

UNECE

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

How it works - How to join it

Revised Fourth Edition



UNITED NATIONS

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Foreword

Well-developed, efficient, clean, safe and secure inland transport systems offer important access to markets, employment, education and basic services that are critical to poverty alleviation. Transportation, and road transport in particular, is simultaneously a major driving force behind a growing global demand for energy, it has a significant environmental footprint, and its impacts on public health are of major concern due to the worldwide death, injury rates and illness resulting from road traffic crashes and air pollution.

Growing global demand for goods transport and personal mobility is driving a historically unprecedented increase in road motorization rates and traffic volumes worldwide, in urban and non-urban settings alike. The deployment of motorcycles, cars and trucks on streets and roads is projected to increase in the coming decades most significantly in developing countries with strong population growth rates, particularly in Africa and South-East Asia.

Annually, 1.35 million lives are lost in road traffic. Fossil fuels account for 96% of energy consumption in road transport and the sector is responsible for 18% of global GHG emissions. A business as usual trajectory will fail to mitigate these existing negative externalities of road vehicles and compound an even greater impact in the future due to the expected growth of demand for road transport worldwide. Making sure that the vehicles deployed on roads are safe, energy efficient and environmentally friendly will be vital for achieving many of the 2030 Agenda's 17 Sustainable Development Goals (SDGs) and their targets. There is a direct link to SDG targets 3.6 on reducing road traffic fatality rates and 3.9 on reducing air pollution related deaths, 7.2 and 7.3 on increasing the share of renewables in the global energy mix and improving energy efficiency, targets of SDG 9 on infrastructure, industrialization and innovation, target 11.2 on ensuring safe, environmentally sound and sustainable urban transport systems for all, and SDG 13's actions to combat climate change and its impacts.

Efforts in research, development and innovation are continuously bringing to market new technologies that incrementally improve the safety performance and reduce energy consumption and environmental impact of road vehicles. More efficient engines, alternative fuel technologies, active and passive safety systems and automation in vehicles are promising avenues for improving the sustainability of road transport and road vehicles. However, technology represents only part of the solution and should be widespread to have a lasting impact. The participation of all stakeholders, those from governments, the industry and representatives of consumers, in a worldwide regulatory platform addressing road vehicles is a key link in ensuring sectorial sustainability for the future.

The UNECE World Forum for Harmonization of Vehicle Regulations (WP.29) is the worldwide regulatory forum in which all relevant stakeholders are participating. Three UN Agreements, adopted in 1958, 1997 and 1998, provide a legal framework allowing Contracting Parties to establish internationally harmonized regulatory instruments concerning the certification of motor vehicles, their equipment and parts, and rules for technical inspections of vehicles in use. The regulatory framework developed by the World Forum allows the mass market introduction of innovative vehicle technologies, while continuously improving global vehicle safety, energy efficiency and environmental performance.

Countries joining the World Forum benefit from a global platform where state-of-the-art technical regulations are discussed and adopted, reducing the administrative burden for contracting parties, and offering harmonized technical specifications for faster deployment of vehicle technologies aimed at achieving sustainable mobility.

This publication introduces the work of the World Forum, the UN Agreements under its purview and the regulatory processes under those Agreements. I recommend this publication to stakeholders from governments, industry, NGO's and academia, and invite interested parties to participate in the World Forum and contribute to the global effort to make vehicles safer and cleaner, thus driving worldwide transport systems towards sustainability.



Olga ALGAYEROVA

Under-Secretary-General
& Executive Secretary, UNECE

United Nations Economic Commission for Europe

The United Nations Economic Commission for Europe (UNECE) is one of the five United Nations regional commissions, administered by the Economic and Social Council (ECOSOC). It was established in 1947 with the mandate to help rebuild post-war Europe, develop economic activity and strengthen economic relations among European countries, and between Europe and the rest of the world. During the Cold War, UNECE served as a unique forum for economic dialogue and cooperation between East and West. Despite the complexity of this period, significant achievements were made, with consensus reached on numerous harmonization and standardization agreements.

In the post-Cold War era, UNECE acquired not only many new member States, but also new functions. Since the early 1990s the organization has focused on assisting the countries of Central and Eastern Europe, Caucasus and Central Asia with their transition process and their integration into the global economy.

Today, UNECE supports its 56 member States in Europe, Central Asia and North America in the implementation of the 2030 Agenda for Sustainable Development with its Sustainable Development Goals (SDGs). UNECE provides a multilateral platform for policy dialogue, the development of international legal instruments, norms and standards, the exchange of best practices and economic and technical expertise, as well as technical cooperation for countries with economies in transition.

Offering practical tools to improve people's everyday lives in the areas of environment, transport, trade, statistics, energy, forestry, housing, and land management, many of the norms, standards and conventions developed in UNECE are used worldwide, and a number of countries from outside the region participate in UNECE's work.

UNECE's multisectoral approach helps countries to tackle the interconnected challenges of sustainable development in an integrated manner, with a transboundary focus that helps devise solutions to shared challenges. With its unique convening power, UNECE fosters cooperation among all stakeholders at the country and regional levels.

Transport in the Economic Commission for Europe

The Inland Transport Committee (ITC) was set up in 1947 to support the reconstruction of transport infrastructures in post-war Europe. Over the years, it has specialized in a harmonized and sustainable development of all modes of inland transport.

The ECE Sustainable Transport Division is secretariat to ITC, to the ECOSOC Committee of Experts on the Transport of Dangerous Goods, and to the Globally Harmonized System of Classification and Labelling of Chemicals. ITC, 18 working parties, the ECOSOC Committee and its sub-committees are intergovernmental decision-making bodies that aim to improve the everyday lives of people and businesses. From 2015, the Division provided the secretariat for the Secretary-General's Special Envoy for Road Safety, Mr. Jean Todt, and from 2018, hosted the secretariat of the United Nations Road Safety Trust Fund.

The results are measurable and the actions are concrete towards infrastructure development, improved traffic safety, environmental performance, energy efficiency, security and the competitiveness of transport in general.

Today's main results are (a) 59 United Nations transport conventions and an even larger number of technical regulations that are regularly updated and which provide an international legal framework for the sustainable development of national and international road, rail, inland water and intermodal transport, and vehicle construction, (b) the Trans-European North-South Motorway, Trans-European Railway and the Euro-Asian Transport Links projects which facilitate the coordination of multi-country transport infrastructure investment programmes, (c) the global TIR system which facilitates customs transit, (d) the For Future Inland Transport Systems (ForFITS) tool which can assist governments to monitor carbon dioxide (CO₂) emissions from inland transport modes or to develop climate change mitigation policies, and the Safe Future Inland Transport Systems (SafeFITS) which can facilitate knowledge for transport policies in improving road safety, (e) the international methods of collection and data types in transport statistics, and (f) the studies and reports on transport policy development. For example, ITC devotes special attention to Intelligent Transport Systems (ITS) such as innovative vehicle automation technologies.

The fourth edition of the 'Blue Book' provides the foundation and methods of operation of the World Forum for Harmonization of Vehicle Regulations (WP.29).

The World Forum or WP.29 is the only global forum for harmonizing vehicle regulations and rules on vehicle performance and on vehicle parts and equipment, vehicle safety, environmental pollution, energy efficiency, anti-theft and security.

This edition coincides with and discusses the new International Whole Vehicle Type Approval (IWVTA) system, and also reviews and strengthens the current provisions to improve the certification procedures and the conditions of mutual recognition.

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Executive Summary

The fourth edition of the Blue Book continues to provide precise information about the World Forum for Harmonization of Vehicle Regulations (WP.29) as serviced by the ECE Sustainable Transport Division: on its history, its administrative and legal framework as a guide for users, and on the three Agreements.

The World Forum is a permanent discussion forum in the framework of ITC. The terms of reference and rules of procedure of WP.29 allow for the smooth administration of the three major international United Nations Agreements on motor vehicles: the 1958 and 1998 Agreements on regulations for the certification of new vehicles, including performance requirements, and the 1997 Agreement on rules for periodical technical inspections of vehicles in use. WP.29 ensures consistency between the regulations and rules developed under the three Agreements, and also adapts them to technical progress and to the current pace of innovation. For example, in 2018, WP.29 strengthened its activities on automated/autonomous and connected vehicle developments by establishing a working party on the basis of a former working party dealing with brakes and running gear.

The World Forum is unique worldwide – all nations, all vehicle manufacturers and many intergovernmental (IGOs) and non-governmental organizations (NGOs) participate. Any Member State of the United Nations may participate and may adhere to any of the vehicle Agreements. Regional Economic Integration Organizations (REIOs) that are set up by countries, such as the European Union, also participate and, subject to their subsidiary arrangements, may become Contracting Parties to the Agreements.

NGOs are welcome in a consultative capacity.

The World Forum's work is fully transparent. The agendas, working documents, reports and informal documents are available online at: <https://unece.org/transport/vehicle-regulations>.

