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WTO (in)consistency of biofuel '*grading*' systems: will it be war?

On 11 September 2013, the EU Parliament voted on the EU Commission's '*Proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources*' (hereinafter, the EU Commission's proposal), as well as on the related amendments tabled by the EU Parliament's Committee on the Environment, Public Health and Food Safety (*i.e.*, the ENVI Committee).

The EU Commission's proposal aims at amending the '*Fuel Quality Directive*' (*i.e.*, *Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EE*) and the '*Renewable Energy Directive*' (*i.e.*, *Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC*) to minimise the impact of emissions arising from indirect land use change (hereinafter, ILUC) on greenhouse gas (hereinafter, GHG) emissions stemming from the production of biofuels (*i.e.*, the emissions created as a result of increased land demand for the production of biofuels, where such land could have been used for food, feed or fibre production) (see Trade Perspectives, Issue No. 15 of 26 July 2013) and starting the transition from biofuels produced from food crops to '*advanced biofuels*'.

In particular, the proposal envisages a primary distinction between '*first generation*' biofuels (also called '*conventional*' biofuels, originating from food crops) and '*advanced*' biofuels (originating from alternative sources, such as forest residues, *algae* or municipal waste). On this basis, it suggests capping the contribution of '*first generation*' biofuels within the mandatory target of the '*Renewable Energy Directive*', which requires that, by 2020, 10% of the energy used in the EU for the transport sector originate from renewable sources. The EU Parliament voted that this cap be set at 6%, after increasing it from the original 5% proposed by the EU Commission. In addition, the EU Parliament voted for the introduction of a mandatory 2.5% niche for '*advanced*' biofuels. In line with the EU Commission's proposal, ILUC factors attributed to biofuels will be, at least during the '*transitional*' phase (*i.e.*, until 2020), relevant only for compliance with the monitoring and reporting requirements in the '*Fuel Quality Directive*' and the '*Renewable Energy Directive*'.

As indicated above, the EU Commission's proposal is aimed at amending the EU's regulatory framework on biofuels and builds upon the regime laid down by the '*Fuel Quality Directive*' and the '*Renewable Energy Directive*' which, in relevant part, already envisage a system that classifies biofuels according to their '*sustainability*'. This is based on two drivers: (i) a requirement that GHG emissions savings from the use of biofuels amount to at least 35% of the GHG emissions that would have resulted if fossil fuels had instead been used (this threshold is foreseen to increase as of 2017); and (ii) a requirement that the land used

to produce biofuels have certain characteristics, *i.e*., that it does not have high biodiversity value nor high carbon stock (see Trade Perspectives, Issue No. 10 of 21 May 2010). '*Sustainable*' biofuels are valid for compliance with the respective targets set by the EU framework, and eligible for financial support. The amendment suggested by the EU Commission's proposal would operate a further classification, distinguishing in the treatment of '*conventional*' biofuels and '*advanced*' biofuels in the EU (see Trade Perspectives, Issue No. 7 of 5 April 2013).

Sustainability criteria for biofuels are not the exclusive legacy of the EU, though. The US resorts to a similar method when implementing the US '*Renewable Fuel Standard 2*' (hereinafter, RFS2) programme, which directly supports biofuel production by providing a mandatory market share for qualifying biofuels. In particular, under the RFS2 programme, US fuel blenders are required to incorporate minimum volumes of biofuels in their annual sales of transportation fuel, irrespective of market prices. The US Environmental Protection Agency (hereinafter US EPA), which is responsible for the administration and implementation of the US RFS2 programme, establishes four categories of biofuels eligible to account under the minimum required blending volumes (*i.e.*, total renewable fuels, advanced biofuels, cellulosic and agricultural waste-based biofuel, and biomass-based biodiesel). In order to qualify under one of these categories, biofuels need to comply with a number of requirements. In relevant part, biofuels are required to achieve, *inter alia*, a lifecycle GHG emissions saving of at least 20%, when compared to the gasoline or diesel that they replace.

