own laws.

[in the future, depending on the form of gtr adoption, there may be other footnotes. e.g.:]

3/ Contracting Party will accept products that comply with this gtr.

4/ Contracting Party decided to adopt this gtr with their own amendments.

5/ Contracting Party decided not to adopt this gtr into its own laws.