The three Agreements administered by the World Forum are:

The 1958 Agreement provides the legal and administrative framework for developing harmonized technical UN Regulations on uniform performance requirements, for procedures for granting type approvals, for the conformity of production, for the assessment of technical services and their designation and notification, for the circulation of UN type approval documentation, for resolving issues of interpretation, for general conditions in virtual test methods, for exemption approvals in new technologies and for the mutual recognition of the type approvals granted by Contracting Parties. When acceding to the Agreement, a Contracting Party can choose which, if any of the UN Regulations annexed to the Agreement it would like to apply. At the time of publication, the 1958 Agreement had 57 Contracting Parties and 163 annexed UN Regulations. The regulations are continuously adapted, when appropriate, to incorporate technical and political guidance from the Contracting Parties, scientific advancement or technological innovations.

The 1998 Agreement stipulates that Contracting Parties establish, by consensus vote, United Nations Global Technical Regulations (UN GTR) in a Global Registry on globally harmonized performance requirements and test procedures. Each UN GTR contains extensive notes on its purpose and development. The technical rationale, the research sources used, the cost and benefit considerations, and the references to data that were consulted are recorded. Contracting Parties apply their national rulemaking procedures when transposing UN GTRs into national legislation. The 1998 Agreement currently has 38 Contracting Parties and 20 UN GTRs established in the Global Registry.

The 1997 Agreement allows Contracting Parties to establish UN Rules for the periodic technical inspections of vehicles in use. The Contracting Parties reciprocally recognize the international inspection certificates that were granted according to the UN Rules annexed to the Agreement. The 1997 Agreement currently, has 15 Contracting Parties and 4 annexed UN Rules.

Each Agreement stipulates specific provisions for the final vote in the Administrative or the Executive Committees on new UN Regulations, UN GTRs, UN Rules or amendments to existing ones. The Committees are exclusively composed of government representatives from the Contracting Parties to the Agreements. Before decision, all proposals submitted by the Working Parties, are reconsidered at the sessions of the World Forum, to which representatives of all countries — Contracting Parties or not — and experts from IGOs and NGOs participate.

The long experience, expertise and involvement of all interested stakeholders at the World Forum, have resulted in an ability to produce high-quality UN Regulations, UN GTRs and UN Rules. Contracting Parties, such as the European Union, have chosen to organize their own legislation by direct reference to the UN Regulations annexed to the 1958 Agreement. Other countries, which are not Contracting Parties, apply the UN Regulations on a voluntary basis on their territory. More recently, Contracting Parties to the 1998 Global Agreement, such as Canada, China, India, Japan, the United States of America and the European Union have established a number of new UN GTRs which are being incorporated, in parallel, into the UN Regulations annexed to the 1958 Agreement.

CHAPTER I

How to join the World Forum

A. Participation in the World Forum

Participation in WP.29 activities is worldwide, and further encouraged by the cooperation between countries and regional economic integration organizations on technical matters that come before it or its Working Parties. WP.29 also encourages open, transparent dialogues between government officials, technical vehicle experts and the general public to ensure that the best safety and environmental practices are adopted and that cost-efficiency is considered in developing UN vehicle regulations. The sessions of WP.29 are public. Any government or non-governmental organization may attend and observe the proceedings of the meetings.

1. Participation of Governments

Rule 1 of the Terms of Reference and Rules of Procedure of WP.29 states that any country, member of the United Nations, and any regional economic integration organization set up by countries members of the United Nations, may participate fully or in a consultative capacity in the activities of WP.29 and become a Contracting Party to the Agreements administered by WP.29. For details on participation in WP.29, please refer to the Terms of Reference and Rules of Procedure in Annex I.

The official process to become a participant is to simply send a letter signed by the authorized official of an interested country or REIO notifying the secretariat of WP.29 of the desire of that country or REIO to send representative(s) to the sessions and to participate in the activities of WP.29.

2. Participation of Non-Governmental Organizations

Rule 1 of the Terms of Reference and Rules of Procedure states that NGOs may participate in a **consultative capacity** in WP.29. An NGO must first be accredited with consultative status to ECOSOC the Economic and Social Council of the United Nations. Consultative status with ECOSOC allows NGOs to contribute to the work programmes and goals of WP.29 by serving as technical experts or advisers and consultants to governments and the secretariat. The number of NGOs participating in any session of WP.29 or its subsidiary bodies typically varies between six and fifteen, depending on the topic. A smaller number attend the sessions of the subsidiary Working Parties and informal working groups.

NGOs contribute substantially to the process of developing UN vehicle regulations on vehicle safety, energy-efficiency and environmental and anti-theft performances. They are often contributing technical data and advice. In special cases, they invest resources in tests and analyses, and make the results available to the experts developing the UN vehicle regulations. At times, NGOs have responded to the requests of technical experts by providing proposals for UN vehicle regulations and amendments to existing UN regulations. NGOs may also advocate policy positions and provide testimony to the legislative bodies of participating governments.

NGOs not in consultative status with ECOSOC may participate in a consultative capacity, subject to prior approval of W.29/AC.2.

To apply for consultative status, an NGO sends a letter to the ECOSOC address below and request an application form for consideration:

NGO Section
ECOSOC Support and Coordination
Department of Economic and Social Affairs
United Nations Headquarters
Room DC1 B 1480
New York, NY 10017 (USA)
Fax: +1 (212) 963 9248
Email: desangosection@un.org

The letter requesting the application form should be on the organization's letterhead and signed by its Secretary General or President. The letter should include the mission statement of the NGO, a brief description of its main activities, and a description of the nature of the NGO (e.g. a national coalition of a number of NGOs, or an international NGO with a number of affiliates). An application package with a questionnaire and background material is mailed to the organization.

The deadline for completed applications is 1 June of each year. A 19-member Committee on NGOs meets annually to review applications and recommend which applications should be granted by ECOSOC. Recommendations are submitted to the full Economic and Social Council which makes the final decision.

Annex V lists the NGOs that currently participate on a regular basis in the activities of WP.29 and its subsidiary bodies.

B. How to become a Contracting Party?

Only a country or an REIO can become a Contracting Party. A Contracting Party to an Agreement administered by WP.29 is bound by consent to that Agreement in accordance with the provisions of that Agreement. The provisions include signature, notification of ratification, acceptance, approval or accession. See Article 6 of the 1958 Agreement, Article 9 of the 1998 Global Agreement and Article 4 of the 1997 Agreement on Periodical Technical Inspections in Annexes II, III and IV, respectively.

While an Agreement is open for signature and a country or REIO expresses its consent to be bound by an Agreement by signature, the signing must be:

- Done by the Head of State, the Head of Government or the Minister for Foreign Affairs of that country, or
- By a person in possession of a valid instrument of Full Powers signed by one of the afore-mentioned representatives of a country or REIO, indicating clearly the title of the Agreement and the name and function of the official authorized to sign.

At the time of signing, or in the text of Full Powers, it shall be clearly indicated if the signature is definitive, or only a signature which is subject to ratification.

If the period of signature had been closed, a country or REIO may express its consent to be bound by an Agreement by depositing an instrument of accession with the Secretary-General of the United Nations.

Models of instruments of Accession, Ratification, Acceptance or Approval are reproduced below:

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister of Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[signature]

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister of Foreign Affairs)

[ACCESSION]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[signature]

CHAPTER II

The Organization of the World Forum and its Subsidiary Bodies

WP.29 is a Working Party that became the World Forum for Harmonization of Vehicle Regulations at its one-hundred-and-twentieth session (7 to 11 March 2000) – see the organization chart below. Its role and that of its subsidiary Working Parties is to develop new UN Regulations, UN GTRs, or UN Rules, to harmonize existing ones and to amend and update current UN Regulations, GTRs and UN Rules in areas covered by the three Agreements.

The day-to-day WP.29 activities are managed by the ECE secretariat. The secretariat provides the administrative support for all sessions, including the preparation of the agendas and reports. The work coordination of WP.29 is managed by a Steering Committee (WP.29/AC.2) comprised of the Chair, Vice-Chair and the secretariat of WP.29, the Chair and Vice-Chairs each of the Executive Committees of the three Agreements, the representatives of Japan, the United States of America, the European Union, and the Chair and Vice-Chairs of each subsidiary Working Party of WP.29. The duties of WP.29/AC.2 are to develop and recommend a programme of work to WP.29, review the reports and recommendations of the subsidiary Working Parties and identify items that require action by WP.29, the time frame for their consideration, and provide recommendations to WP.29. Additional information on the terms of reference and rules of procedure of WP.29 are in Annex I.

The World Forum addresses the priorities of the Contracting Parties, e.g. type approval provisions on hybrid, electric vehicles and on hydrogen fuel cells vehicles, and on vehicle automation and cyber security of automated vehicles.

Regular sessions of WP.29 are held three times a year. The subsidiary Working Parties of experts (GRs) each hold two a year. WP.29/AC.2 meetings are held prior to each WP.29 session¹.

The primary areas of concern of the GRs are:

A. Active safety of vehicles and their parts (crash avoidance)

The UN Regulations and UN GTRs seek to improve the behaviour, handling and equipment of vehicles so as to decrease the possibility of a road crash. Some of the regulations seek to increase the driver's ability to detect and avoid hazards. Others seek to increase the driver's ability of to maintain control of the vehicle. Specific examples of current UN regulations include lighting and light-signalling devices, braking and running gear, including steering, tyres and rollover stability where the technology changes rapidly.