In principle, the EU and US criteria are non-discriminatory, inasmuch as they apply equally to domestic and imported fuels. However, a closer analysis of the schemes suggests that the precise layout of the requirements may result in (*de facto* if not *de jure*) discrimination against specific biofuels from certain countries. As a result of these schemes, a number of biofuels are attributed default values, to be used for the calculation of the lifecycle GHG emissions savings arising from their use, that place them at a disadvantageous position or even render them unfit to meet the required thresholds. In fact, the EU's '*Renewable Energy Directive*' gives palm oil and soybean-based biofuels, *inter alia,* default emissions saving values below the required threshold, although it grants individual producers the opportunity to present the necessary evidence showing that specific consignments have been produced in a more environmentally-friendly manner and therefore meet the required GHG emissions saving level. Although the EU Commission's proposal suggests that ILUC emissions be only taken into account for monitoring and reporting purposes, the trend behind it is clear. Some biofuels stand to be particularly affected in the event that ILUC be eventually tailored into the calculations for the overall sustainability of biofuels, inasmuch as the estimated ILUC factor they are attributed automatically precludes any possibility of reaching the required GHG emissions savings. The stricter US RFS2 programme directly excludes palm oil biodiesel as a renewable fuel, by giving it a GHG emissions saving value insufficient to meet the required threshold.

According to the relevant rules of the WTO, the measures in force in both the EU and the US, which are essentially directed at '*grading*' biofuels on the basis of the feedstock they originate from, need to conform to the principles of the most-favoured nation (hereinafter, MFN) and national treatment, reflected in Articles I and III:4 of the GATT, respectively. Under these provisions, WTO Members are prevented from enacting measures that accord certain biofuels (*e.g.*, palm oil biodiesel, soybean biodiesel and wheat ethanol) treatment less favourable than the treatment they grant to '*like*' domestic biofuels or biofuels originating from third countries. An *interim* finding prior to any determination of possible discrimination would therefore need to establish that the categories of biofuels being compared constitute '*like*' products, an arguably non-controversial finding, given the consolidated WTO case law suggesting that '*likeness*' between products does not take account of their variations in processes and production methods, including their GHG emissions saving rate, as long as

they are not reflected in the physical characteristics of the final product. In addition, measures such as those in force in the EU and the US need to be in line with Article XI of the GATT, which prohibits WTO Members from introducing or maintaining measures having a limiting effect on trade. It could be argued that EU and US measures '*grading*' biofuels are covered by the '*General Exceptions*' clause embodied by Article XX of the GATT, particularly by paragraphs (*b*) or (*g*) thereof, which provide for provisional justifications on environmental grounds. However, in order to be covered by such provision, measures need to comply with a number of strict requirements, not only concerning the actual legitimate objective that the measure allegedly seeks to protect, but also related to the administration of the measure.

In addition, these measures may be found to constitute a technical regulation within the meaning of Article 1.1 of the WTO Agreement on Technical Barriers to Trade (hereinafter, the TBT Agreement), provided they meet the requirements contained in that provision, as further clarified by WTO case law (see Trade Perspectives, Issue No. 16 of 6 September 2013). Should such measures be found to fall within the scope of the TBT Agreement, they would also need to comply with the provisions laid down therein. In particular, Article 2.1 of the TBT Agreement reflects the MFN and national treatment principles in requiring that technical regulations not result in discriminatory treatment *vis-à-vis* '*like*' products of domestic origin or originating in third countries. In addition, Article 2.2 of the TBT Agreement establishes that technical regulations not create unnecessary obstacles to international trade.

