

THE RUSSIAN FEDERATION PROPOSAL
ON APPLICATION OF MARKING
IN THE GLOBAL TECHNICAL REGULATIONS (GTR)

1. BACKGROUND

According to the 1998 Global Agreement, the GTR, once adopted, will be appended to the Global Registry. According to the Article 7 of the 1998 Agreement, the Contracting Party that votes in favor of establishing a GTR shall be obligated to implement its provisions into the national laws of that Contracting Party.

The Russian Federation recognizes that for the Contracting Parties of the 1958 Geneva Agreement the best solution ensuring fulfillment of the Article 7 of the 1998 Agreement is the transposition of the GTR provisions into the UNECE Regulations. Moreover, the UNECE Regulations shall be merged with the appropriate GTR provisions, because no parallel technical provisions will have to exist in relation to the same object of regulation.

The proposed solution, which is already applied in practice, provides uniform application of the GTR provisions by all countries - members to the 1958 Agreement, and the UNECE Regulations themselves become the legal tool ensuring application of the GTR provisions in the national legislation.

A legal mechanism that operates within the framework of the 1958 Agreement provides a capability of a mutual recognition of results of compliance evaluation in respect to the UNECE Regulations and so to those GTR, which provisions were transposed to the corresponding UNECE Regulations at least, among countries - members to the 1958 Agreement.

At the same time, as the 1998 Global Agreement does not contain provisions concerning mutual recognition of results of compliance evaluation for those countries, which participate in the 1998 Agreement, but did not join the 1958 Agreement, an issue of a mutual recognition of results of compliance evaluation conducted in other country, should be decided at a national level. The marking set by a GTR, which is proposed to call as “the global marking”, should take into account such a feature.

The 1998 Global Agreement also does not determine conditions of access to the markets of the Contracting Parties of a product conforming to the GTR. However the availability of the global marking on a product should mean that such a product meets the national requirements of the Contracting Party of the 1998 Agreement. At the same time, setting of conditions for access of such a product to the national market, and also the necessity and the order of compliance evaluation of this product with the purpose of such an access falls into to an area of the national legislation (if a diverse is not envisioned by the 1958 Geneva Agreement).

2. THE APPLICABILITY OF THE GLOBAL MARKING

The global marking should be applied in a GTR to specify the product, which completely meets all provisions of that GTR. If a GTR contains several levels of requirements, a product bearing the global marking, shall meet the most stringent level of requirements in force for the date of compliance evaluation. It is proposed to call it as “a global product”, as it can be admitted to markets of all the Contracting Parties to the 1998 Agreement.

A product that does not comply with all GTR provisions cannot bear the global marking. It is proposed to call such product as “a regional product”, as it can be admitted to the markets of specific regions.

Consequences:

- (a) A GTR should include all state-of-the-art requirements to product applied by the Contracting Parties, as if the requirements act at a national level, for the admission of a product to that national market, it will be required to ensure its conformity to those requirements.
- (b) If a time table for transition to more stringent requirements exists at the national level, the GTR also should include the similar time table.

Example: the introduction of the 02 series of amendments into the UNECE Regulation No.117 in regards to the new levels of tyre noise emissions and rolling resistance requires the introduction of similar provisions into the tyre GTR with setting a time table for application of such provisions.

- (c) A GTR should not set the compulsory application of its provisions. Mandating compulsion of application of the particular GTR provisions remains on the discretion of the Contracting Parties to the 1998 Agreement. At the same time, if the GTR provisions are transposed to the national legislation through application of the UNECE Regulations, for the Contracting Party to the 1958 Agreement those GTR provisions, which were included into the UNECE Regulations, become mandatory.

Example: taking into account the aforesaid, there is no reason for inclusion into the tyre GTR the compulsory and auxiliary modules of requirements. For the contracting parties of the 1958 Agreement those provisions will become mandatory, which will be included as mandatory into the UNECE Regulations Nos. 30, 54, 117 or a new UNECE Regulation, specially developed with the purposes of the tyre GTR application instead of those mentioned. The contracting parties of the 1998 Agreement, which have not joined the 1958 Agreement, will establish compulsion of application of those tyre GTR provisions, which they will find necessary at their national level.

3. THE APPEARANCE OF THE GLOBAL MARKING

For the purposes of eligibility with traditions of the 1958 Geneva Agreement, it is proposed, that the global marking should appear as a circle surrounding the letter "G" followed by the distinguishing number of the country which has granted approval (fig. 1). If a product is delivered to the markets of countries which are not the Contracting Parties of the 1958 Agreement, the global marking should appear as a circle surrounding the letter "G" without additional digits (fig. 2).