B. Passive safety of vehicles and their parts (crashworthiness)

The UN Regulations and UN GTRs aim to minimize the risk and severity of injury to the occupants of a vehicle or to other road users in the event of a crash. Extensive analyses of crash statistics can identify safety problems which may develop into a UN Regulation, a UN GTR or an amendment to existing ones. The statistics can also structure a cost-effective approach to improve performance requirements. This is significant on the overall impact of new requirements on vehicle construction, design and cost. Specific examples of current UN vehicle regulations address the structure the vehicle to manage crash energy and resist intrusion into the passenger compartment, occupant restraint and protection systems for children and adults, seat structure, glazing, door latches and door retention, pedestrian protection, and for mopeds/motorcycles, the quality of the protective helmet for the rider. These technologies also change rapidly and are becoming more complex, such as with the advanced protection devices that adjust their performance in response to the specific circumstances of each crash. In addition, changes in the vehicle population are raising issues of vehicle compatibility.

C. Environmental considerations

Specific UN Regulations and UN GTRs have been established to address the environmental performance (e.g. emissions of gaseous pollutants, particulates and CO₂, noise level) of vehicles with conventional propulsion engines, hydrogen and fuel-cell vehicles, hybrid-electric vehicles and electric vehicles. These UN Regulations and UN GTRs have been adapted, and will be whenever appropriate, to take into account new propulsion technologies for cleaner and environmentally friendly vehicles.

D. General safety considerations

The UN Regulations and UN GTRs in this area address vehicle and component features which are not directly linked to the above-mentioned subject areas, such as windshield wipers and washers, controls and displays, devices for indirect vision and glazing.

¹ With a total number of 54.5 meeting days per year for the Committees, WP.29 and its subsidiary bodies.

Others include theft prevention, accident emergency call systems as well as the considerations of gas-fuelled vehicles and public transport vehicles for which special expertise is needed in establishing their performance requirements.

E. Automated/Autonomous and connected vehicles

Technical provisions and are being drafted to address the specificities of vehicle connectivity and automation. This work is needed to integrate innovative technologies into the existing transport system and to ensure that the benefits of these new technologies can be captured: to better road safety, the environmental performance of road vehicles, to reduce congestions and to potentially enable new kinds of mobility services.

F. Special technical considerations

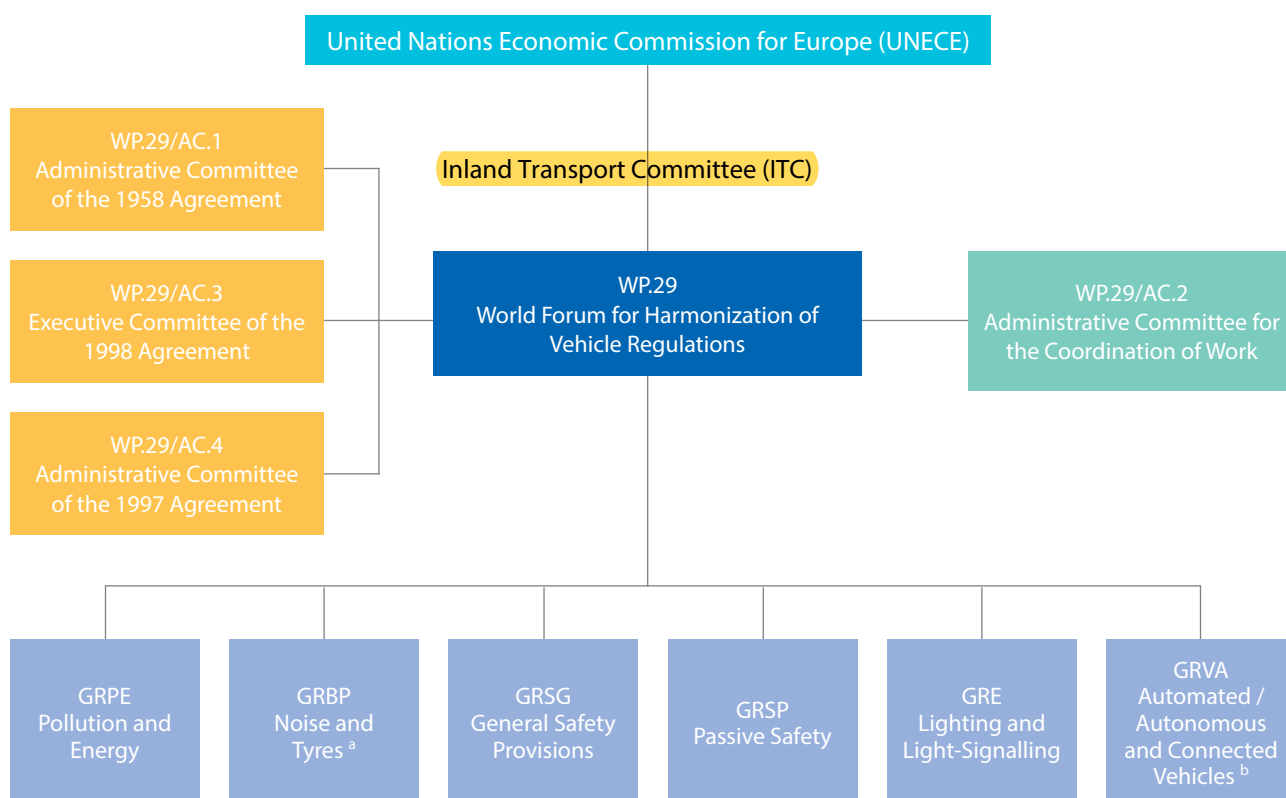
In some cases, a specific problem needs to be solved urgently or needs to be addressed by persons with a special expertise. In such situations, a special informal working group may be entrusted with the analysis of the problem and invited to prepare a proposal for a new UN Regulation, UN GTR or UN Rule. Although such cases have traditionally been kept to a minimum, the rapid development of complex new technologies is increasing the necessity for this special approach.

G. Subsidiary bodies of the World Forum

Proposals to WP.29 for new UN Regulations, UN GTRs and UN Rules and amendments to existing ones are referred by WP.29 to its subsidiary bodies which prepare the technical recommendations (see Chart 5). Each subsidiary body consists of specialized experts. The current allocation of subject responsibility between the subsidiary bodies was originally developed in the 'Groupes des Rapporteurs', some of which were later merged to form the 'Meetings of Experts'. The work of the subsidiary bodies has proven to be so useful and indispensable that they have been given permanent status under ECE and, in turn, have been renamed 'Working Parties'. See Chart 1 for the six current Working Parties. The traditional titles of the subsidiary bodies used the acronym 'GR' (Groupes des Rapporteurs from the French language) that is still in the acronyms of the Working Parties and in the symbols of their working documents today:

CHART 1

ORGANIZATION OF THE WORLD FORUM



^a Decision by WP.29 at the November 2018 session.

^b Former Working Party on Brakes and Running Gear (see ECE/TRANS/WP.29/1139, paras. 15 and 33).

CHAPTER III

The Agreements Administered by the World Forum

A. The 1958 Agreement

The 1958 Agreement was done on 20 March 1958, entered into force on 20 June 1959, was amended on 10 November 1967, revised on 16 October 1995 and on 17 September 2017. The Agreement provides harmonized technical UN Regulations for the approval/certification of new wheeled vehicles, their equipment and parts, including provisions for the reciprocal acceptance of approvals issued under UN Regulations annexed to this Agreement. UN Regulations adopted by Contracting Parties to the 1958 Agreement pursuant to the Agreement govern the approval of road vehicles, their equipment and parts for sale in those countries. The agreement addresses safety requirements for vehicles, their environmental performance (air and noise pollution), energy-efficiency and security.

The 1958 Agreement currently has 57 Contracting Parties, of which 41 are ECE member countries. Chart 2 lists the current Contracting Parties to the Agreement and the date of adhesion or accession to the Agreement by the Parties.

The Agreement has 163 UN Regulations annexed to it. These UN Regulations govern all categories of road vehicles, and non-road mobile machinery and their equipment and parts, and have been adopted in varying degrees by the Contracting Parties. The reciprocal recognition of type approvals between Contracting Parties applying the UN Regulations has facilitated trade in motor vehicles and equipment across Europe first and worldwide today.

In recent years, the European Union decided to replace as many European Union directives as possible by the 1958 Agreement UN Regulations, and to make direct reference to these UN Regulations in the European Union legislation. On 14 September 2017, Revision 3 of the 1958 Agreement entered into force. Please see Annex II for the complete text of the revised 1958 Agreement.

In the past, reciprocal recognition under the Agreement applied to vehicle systems, parts and equipment, but not to the entire vehicle. In July 2018, UN Regulation No. 0 on the International Whole Vehicle Type Approval (IWVTA) entered into force. This UN Regulation allows the reciprocal recognition of the entire vehicle approval.

Principal Elements of 1958 Agreement

- Members of ECE, other members of the United Nations and of REIOs that participate in ECE activities are eligible to become Contracting Parties to the 1958 Agreement. (Article 6)
- The 1958 Agreement seeks to establish UN Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, and conditions for granting type approvals and their reciprocal recognition for use by Contracting Parties who choose to implement UN Regulations largely through type approval.
- The Administrative Committee of the 1958 Agreement (AC.1) is composed of all the Contracting Parties to the 1958 Agreement. AC.1 oversees the process of developing and amending UN Regulations and adopts the UN Regulations or amendments to the UN Regulations once developed.
- The Agreement does not preclude those countries whose rules and regulations are implemented through self-certification (manufacturer's certification) from becoming Contracting Parties (Article 1, para. 1), and it recognizes self-certification as an alternative to type approval (Article 2).
- Under the Agreement, new UN Regulations and amendments to existing UN Regulations are established by a vote of a four-fifth majority of Contracting Parties present and voting. The established UN Regulation is notified to each Contracting Party and forwarded to the United Nations Secretary-General as depository of the agreement.