WTO Members are empowered to adopt unilateral measures establishing requirements applicable within their domestic markets, to the extent that they respect their international obligations *vis-à-vis* their trading partners. It is often not clear whether measures with broad implications, such as those affecting trade in raw materials and biofuels, meet such test. A WTO assessment of the EU's '*Renewable Energy Directive*' is already looming on the horizon, after Argentina filed a complaint before the WTO Dispute Settlement Body in May 2013, alleging that the sustainability criteria embedded in the EU '*Renewable Energy Directive*' discriminate against Argentinean soybean diesel (see Trade Perspectives, Issue No. 11 of 31 May 2013). Other countries also voiced their concerns in respect of various aspects of the EU's framework on biofuels, notably in the context of the WTO Committee on Technical Barriers to Trade (hereinafter, TBT Committee), where discussions were triggered not only by Argentina, but also by Indonesia and the US. In addition, Malaysia declared its intention to challenge the EU's relevant framework before the WTO (see Trade Perspectives, Issue No. 10 of 21 May 2010), although no complaint has so far been filed in this regard. It will be particularly interesting to see whether the application of the relevant WTO provisions and principles, as rightly balanced by those allowing for concessions in favour of important societal values (such as the protection of the environment, the conservation of natural resources and food security), will declare the EU's biofuel '*grading*' system consistent with WTO law or not, as well as how the outcome of this possible dispute will affect the EU Commission's proposal, which is still being debated by the EU Institutions. In the *interim*, companies operating in the relevant sectors are strongly advised to monitor these regulatory and legislative developments, both in the EU and the US. Predictable and WTO consistent regulatory systems must be applied by WTO Members, so that investments can be made, trade maintained or augmented, and environmental objectives met. Given the commercial interests involved, simply watching and waiting for events to unfold may no longer be a wise option for many biofuel producers, traders and exporting countries.

The EU may remove the extraterritorial component of its ETS on aviation if a timetable for a multilateral emissions deal is reached at the ICAO Assembly

As the next International Civil Aviation Organization (hereinafter, ICAO) Assembly approaches, the EU has reportedly offered to modify the aviation component of its Emissions Trading System (hereinafter, ETS). The concession would remove the extraterritorial application of the ETS on aviation. However, informed sources indicate that the EU will not enact the amendment if the ICAO Members are unable to set a timetable for a multilateral market-based deal by 2016 on aviation emissions at the upcoming Assembly, which is scheduled from 24 September to 4 October 2013.

The original ETS, applicable to numerous energy-intensive industries (*e.g.*, steel, mineral, and paper), was introduced through *Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community* (hereinafter, Directive 2003/87/EC). In 2008, *Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community* (hereinafter, Directive 2009/29/EC) extended the ETS to aviation as of 1 January 2012. As applied to aviation, the ETS created an aggregate cap on greenhouse gas emissions produced by all airlines flying in or out of the EU, allocated emission allowances to those airlines, and allowed for these permits to be traded among those airlines. Hence, this scheme and others like it are known as '*cap and trade*' systems. One notable exemption applies to flights originating from countries with measures limiting aviation emissions from departing flights.

Legally and practically, the decision to extend the EU's '*cap and trade*' system to aviation was questionable. The EU's decision sparked negative reactions from countries with airlines flying in and out of the EU. A group of over 20 countries met in Moscow on 21-22 February 2012 to discuss possible actions to be taken against this EU measure. Ultimately, examples of actions taken included China passing legislation forbidding its airlines to partake in the '*cap and trade*' system, India telling its airlines not to supply the EU with emission reports, and the US later passing legislation similar to that of China. The WTO also provides a relevant framework against which the EU's extension of the ETS could be assessed.

A critical analysis indicates that the most likely violations of WTO obligations and commitments by the ETS regarding aviation, as originally conceived, concern provisions found in the GATT. First, Article II:1(b) of the GATT prohibits the EU from imposing customs duties, as well as '*other duties and charges*', in excess of those indicated in its *Schedule of Concessions*. Arguably, the extension of the ETS to aviation violates this provision because it would impose higher charges on imported products entering the EU through air transportation. Second, Article XI:I of the GATT prohibits *de facto* limitations on competitiveness or trade. Thus, where the charges for the allowances themselves may not be considered as '*other duties and charges*' under Article II:1(b), they would arguably qualify as '*other measures*' under Article XI of the GATT, and the *de facto* limitations on air freight created by those costs would arguably still violate the GATT. Third, Article I of the GATT, which contains the most-favoured nation obligation, prohibits discrimination among '*like*' imported products. In this sense, there are three ways in which the ETS, as extended to aviation, would likely violate Article I: (i) as a (*de facto*) discrimination against '*like*' foreign products based on the geographical proximity of the exporting country; (ii) according to whether the products are imported via direct flights into the EU; and (iii) whether or not the flight originates from a country qualifying for the departing flights aviation emission exemption from the ETS. Fourth, Article III:4 of the GATT prevents WTO Members from applying, in their domestic market, discriminatory treatment to imported '*like*' products through regulations affecting (*inter alia*) their internal sale, offering for sale, and