Fig. 1.

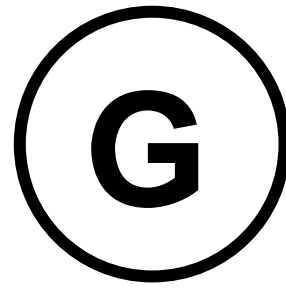


Fig.2.

The number “22” represent the distinguishing number of the Contracting Party to the 1958 Agreement, which has granted approval (shown as an example).

It is also proposed to reserve a space on the right and on the left from the circle (fig. 3). On the right side from the circle it is proposed to place the approval number granted in accordance with the mechanism of the 1958 Geneva Agreement. The structure of the approval number shall be described in the UNECE Regulation, to which the GTR provisions are transposed. On the left side from the circle it is proposed to place the marking corresponding to the approval numbers granted by the countries, which are not the Contracting Parties to the 1958 Agreement, and, as well, the auxiliary marking used by the countries applying the self-certification procedures, if such marking were established. It is proposed to stipulate that the approval marking pursuant to the 1958 Agreement be not appeared on the left side from the circle and the other marking be not appeared on the right side from the circle. It will promote recognition of marking by the inspection bodies of different countries and will allow avoiding confusion.

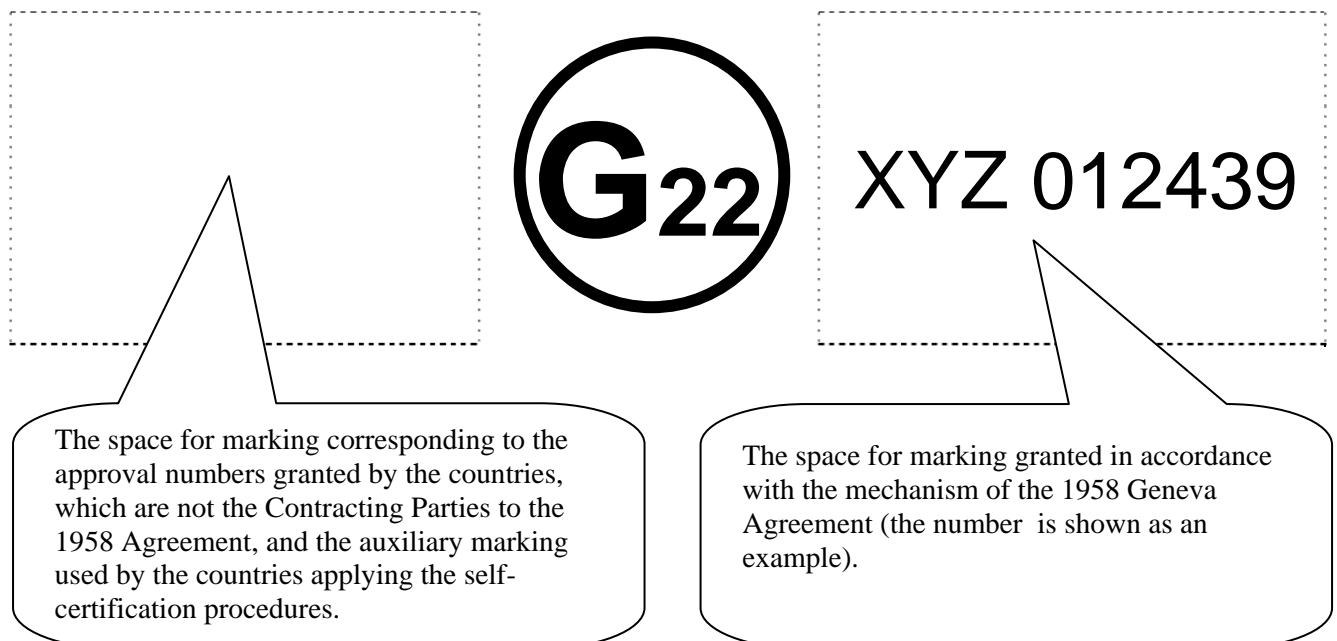


Fig.3.

The regional product may bear the regional marking, which appearance and necessity should be mandated at the national level. However it is proposed that the appearance of the marking for different regions should not be the same, in the case when the mandatory requirements established for those regions are different. Also it is proposed that the traditional marking in accordance with the UNECE Regulation provisions applied in regards to the related product should be used as the regional marking for the countries of the 1958 Geneva Agreement.