- The new UN Regulation or amendment to an existing UN Regulation enters into force for all Contracting Parties that have not notified the Secretary-General of their objection within six months after the notification, unless more than one-fifth of the Contracting Parties so object. If more than one-fifth of the Contracting Parties object, the UN Regulation or amendment does not enter into force for any Contracting Party.
- UN Regulations annexed to the 1958 Agreement are required to include technical requirements and alternative requirements as appropriate; test methods by which performance requirements are to be demonstrated; the conditions for granting type approvals and their reciprocal recognition, including markings and conditions for ensuring Conformity Of Production (COP); and the date on which the UN Regulation enters into force. (Article 1, para. 2).
- Revision 3 of the Agreement also includes Schedules of Administrative and Procedural Provisions applicable to all UN Regulations annexed to it and to all Contracting Parties applying one or more UN Regulations. (Schedules 1 to 8)
- A Contracting Party that has adopted a UN Regulation annexed to the Agreement is allowed to grant type approvals for motor vehicle equipment and parts covered by that UN Regulation and is required to accept the type approval of any other Contracting Party that applies the same UN Regulation.
- The Agreement also permits a Contracting Party, upon notice, to begin applying a UN Regulation after it has been annexed to the Agreement or to cease application of a UN Regulation that it has applied. In the latter case the Contracting Party is required to notify the United Nations Secretary-General of its decision one year in advance.
- Contracting Parties granting type approvals are required to have the technical competence to grant the approvals and the competence to ensure conformity of production. Each Contracting Party applying the UN Regulation through type approval may refuse the approvals if the above-mentioned requirement is not met.
- A Contracting Party applying a UN Regulation can reject vehicles, equipment and parts that are not approved or certified in conformity with that UN Regulation.

CHART 2

Contracting Parties to the 1958 Agreement

Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations (E/ECE/TRANS/505/Rev.3)

Original date of entry into force: 20 June 1959

Revision 1: 10 November 1967 – Revision 2: 16 October 1995 – Revision 3: 14 September 2017

ECE symbol	Contracting Parties	Date of adhesion/Accession
E 1	Germany ²	28 January 1966
E 2	France	20 June 1959
E 3	Italy	26 April 1963
E 4	Netherlands	29 August 1960
E 5	Sweden	20 June 1959
E 6	Belgium	5 September 1959
E 7	Hungary	2 July 1960
E 8	Czechia ³	1 January 1993
E 9	Spain	10 October 1961
E 10	Serbia ⁴	12 March 2001

² Effective 3 October 1990, the German Democratic Republic acceded to the Federal Republic of Germany.

³ Succession to Czechoslovakia, Depositary notification C.N.229.1993.TREATIES of 14 December 1993.

⁴ Succession to Yugoslavia, Depositary notification C.N.276.2001.TREATIES-3 dated 2 April 2001.

ECE symbol	Contracting Parties	Date of adhesion/Accession
E 11	United Kingdom	16 March 1963
E 12	Austria	11 May 1971
E 13	Luxembourg	12 December 1971
E 14	Switzerland	28 August 1973
E 16	Norway	4 April 1975
E 17	Finland	17 September 1976
E 18	Denmark	20 December 1976
E 19	Romania	21 February 1977
E 20	Poland	13 March 1979
E 21	Portugal	28 March 1980
E 22	Russian Federation	17 February 1987
E 23	Greece	5 December 1992
E 24	Ireland ⁵	24 March 1998
E 25	Croatia ⁶	8 October 1991
E 26	Slovenia ⁷	25 June 1991
E 27	Slovakia ⁸	1 January 1993
E 28	Belarus	2 July 1995
E 29	Estonia	1 May 1995
E 30	Republic of Moldova	20 November 2016
E 31	Bosnia and Herzegovina ⁹	6 March 1992
E 32	Latvia	18 January 1999
E 34	Bulgaria	21 January 2000
E 35	Kazakhstan	8 January 2011
E 36	Lithuania	29 March 2002
E 37	Turkey	27 February 1996
E 39	Azerbaijan	14 June 2002
E 40	North Macedonia ¹⁰	17 November 1991
E 42	European Union ¹¹	24 March 1998
E 43	Japan	24 November 1998
E 45	Australia	25 April 2000
E 46	Ukraine	30 June 2000
E 47	South Africa	17 June 2001
E 48	New Zealand	26 January 2002
E 49	Cyprus ¹²	1 May 2004
E 50	Malta ¹¹	1 May 2004
E 51	Republic of Korea	31 December 2004

5 By virtue of accession to the Agreement by the European Union on 24 March 1998.

6 Succession to Yugoslavia, Depositary notification C.N.66.1994.TREATIES-10 of 31 May 1994.

7 Succession to Yugoslavia, Depositary notification C.N.439.1992.TREATIES-53 of 18 March 1993.

8 Succession to Czechoslovakia, Depositary notification C.N.184.1993.TREATIES, received on 20 July 1994.

9 Succession to Yugoslavia, Depositary notification C.N.35.1994.TREATIES of 2 May 1994.

10 Succession to Yugoslavia, Depositary notification C.N.142.1998.TREATIES-33 dated 4 May 1998.

11 Approvals are granted by its member States using their respective ECE symbol.

12 By virtue of its accession to the European Union on 1 May 2004.

ECE symbol	Contracting Parties	Date of adhesion/Accession
E 52	Malaysia ¹³	4 April 2006
E 53	Thailand ¹⁴	1 May 2006
E 54	Albania	5 November 2011
E 55	Armenia	30 April 2018
E 56	Montenegro ¹⁵	3 June 2006
E 57	San Marino	26 January 2016
E 58	Tunisia	1 January 2008
E 60	Georgia	25 May 2015
E 62	Egypt	3 February 2013
E 63	Nigeria	17 December 2018
E 64	Pakistan	24 April 2020

B. The 1998 Agreement

The 1998 Agreement, hereafter called the Global Agreement, was negotiated and concluded under the auspices of ECE and lead by the Japan, the United States of America and the European Community. It was opened for signature on 25 June 1998. The United States of America became the first signatory. The Agreement establishes a process by which countries from all regions of the world can develop UN GTRs jointly on safety, environmental protection systems, energy sources and theft prevention of wheeled vehicles, equipment and parts. The equipment and parts cover, but are not limited to, vehicle construction, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices and child restraint systems.

The ultimate goal of the 1998 Global Agreement is to continuously improve global safety, decrease environmental pollution and consumption of energy and improve anti-theft performance of vehicles and related components and equipment through globally uniform technical regulations. This is achieved in a predictable regulatory framework for the global automotive industry, the consumers and their associations. Unlike the 1958 Agreement, the 1998 Agreement does not provide for mutual recognition of approvals, thus, allowing countries which are not ready or are unable to assume the obligations of reciprocal recognition to effectively engage in developing UN GTRs, regardless of these countries type of compliance or enforcement procedures. Please see Annex III for the complete text of the Agreement.

The 1998 Agreement entered into force on 25 August 2000 for eight Contracting Parties and had 38 Contracting Parties in 2021. Chart 3 lists the Contracting Parties to the Agreement, dates of adhesion or accession, and entry into force.

Principal Elements of the 1998 Global Agreement

- Members of ECE, of the United Nations and REIOs formed by countries which participate in ECE activities are eligible to become Contracting Parties to the 1998 Agreement. Specialized agencies and organizations that have been granted consultative status in accordance with the provisions of the Agreement may participate in that capacity in the deliberations of particular concern to that agency or organization. (Article 2)
- The Executive Committee of the 1998 Agreement (AC.3) is composed of all the Contracting Parties to the Agreement. AC.3 oversees the process of recommending, developing and amending UN GTRs and adopts the new UN GTRs or new amendments once developed.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and environmental protection, and the right of national and subnational authorities to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not lead to, or result in, a lowering of safety and environmental protection within the jurisdiction of the Contracting Parties, or in the subnational level. (Article 1)

¹³ Not bound by Article 10 of the Agreement.

¹⁴ Not bound by any of the UN Regulations and by Article 10 of the Agreement.

¹⁵ Succession to Yugoslavia, Depositary Notification C.N.1346.2006.TREATIES3 dated 1 March 2007.