transportation. Here, the added cost resulting from, *inter alia*, the purchase of the allowances and any cost deriving from compliance with the (administrative) requirements imposed on aircraft operators would arguably place products imported into the EU by air at a comparative disadvantage to '*like*' domestic products, in violation of Article III:4.

As it stands, airlines would not need to pay for their emissions credits until April 2014. After an ICAO Assembly in November 2012, the EU felt confident that a multilateral deal would be struck during the fall of 2013. Accordingly, it passed *Decision No. 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community Text with EEA relevance*. The decision suspended the deadline for carbon credit payments to airlines flying into or out of the EU until April 2014 (*i.e.*, for one year). Additionally, as indicated above, the EU Commission's Directorate General for Climate Action recently announced that, if a timetable for a multilateral deal is agreed upon at the ICAO Assembly, the EU will remove the extraterritorial component of the ETS regarding aviation until 2020 (the year it hopes a deal would take effect). In other words, if the EU were to adopt this amendment, it would only subject airlines to emissions costs pertaining to the portion of each flight within EU airspace.

The potential modification of the ETS would likely alleviate concerns about its WTO consistency, though it should not absolve the EU from criticism. Regarding Article II:1(b) of the GATT, absent the extraterritorial aspect of the ETS, it would be difficult to argue that emissions credits should be considered a sort of customs duty because the charges would only be applied to the movement of goods inside the EU. Insofar as Articles I, XI, and III of the GATT are concerned, the modification would also likely change the result of those analyses. Those provisions all require a comparative analysis to similar domestic goods, and if the EU amendment to the ETS is enacted, the imported goods will be no worse off than the domestic goods because the ETS applies to domestic flights as well. However, regardless of the recently proposed modification's ability to cure any potential GATT violations, the extension of the ETS to aviation has exposed the EU to criticism since its inception for a number of reasons. First, the EU should have been concerned about WTO consistency during the drafting and proposal process. The potential WTO violations are not obscure, to the point that the extension of the ETS to aviation may have been a calculated risk, favouring its purposes over potential WTO adjudication. The EU insists that the extension of ETS to aviation was the most cost-efficient option. Reliance on such a metric is understandable, but it should have been balanced by considerations of international legality. This is especially the case since the '*cap and trade*' system enacted was arguably not the least trade-restrictive option to achieve the desired carbon emission reductions and climate change control. For example, the EU could have imposed heightened fuel efficiency standards on the engines of all aircrafts flying within EU airspace. Such a measure would not discriminate between flights (and thus foreign-owned airlines) and would have arguably still achieved the same environmental objectives of the ETS (while encouraging sales of fuel-efficient aircrafts and not discouraging commercial aviation, which seems a rather unrealistic approach to 21st century mobility). '*Elbowing its way*' with unilateral and extraterritorial measures of dubious legality has never been the EU's approach to international trade regulation. Despite the noble intentions, it is desirable that it does not become the trend.