- To achieve high levels of environmental protection and vehicle safety, the Agreement seeks to promote the global harmonization of wheeled vehicle and engine regulations. (Preamble)
- The Agreement emphasizes that the development of global technical regulations will be transparent. (Article 1)
- Annex A of the Agreement states that the term ‘transparent procedures’ includes the opportunity to have views and arguments represented at:
 - Meetings of WP.29 and Working Parties through organizations granted consultative status, and
 - Meetings of WP.29 Working Parties and of AC.3 through pre-meeting consultation with representatives of Contracting Parties.
- The Agreement outlines two processes to establish UN GTRs. The first is the harmonization of existing regulations or standards. The second is the establishment of new UN GTRs if regulations or standards are non-existent. (Article 6, paras. 6.2 and 6.3) (see Chart 5)
- The Agreement states that the existing regulations of Contracting Parties in need of harmonization be entered into the Compendium of Candidate Global Regulations to facilitate their transition to global regulations. The entry must be supported by a vote of one-third of the Contracting Parties present and voting, including the vote of either Japan, the United States of America or the European Union. The Compendium expands or contracts in direct proportion to the regulations that need harmonizing. (Article 5)
- The process for developing a harmonized UN GTR includes a technical review of the existing regulations of the Contracting Parties, of the UN Regulations and of relevant international standards (e.g. International Organization for Standardization). If available, comparative assessments of the effectiveness of these UN Regulations (also known as functional equivalence assessments) are also reviewed. (Article 1, para. 1.1.2 and Article 6, para. 6.2.)
- The process for developing a new UN GTR includes an assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and the test method(s) by which compliance will be demonstrated. (Article 6, para. 6.3.)
- The process for amending any UN GTR follows the same procedures specified in paragraph 6.3 for establishing the UN GTR. (Article 6, para. 6.4.)
- A consensus vote is required to establish a new UN GTR. Thus, if any Contracting Party votes against a recommended UN GTR, it would not be established. (Annex B, Article 7, para. 7.2.)
- Once harmonized or developed, UN GTRs are established in a Global Registry, which serves as a repository of UN GTRs that could be adopted by countries from around the world.
- The establishment of a UN GTR does not oblige Contracting Parties to adopt that UN GTR into its laws and regulations. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a UN GTR under the Agreement. (Preamble, Article 7)
- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a UN GTR is established under the Agreement. If a Contracting Party voted to establish the UN GTR, that Contracting Party must initiate the procedures used by the Party to adopt such a UN GTR as a domestic regulation. (Article 7). Other obligations under the Agreement deal with the notification of the decision to adopt a UN GTR and the effective date of application of that regulation, the notification of the decision not to adopt the regulation, the decision to rescind or amend a UN GTR, etc.
- The Agreement allows for UN GTRs to contain a ‘global’ level of stringency for most parties and ‘alternative’ levels of stringency for developing countries. In this way, all countries, including the least developed ones, can participate in the development, establishment and adoption of UN GTRs. It is anticipated that a developing country may wish to begin by adopting one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

CHART 3

Contracting Parties to the 1998 Agreement

Concerning the establishing of UN GTRs for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles (E/ECE/TRANS/132 and Corr.1)

Original date of entry into force: 25 August 2000

Contracting Party	Adhesion/Accession	Entry into force
Canada	22 June 1999	25 August 2000 ¹
United States of America	25 June 1998	25 August 2000 ¹
Japan	3 August 1999	25 August 2000 ¹
France	22 September 1999	25 August 2000 ¹
United Kingdom	10 January 2000	25 August 2000 ¹
European Union	18 October 1999	25 August 2000 ¹
Germany	11 May 2000	25 August 2000 ¹
Russian Federation	26 July 2000	25 August 2000 ¹
People's Republic of China	10 October 2000	9 December 2000
Republic of Korea	2 November 2000	1 January 2001
Italy	1 December 2000	30 January 2001
South Africa	14 June 2000	17 June 2001
Finland	8 June 2001	7 August 2001
Hungary	22 June 2001	27 August 2001
Turkey	3 July 2001	1 September 2001
Slovakia	7 November 2001	6 January 2002
New Zealand ²	27 November 2001	26 January 2002
Netherlands ³	4 January 2002	5 March 2002
Azerbaijan	15 April 2002	14 June 2002
Spain	24 August 2000	22 June 2002
Romania	25 April 2002	24 June 2002
Sweden	3 December 2002	1 February 2003
Norway	30 September 2004	29 November 2004
Cyprus	12 April 2005	11 June 2005
Luxembourg	16 September 2005	15 November 2005
Malaysia	3 February 2006	4 April 2006
India	21 February 2006	22 April 2006
Lithuania	26 May 2006	25 July 2006
Republic of Moldova	16 January 2007	17 March 2007
Tunisia	2 November 2007	1 January 2008
Australia	8 April 2008	7 June 2008
Kazakhstan	28 June 2011	27 August 2011
Tajikistan	28 December 2011	26 February 2012
Slovenia	8 May 2014	8 July 2014

¹ The Agreement entered into force on 25 August 2000, (see Depositary Notification: CN.557.2000.TREATIES-8).

² New Zealand: Territorial exclusion for Tokelau (27 November 2001, Depositary Notification CN.1497.2001.TREATIES-7, dated 4 January 2002).

³ Netherlands: Territorial application for the Netherlands Antilles (30 April 2003, Depositary Notification C.N.343.2003.TREATIES-1, dated 29 June 2003).

Contracting Party	Adhesion/Accession	Entry into force
Belarus	2 January 2015	3 March 2015
San Marino	27 November 2015	26 January 2016
Uzbekistan	4 May 2018	3 July 2018
Nigeria	18 October 2018	17 December 2018

C. The 1997 Agreement

The 1997 Agreement on Periodical Technical Inspections was done at Vienna on 13 November 1997 at the ECE Regional Conference on Transport and Environment. The Agreement provides the legal framework and procedures for the adoption of uniform UN Rules for carrying out technical inspections of vehicles that are in use and for delivering international inspection certificates. Please see Annex IV for the complete text of the 1997 Agreement.

The UN Rules for vehicle inspection that are annexed to the Agreement have been developed with the technical expertise of WP.29 participants and, in particular, of the International Motor Vehicle Inspection Committee (CITA). Initially designed for heavy duty vehicles, the scope of these rules has been extended to cover passenger cars and light duty vehicles. The related Resolution R.E.6 (see Annex VII) provides guidelines for testing facilities and equipment, training and certification of inspectors as well as quality control for the supervision of authorized test centres. These UN Rules and R.E.6 may be useful for countries aiming to introduce or strengthen, in their national legislation, a periodic inspection system based on international expertise.

CITA with its broad international membership has cooperated in and supported the development and updating of the technical UN Rules annexed to the Agreement on a regular basis.

Principal Elements of the 1997 Agreement

- Members of ECE, other members of the United Nations and REIOs that participate in ECE activities are eligible to become Contracting Parties to the 1997 Agreement. (Article 4)
- The 1997 Agreement provides the legal framework and procedures for adopting uniform UN Rules on the technical inspections of vehicles that are in use and on the reciprocal recognition of the inspection certificates.
- Under the Agreement, new UN Rules and amendments to existing UN Rules are established by a vote of a two-thirds majority of Contracting Parties present and voting. The established UN Rule is submitted to the United Nations Secretary-General and then each Contracting Party is notified. (Articles 1 and 2)
- The new UN Rule or amendment to an existing UN Rule enters into force for all Contracting Parties which have not notified the Secretary-General of their objection within six months following notification, unless more than one-third of the Contracting Parties so object. If more than one-third of the Contracting Parties object, the UN Rule or amendment does not enter into force for any Contracting Party.
- The UN Rules under the 1997 Agreement define the applicable vehicle categories and the related inspection intervals, items to be inspected, inspection method, the principal reasons for a rejection, and the method of assessment into three risk categories. The inspection techniques use currently available equipment without dismantling or removing any part of the vehicle.
- The International Technical Inspection Certificate issued by designated Technical Inspection Centres of a Contracting Party shall be reciprocally recognized by other Contracting Parties applying the same Rule(s).
- The periodical inspection reports of the Contracting Parties to the Agreement may be used as an alternative. Sample reports should be transmitted to the secretariat of WP.29 which then transfers the information to the other Contracting Parties.
- The Agreement also permits a Contracting Party, upon notice, to begin applying a UN Rule that has been annexed to the Agreement or to cease applying a UN Rule that had been applied. In the latter case the Contracting Party is required to notify the United Nations Secretary-General of its decision one year in advance.

CHART 4

Contracting Parties to the 1997 Agreement

Concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections (ECE/RCTE/CONF/4)

Date of entry into force: Original version: 27 January 2001

Contracting Party	Signature, ratification, acceptance, accession or adhesion date	Entry into force
Russian Federation	13 November 1997 by signature	27 January 2001
Estonia	9 September 1998 by accession	27 January 2001
Netherlands	5 February 1999 by ratification	27 January 2001
Romania	24 February 1999 by ratification	27 January 2001
Hungary	28 November 2000 by ratification	27 January 2001
Finland	20 April 2001 by ratification	19 June 2001
Bulgaria	11 July 2003 by accession	9 September 2003
Belarus	3 March 2004 by accession	1 May 2004
Albania	23 December 2004 by accession	20 February 2005
Ukraine	17 January 2007 by ratification	18 March 2007
Republic of Moldova	6 December 2007 by accession	3 February 2008
Kazakhstan	24 March 2011 by accession	23 May 2011
San Marino	27 November 2015 by accession	26 January 2016
Georgia	6 October 2016 by ratification	5 December 2016
Nigeria	18 October 2018 by accession	17 December 2018
Tunisia	31 December 2019 by accession	29 February 2020

Signatories Pending Ratification	
Austria	13 November 1997
Belgium	13 November 1997
Cyprus	13 November 1997
Czechia	13 November 1997
Denmark	13 November 1997
France	13 November 1997
Germany	13 November 1997
Greece	13 November 1997
Ireland	13 November 1997
Italy	13 November 1997
Portugal	13 November 1997
Slovakia	29 June 1998
Spain	13 November 1997
Sweden	13 November 1997
Switzerland	13 November 1997
United Kingdom	13 November 1997

CHAPTER IV

The Process of Developing Regulations

WP.29 evolved into a World Forum with the adoption of a uniform process for developing new UN Regulations, UN GTRs and UN Rules and for harmonizing or amending existing ones which are consistent with the requirements in the multilateral Agreements administered by WP.29. While each of the Agreements contains specific requirements for the adoption and implementation of UN Regulations, UN GTRs and UN Rules or amendments by their Contracting Parties, the technical development process that ultimately results in a recommended UN Regulation, UN GTR and UN Rule or an amendment is fundamentally the same in all of the Agreements. The process below describes the sequencing, the key elements and the responsibilities of the various subsidiary bodies of WP.29 in developing and harmonizing new UN Regulations, UN GTRs and UN Rules and is applicable to all the other technical activities of WP.29 (see Chart 5). The process is similar for considering and establishing new amendments to existing UN Regulations, UN GTRs and UN Rules.

A. Proposed Work and Regulatory Actions

The initiation of all regulatory development activities in any of the Agreements administered by WP.29 follows a common process. The first step is the submission of a written proposal to WP.29 for consideration. Only participants as defined in the Terms of Reference and Rules of Procedure of WP.29 may submit proposals. The proposal is presented for consideration to the Administrative Committee for the Coordination of Work (WP.29/AC.2) and, if considered to be consistent with the safety, environmental protection and anti-theft mandates of WP.29, a recommendation is made for the WP.29 work agenda.

B. Work Agenda of the World Forum

The participants in WP.29 review and discuss all the work that is recommended by WP.29/AC.2 for the agenda and, if agreed, in accordance with the Terms of Reference and the Rules of Procedure of WP.29, modify and adopt the WP.29 agenda. WP.29 then identifies a subsidiary Working Party (see Chapter X of the Rules of Procedure) as responsible for carrying out the specific technical work. This work must be consistent with the requirements set forth in the relevant Agreement(s).

C. Development of Technical Regulation

A subsidiary Working Party of WP.29, a 'GR' will address the development, harmonization or amendment of the technical requirements of UN Regulations, UN GTRs and UN Rules on wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. Typically, the work includes, but is not limited to areas such as test methodologies, limit values, vehicle or component design and/or performance standards, approval or certification markings, etc.

The UN Regulations, UN GTRs and UN Rules developed under WP.29 are 'optional', and do not carry any legal implication until they are adopted and implemented by the Contracting Parties to an Agreement into their national laws (see Annex VI for a non-exhaustive list of national and regional regulatory and enforcement schemes). The elements of a UN Regulation, UN GTR and UN Rule that relate to its adoption and implementation are considered to be the political jurisdiction of the Contracting Parties to the specific Agreements. Elements include methods of conformity assessment (type approval, self-certification, etc.), certification procedures, reciprocal recognition, dates of entry into force and enforcement procedures, and they are found in an annex to the recommended UN Regulation, UN GTR and UN Rule for establishment or adoption under the terms of the specific Agreements. In developing these elements, the GR must take into consideration the 'technical' implications of implementation as set forth in relevant Agreements (see Annexes II, III and IV).

In the process of developing the UN Regulations, UN GTRs and UN Rules, a GR must consider the:

- Objective(s) of the new UN Regulation, UN GTR and UN Rule or amendments to an existing UN Regulation, UN GTR and UN Rule such as improved vehicle safety, reduced environmental impacts, energy efficiency, and theft deterrence;
- Best available technology and, where appropriate, possible incremental improvements in technology that will provide significant steps in achieving the regulatory objectives and public benefits;

- Potential benefits associated with the various levels of technology and with the levels of regulatory stringency or performance;
- Monetary and social costs that involved with each level of regulatory stringency or performance;
- Relationship or potential interaction of a specific technical UN Regulation, UN GTR and UN Rule to other UN Regulations, UN GTRs and UN Rules currently in force or to be adopted by Contracting Parties to existing Agreements administered by WP.29.

Throughout the processes of regulatory development or amendment, the GR provides progress reports of its work to WP.29, and where directed by WP.29, makes revisions and conducts additional investigations to resolve new issues associated with its work assignments. When the work is completed, the GR presents a final recommendation for a UN Regulation, UN GTR and UN Rule or amendment to WP.29.

D. Reviews and Recommendations of the World Forum

When a GR presents a new harmonized or amended UN Regulation, UN GTR or UN Rule, all participants in WP.29 begin a review and a discussion of the recommendation. In the absence of any substantive objections and requests for further work by a GR, WP.29 will formally submit the recommendation to the Administrative/Executive Committee of the relevant Agreement(s) for their consideration for establishment or adoption as an UN Regulation, UN GTR, UN Rule, or as an amendment to any of those existing.

E. Establishment or Adoption of UN Regulations, UN GTRs and UN Rules and Amendments

The Executive Committee of each Agreement (AC.1 for the 1958 Agreement, AC.3 for the 1998 Global Agreement, and AC.4 for the 1997 Agreement on Periodical Technical Inspections) reviews the recommended action for consistency with the provisions and requirements set forth in the respective Agreement. If consistent, the Executive Committee(s) will vote, in accordance with the terms of their respective Agreements, to establish or adopt the recommended UN Regulation, UN GTR, UN Rule or amendment. Failure to establish a UN GTR under the 1998 Agreement does not preclude its adoption as an UN Regulation under the 1958 Agreement and vice versa. If established or adopted, the Executive Committee(s) will request the ECE secretariat to forward to the Secretary-General of the United Nations, the established UN Regulation, UN GTR, UN Rule or amendment with their request that it be formally adopted. The ECE secretariat will notify the Contracting Parties of the establishment of amendments to an UN Regulation. A new UN Regulation adopted under the 1958 Agreement will be designated as E/ECE/TRANS/505/Rev.3/Add.#. A UN GTR established in the Global Registry under the 1998 Global Agreement be designated as ECE/TRANS/180/Add.#. A UN Rule established under the 1997 Agreement on Periodical Technical inspections shall become ECE/RCTE/CONF/4/Add.#.

F. Information on Regulations

Detailed information on the status of the UN Regulations annexed to the 1958 Agreement, UN GTRs established in the Global Registry of the 1998 Global Agreement and the UN Rules annexed to the 1997 Agreement on Periodical Technical Inspections are freely available in the website of WP.29: www.unece.org/trans/main/welcwp29.html

UN Regulations annexed to the 1958 Agreement may be purchased from:

United Nations Publications Customer Service
c/o National Book Network
15200 NBN Way
P.O. Box 190
Blue Ridge Summit, PA 17214 – USA

Toll free phone: 1-888-254-4286
Toll free phone: 1-800-338-4550
Email: unpublications@nbnbooks.com

CHAPTER V

Special Considerations and Actions of the Agreements

A. “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” *(1998 Agreement)*

The 1998 Agreement includes six unique and significant provisions for the development and establishment of UN GTRs.

- It provides for the consideration of regulatory development proposals from Contracting Parties to the Agreement. (Article 3)
- It specifies the criteria required for the harmonization of regulations from the Compendium and existing UN Regulations, the development of new UN GTRs and the amendment of existing ones. (Article 4)
- It requires the establishment of a Compendium of Candidate Global Technical Regulations. The Compendium consists of existing national or regional regulations that are selected as candidates for global harmonization. (Article 5)
- It requires the establishment of a Registry of UN GTRs. (Article 6)
- It specifies the process for the amendment of established UN GTRs. (Article 6)
- It requires the consensus of all Contracting Parties for the establishment or amendment of a UN GTR. (Article 6, para. 6.3.)

The Agreement does not oblige Contracting Parties to any specific conformity assessment regime (i.e. type approval, self-certification, etc.), nor to commit to reciprocal recognition of UN GTRs adopted by other Contracting Parties in their national/regional legislation nor does it impose an enforcement regime. The Agreement does preserve the sovereign rights of each Contracting Party to implement and enforce the UN GTR in accordance with their own national or regional regulatory process and/or laws. Annex III provides more details.