In view of the mandatory labelling of nanomaterials in foodstuffs as of 13 December 2014, the EU proposes a new definition

On 11 September 2013, the EU Commission notified the TBT Committee of a Draft Commission Delegated Regulation amending *Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers*

(hereinafter, the draft delegated regulation). *Regulation (EU) No. 1169/2011 on the provision of food information to consumers* (hereinafter, FIR) establishes the general principles, requirements and responsibilities governing food labelling. In order to inform consumers of the presence of engineered nanomaterials in food, the FIR provides in Article 18(3) that all ingredients present in the form of engineered nanomaterials must be clearly indicated in the list of ingredients and the names of such ingredients must be followed by the word '*nano*' in brackets. According to Article 55 of the FIR, this obligation applies as of 13 December 2014. The FIR provides in Article 2(2)(t) a definition of engineered nanomaterials, which, according to Article 18(5) of the FIR, must be adjusted and adapted to technical and scientific progress or to definitions agreed at international level, by means of delegated acts. A delegated act adopted by the EU Commission enters into force only if no objection has been expressed either by the EU Parliament or the Council within a period of 2 months of notification of that act to the EU Parliament and the Council or if, before the expiry of that period, the EU Parliament and the Council have both informed the EU Commission that they will not object.

Nanomaterials are chemical substances or materials that are manufactured and used at a very small scale (down to 10,000 times smaller than the diameter of a human hair). Nanomaterials are developed to exhibit novel characteristics (such as increased strength, chemical reactivity or conductivity) compared to the same material without nanoscale features. The EU is concerned that the new materials may pose risks to the environment and raise health and safety concerns. These risks, and to what extent they can be tackled by the existing risk assessment measures in the EU, have been the subject of several opinions by the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR). The overall conclusion so far is that, even though nanomaterials are not *per se* dangerous, there still is scientific uncertainty about the safety of nanomaterials in many aspects and, therefore, the safety assessment of the substances must be done on a case-by-case basis.

Whether and to what degree nanomaterials are currently present in foodstuffs is not clear. A scientific study carried out in 2012 found that *titanium dioxide* nanoparticles are present in some popular sweets, pudding, chewing gum, tarts, and coffee creamer. According to a report by the Organisation for Economic Cooperation and Development (OECD), some of the mayor food producers are employing nano technology to change the structure of food, to create interactive drinks containing nanocapsules that can change colour and flavour, and are using nanoparticle emulsions to improve texture in spreads and ice creams.

Article 2(2)(t) of the FIR currently defines '*engineered nanomaterial'* as "*any intentionally produced material that has one or more dimensions of the order of 100 nm or less or that is composed of discrete functional parts, either internally or at the surface, many of which have one or more dimensions of the order of 100 nm or less, including structures, agglomerates or aggregates, which may have a size above the order of 100 nm but retain properties that are characteristic of the nanoscale. Properties that are characteristic of the nanoscale include: (i) those related to the large specific surface area of the materials considered; and/or (ii) specific physico-chemical properties that are different from those of the non-nanoform of the same material".*

On 18 October 2011, the EU Commission adopted *Recommendation 2011/696/EU on the definition of nanomaterial*, responding, *inter alia*, to a request from the EU Parliament for the introduction of a comprehensive science-based definition of nanomaterials in EU legislation. The definition set out in that recommendation is based solely on the size of the constituent particles of a material and covers natural, incidental and manufactured materials. It takes into account, *inter alia*, the EU Commission Joint Research Centre's Reference Report '*Considerations on a Definition of Nanomaterial for Regulatory purposes*', the opinion of the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) concerning the '*Scientific basis for the definition of the term Nanomaterial*' and the definition of nanomaterial developed by the International Organization for Standardization (ISO).

Therefore, the EU Commission considers it appropriate to adapt the definition of '*engineered nanomaterials*' laid down in the FIR to that provided in Recommendation 2011/696/EU, which reflects technical and scientific progress to date. According to the draft delegated regulation, point (t) of Article 2(2) of the FIR shall be replaced by the following: "*'engineered nanomaterial' means any intentionally manufactured material, containing particles, in an unbound state or as an aggregate or as an agglomerate and where, for 50% or more of the particles in the number size distribution, one or more external dimensions is in the size range 1 nm to 100 nm".* For the purposes of this definition*: "i. 'particle' means a minute piece of matter with defined physical boundaries; ii. 'agglomerate' means a collection of weakly bound particles or aggregates where the resulting external surface area is similar to the sum of the surface areas of the individual components; iii. 'aggregate' means a particle comprising of strongly bound or fused particles; and iv. 'intentionally manufactured' means that the material is manufactured to perform/fulfil a specific function or purpose".* The draft delegated regulation also establishes that certain food additives included in the EU lists of additives, as established by Commission Regulations (EU) No. 1129/2011 and (EU) No. 1130/2011 amending *Regulation (EC) No. 1333/2008 on food additives,* could be in the form of '*engineered nanomaterial*' in the final food. Finally, the draft delegated regulation sets out that fullerenes, graphene flakes and single wall carbon nanotubes with one or more external dimensions below one nanometer shall be considered engineered nanomaterials.

It must be noted that, since the definition laid down in FIR refers to '*engineered nanomaterials*' and not to nanomaterials in general, natural and incidental nanomaterials are not included in the scope of the definition. The definition of '*engineered nanomaterials*' is linked to intentionally manufactured material. This definition takes into account the definition adopted by ISO, according to which '*engineered nanomaterial*' is '*nanomaterial designed for a specific purpose or function*'. In relation to the proposed provision on additives in the draft delegated regulation, pursuant to Article 4 of Regulation (EC) No. 1333/2008, only approved food additives included in the EU lists may be placed on the market as such and used in foods, in food additives, in food enzymes and in food flavourings under the conditions of use specified therein and following a safety assessment. These lists set out the food additives that were permitted for use prior to the entry into force of Regulation (EU) No. 1333/2008 after a review of their compliance with the provisions thereof. All these authorised food additives are currently subject to a re-evaluation programme by the European Food Safety Authority (EFSA) in accordance with *Commission Regulation (EU) No. 257/2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2000*. The re-evaluation of food additives also covers any nano-related issues, which may be addressed in a revision of the conditions of use. Certain food additives included in the EU's lists, as established by Commission Regulations (EU) No. 1129/2011 and (EU) No. 1130/2011, could be in the form of '*engineered nanomaterials*' in the final food. However, indicating such food additives in the list of ingredients followed by the word '*nano*' in brackets may confuse consumers as it may suggest that those additives are something new, while in reality, they have been used in foods in that form for a long time. The draft delegated regulation, therefore, provides that, taking into account the potential risk of confusing consumers, food additives included in the EU's lists of additives should not be mandatorily qualified as '*nano*' in the list of ingredients. The need for specific nano-related labelling requirements relating to those additives should be addressed in the context of the re-evaluation programme. The FIR also takes into account the possibility of food containing or consisting of engineered nanomaterials being a novel food and that the appropriate legislative framework for that definition should be considered in the context of the upcoming review of *Regulation (EC) No. 258/97 of the European Parliament on novel foods*.

The EU Commission proposed the end of November 2013 as the date of entry into force of the draft delegated regulation. The mandatory labelling of nanomaterials in the EU as of 13 December 2014 is a further element of the complex FIR, which the food industry is facing. Also, food manufacturers in third countries need to be prepared for the new burdensome

requirements, including, *inter alia*, nutrition and country of origin labelling, legibility and other issues like the indication of nanomaterials in the list of ingredients. After the EU Commission's notification of the draft delegated regulation on the definition of nanomaterials to the TBT Committee, other WTO Members have 60 days from notification (*i.e.,* until 11 November 2013) to submit comments.

Recently Adopted EU Legislation:

Trade Remedies

- *Council Implementing Regulation (EU) No. 861/2013 of 2 September 2013 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India*

- *Council Implementing Regulation (EU) No. 875/2013 of 2 September 2013 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 1225/2009*

Customs Law

- *Commission Implementing Decision of 17 September 2013 refusing to grant a derogation from Council Decision 2001/822/EC, as regards the rules of origin for sugar from Curaçao*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 866/2013 of 9 September 2013 amending Regulation (EC) No. 798/2008 as regards transit of consignments of poultry meat from Belarus through Lithuania to the Russian territory of Kaliningrad*

Other

- *Council Decision of 22 July 2013 amending Decision 97/836/EC 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 be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')*

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