B. “Agreement concerning the adoption of harmonized technical United Nations Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these United Nations Regulations” *(1958 Agreement as revised in 2017)*

The 1958 Agreement has a long history of regulatory development that was originally designed to facilitate the free movement and sale of wheeled vehicles across State borders within the region of Europe. To achieve this objective the Agreement included various provisions to reduce the burden of repetitive regulatory testing and certifications in the Contracting Parties. Subsequent amendments to the Agreement, as described earlier, have served to expand its scope of activities and to attract the participation of countries outside the original European region, i.e. from other parts of the world. The recent Revision 3 aims to foster a broader participation from countries of emerging economies and from REIOs in the activities of the World Forum and aims to increase the number of Contracting Parties to the Agreement. The unique provisions of the 1958 Agreement include:

- Conditions for granting type approval for the verification that a vehicle, equipment or part submitted by a manufacturer conforms to the requirements of a given UN Regulation. Such type approval verification may be carried out by a competent authority designated by the certifying Contracting Party. (Article 1)
- Conditions requiring the reciprocal recognition by Contracting Parties of approvals issued by other Contracting Parties. (Article 1)

- Conditions that result in the adoption of a UN Regulation if, within a period of six months from its notification to Contracting Parties by the United Nations Secretary-General, not more than one-fifth of the Contracting Parties at the time of notification have informed the Secretary-General that they disagree with the UN Regulation. (Article 1)
- Conditions that establish the date(s) on which the UN Regulation will enter into force for all Contracting Parties which did not notify the Secretary-General of disagreement. (Article 1)
- Conditions that any Contracting Party applying a UN Regulation that is annexed to the Agreement shall hold products type approved to be in conformity with the legislation of all the Contracting Parties applying the said UN Regulation through type approval. (Article 3)
- Conditions that require the notification of the competent authority of the Contracting Party that has issued a type approval for a product, by a Contracting Party whose competent authority has determined said product does not conform to the approved type(s) of product. The issuing Contracting Party shall notify all other Contracting Parties applying the UN Regulation through type approval of the steps it has taken to bring the product into conformity. (Article 4)
- Conditions that Contracting Parties may apply former versions of UN Regulations annexed to the 1958 Agreement. Contracting Parties are only obliged to accept UN type approvals granted pursuant to the latest version of UN Regulations.
- Conditions that require the competent authorities of each Contracting Party applying UN Regulations through type approval to circulate to the other Contracting Parties to the Agreement, type approval documentation as paper copies or as email, or by the secure Database for the Exchange of Type Approval documentation (DETA) that is currently under development and expected to be established by UNECE in 2020. (Article 5 and Schedule 5) (see also Chapter VII of this publication)
- Conditions that any Contracting Party applying UN Regulation No. 0 on the International Whole Vehicle Type Approval (IWVTA) system may issue approvals for whole vehicle types. (see also Chapter VI of this publication)
- General conditions which strengthen the provisions for the functioning and reliability the type approval procedures and the conditions for their mutual recognition (i.e. assessment of technical services, quality assurance assessment, certification and conformity of production procedures, the tasks, responsibilities and competences of involved parties and aspects related to enforcement such as ensuring market surveillance and safeguard measures). (Articles 2 to 4 and Schedules 1 to 3)
- Procedures for interpretation issues in applying UN Regulations or in granting approvals pursuant to these UN Regulations (Schedule 6)
- Procedures for exemption approvals for new technologies. (Schedule 7)
- General conditions for virtual testing methods. (Schedule 8)
- Details on the status of the 1958 Agreement are in ECE/TRANS/WP.29/343/... at: <https://unece.org/status-1958-agreement-and-annexed-regulations>

Please refer to Chapters VI, VII and Annex II of this publication for further details about these conditions.

C. “Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections” (1997 Agreement)

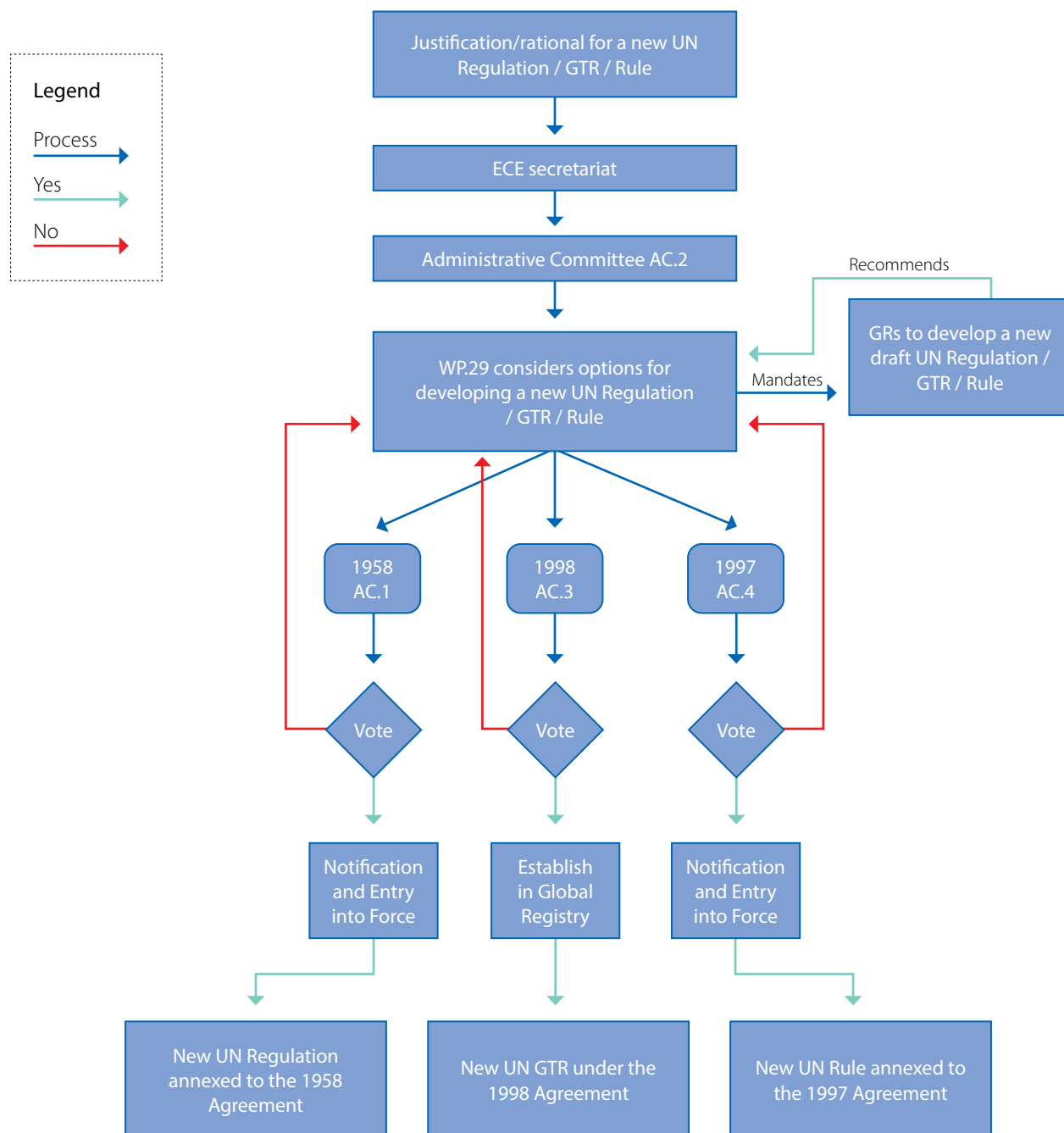
The 1997 Agreement was designed to ensure that vehicles that are in use would be properly maintained and inspected so as to maintain, throughout their functional life, the performance for which they were guaranteed by type approval or certification, without an excessive degradation.

The provisions of the 1997 Agreement for establishing the UN Rules to be annexed to the Agreement were closely coordinated to those of the 1958 Agreement and proved to be practical.

Please refer to Annex IV for more details.

CHART 5

Consideration and Establishment of UN Regulations, UN GTRs and UN Rules



CHAPTER VI

UN Regulation N° 0 International Whole Vehicle Type Approval system

Any Contracting Party applying UN Regulation No. 0 on the International Whole Vehicle Type Approval (IWVTA) system may issue approvals for whole vehicle types to either a limited level (L-IWVTA) or to a wider range of technical topics included in the universal level (U-IWVTA). Contracting Parties are able to apply the limited or universal IWVTA depending on the national situation. The Universal-IWVTA (U-IWVTA) provides a greater level of certainty for vehicle manufacturers and for Contracting Parties which apply this Regulation since the approval must be accepted without further assessment of the technical items covered by the U-IWVTA issued.

Contracting Parties applying UN Regulation No. 0 are not obliged to accept approvals to the limited level (L-IWVTA), but may do so at their choice. However, Contracting Parties are obliged to accept approvals issued pursuant to U-IWVTA, as stipulated in Revision 3 to the 1958 Agreement,

"Article 1

...

The term "whole vehicle type approval" indicates that type approvals granted pursuant to applicable UN Regulations for wheeled vehicles, equipment and parts of a vehicle are integrated into an approval of the whole vehicle according to the provisions of the administrative IWVTA system.

...

Notwithstanding other provisions of Article 1 and Article 12, a Contracting Party applying the UN Regulation on IWVTA shall only be obliged to accept those type approvals granted pursuant to the highest level of stringency of the latest version of the said UN Regulation.

..."

The scope of UN Regulation No. 0 on IWVTA is limited, in a first step, to passenger cars.

CHAPTER VII

Database for the Exchange of Type Approval documentation, the Unique Identifier and the Declaration of Conformance document

(The information below was drafted before the actual development of the database and its extension modules, the Unique Identifier (UI) and the Declaration of Conformance (DoC). The Database for the Exchange of Type Approval (DETA), UI and DoC are still in development.)

A. Database for the Exchange of Type Approval documentation

The World Forum considered ways to modernize the 1958 Agreement. One suggestion was that Type Approvals could be shared electronically, via 'DETA'.

DETA will be the Database for the Exchange of Type Approvals among Authorities. It aims at an efficient exchange of important information on the construction and the performance of road vehicles. Such information was traditionally shared among the relevant government authorities by conventional or electronic mail, which can be cumbersome, time-consuming and costly. Governments decided on the digitalization of the information exchange and Germany, as in-kind contribution, sponsored the development and the pilot run of the software, and is ready to share the results with ECE, as reflected in Revision 3 to the 1958 Agreement:

"Article 5

1. The approval authorities of each Contracting Party applying UN Regulations shall send upon the request from the other Contracting Parties, a list of the wheeled vehicles, equipment or parts, of which it has refused to grant or has withdrawn approvals.
2. In addition, on receiving a request from another Contracting Party applying a UN Regulation, it shall send forthwith, in accordance with the provisions of Schedule 5 annexed to this Agreement, to that Contracting Party a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a wheeled vehicle, equipment or part pursuant to that UN Regulation.
3. The paper copy may be replaced by an **electronic file in accordance with Schedule 5** annexed to this Agreement."

"Schedule 5 ...

1. Where an approval authority is required to or is requested to provide a copy of an approval and its attachments, it shall send the documents as paper copies, or by e-mail in electronic format, or by **utilizing the secure internet database established by the United Nations Economic Commission for Europe. ..."**

Germany, as an in-kind contribution, sponsored the development and the pilot run of the software. DETA is currently hosted by Germany, which is ready to share the results with ECE.

B. Unique Identifier and Declaration of Conformance

Revision 3 to the 1958 Agreement requests, as mentioned above, the establishment of an electronic database for the exchange of type approval documentation between all Contracting Parties to the Agreement and thus supporting the International Whole Vehicle Type Approval (IWVTA) regime. The significance of the IWVTA introduction cannot be overestimated, since up to now, type approvals according to UN Regulations could not be granted to whole vehicles but to parts, systems and vehicles regarding a specific performance e.g. braking, emissions etc. Furthermore, the introduction of the Unique Identifier, establishes a unique link between the product and its type approval. The introduction of the Declaration of Conformance document for each vehicle (as specified in UN Regulation No. 0) can serve as a useful basis for its registration.

Simplifying the marking provisions was considered in the context of IWVTA, and also in the context of modernizing the 1958 Agreement. DETA would allow a simplified Type Approval marking by use of an UI. Schedule 5 of Revision 3 to the 1958 Agreement specifies that:

- If the type approvals applicable to a wheeled vehicles, equipment or parts are stored on the secure internet database, then the approval markings required by UN Regulations may be replaced by a Unique Identifier (UI) preceded by the symbol (UI), unless specified otherwise in the UN Regulations. Such unique identifier shall be generated by the database automatically.
- All Contracting Parties applying a UN Regulation shall have access to the information for that UN Regulation contained in the database by using the Unique Identifier and this will provide access to the relevant information relating to the specific approval(s).

ANNEX I

Terms of Reference and Rules of Procedure of the World Forum for Harmonization of Vehicle Regulations

(Reproduction of document ECE/TRANS/WP.29/690/Rev.1, in a consolidated text)

TERMS OF REFERENCE OF THE WORLD FORUM

1. The World Forum for Harmonization of Vehicle Regulations (hereinafter referred to as WP.29), acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE) and subject to the general supervision of the Inland Transport Committee (ITC) shall, provided such actions are in conformity with the Terms of Reference of the ECE (document E/ECE/778/Rev.5) and consistent with the Agreements listed in Annex 1:
 - a. Initiate and pursue actions aiming at the harmonization or development of technical regulations or amendments to such regulations, adapted to the technical progress, which may be accepted worldwide, and which are directed at improving vehicle safety, protecting the environment, promoting energy efficiency and anti-theft performance, providing uniform conditions for periodical technical inspections and strengthening economic relations world-wide, according to the objectives laid down in the respective Agreements.
 - b. Develop and realize measures on adaptation of legal instruments to the technical progress, achieve coordination between legal tools, develop the guideline principles for establishment of technical requirements and uniform procedures for compliance assessment.
 - c. Foster the reciprocal recognition of approvals, certificates and periodical technical inspections among Contracting Parties to the Agreements that expressly provide for such action; development of the Database for Exchange of Self-Certification and Type Approval Documentation.
 - d. Serve as the specialised technical body for the relevant Agreements established under the auspices of the United Nations Economic Commission for Europe, Inland Transport Committee. Its function is to develop recommendations regarding the establishment or amendment of technical regulations which may be accepted world-wide and regarding uniform conditions for periodical technical inspections, consistent with the provisions of those Agreements.
 - e. Foster world-wide participation in its activities by encouraging cooperation and collaboration with countries and Regional Economic Integration Organizations (REIOs) not yet participating in WP.29 activities, with regard to technical matters that come before WP.29.
 - f. Encourage all its participants to apply or adopt into their law world-wide harmonized technical regulations and conditions for periodical inspections.
 - g. Develop a work programme attending the respective Agreements in a coordinated and coherent manner.
 - h. Create a working environment that facilitates the fulfilment by Contracting Parties of their obligations set forth in the respective Agreements.
 - i. Ensure openness and transparency during the sessions.
2. These Terms of Reference and the Rules of Procedure apply to WP.29 and do not modify the provisions of the Agreements listed in Annex 1.

RULES OF PROCEDURE OF THE WORLD FORUM

CHAPTER I

Participation

Rule 1

- a. Countries which are specified in paragraph 7. of the Terms of Reference of the ECE (document E/ECE/778/Rev.5) shall be participants.

Countries which are covered by paragraph 11. of the Terms of Reference of the ECE and are Contracting Parties to any of the Agreements listed in Annex 1 shall be participants.

Regional Economic Integration Organizations (REIOs) which are set up by countries that are members of the ECE or members of the United Nations and are Contracting Parties to any of the Agreements listed in Annex 1 shall be participants.

- b. Countries which are covered by paragraph 11. of the Terms of Reference of the ECE may, after notification to the Secretariat, participate in a consultative capacity in WP.29 in the consideration of any matter of particular concern to that member.
- c. Agencies and organizations which are covered by paragraphs 12. and 13. of the Terms of Reference of the ECE may, after notification to the Secretariat, participate in a consultative capacity in WP.29 in the consideration of any matter of particular concern to those agencies or organizations.
- d. Non-governmental organizations (NGOs) not in consultative status with the Economic and Social Council may participate in a consultative capacity, subject to prior approval of the Administrative Committee for the Coordination of Work (WP.29/AC.2). To obtain approval, an NGO shall submit a written application to the secretariat. The application shall contain a commitment to respect the principles set forth in ECOSOC Resolution 1996/31 and shall specify the number(s) of WP.29 session(s) and agenda item(s) under which the NGO would be prepared to make a contribution. The secretariat shall transmit such applications to the first forthcoming session of WP.29/AC.2. WP.29/AC.2 shall consider any new application received since its previous session and shall decide whether or not approval may be granted. If granted, approval shall specify its duration and relevant numbers of WP.29 sessions.
- e. WP.29 may, through its Chairperson, invite other persons to participate in its sessions in a consultative capacity.

CHAPTER II

Sessions

Rule 2

Sessions shall be held on dates fixed by the ECE Executive Secretary.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva (UNOG), Switzerland. If WP.29 decides to hold a particular session elsewhere, the relevant UN Rules and Regulations shall apply.

Rule 4

The Secretariat shall, at least six (6) weeks before the commencement of a session, distribute a notice of the opening date of said session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be available on the WP.29 website of the Internet and a hard copy shall be transmitted not less than (6) weeks before the opening of the session. In exceptional cases, the Secretariat may distribute basic documents at the session. Participants, as defined in Rule 1, may distribute informal documents, after the authorization by the Chairperson in consultation with the Secretariat, prior to or during a session. Such informal documents shall relate to items on the adopted agenda of the respective meeting. Where possible, the Secretariat (see Chapter VI) shall make the informal documents available on the WP.29 website of the Internet.

CHAPTER III

Agenda

Rule 5

The provisional agenda for each session of WP.29 shall be drawn up by the Secretariat in consultation with the Administrative Committee for the Coordination of Work (WP.29/AC.2) (see Chapter IX).

Rule 6

The provisional agenda for any session of WP.29 shall include:

- a. Items related to any of the Agreements listed in Annex 1.
- b. Items arising from previous sessions of WP.29;
- c. Items proposed by any WP.29 participant and accepted for the programme of work of WP.29;
- d. Items proposed by the Chairperson or Vice-Chairpersons of any subsidiary body of WP.29;
- e. Any other items which the Chairperson or Vice-Chairperson of WP.29, or the Secretariat sees fit to include.

Rule 7

The first item upon the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

WP.29 may amend the agenda at any time.

Rule 9

The provisional agenda for each session of any subsidiary body of WP.29 (see Chapter X and Annex 2) shall be drawn up by the Secretariat in consultation with the Chairperson and/or Vice-Chairpersons of that body, and shall correspond with the programme of work adopted by WP.29. Previous meetings shall, in general, establish the framework for the agenda of the next meeting.

CHAPTER IV

Representation and Credentials

Rule 10

Each participant, as defined in Rule 1, shall be represented at sessions of WP.29 and its subsidiary bodies by an accredited representative(s).

Rule 11

The representative defined in Rule 10 above may be accompanied to the sessions of WP.29 by an alternate representative and advisors and, when absent, the representative may be replaced by an alternate representative.

Rule 12

The accreditation of each representative appointed to WP.29, together with a designation of an alternate representative, shall be submitted to the Secretariat prior to the date of each session of WP.29 and its subsidiary bodies.

CHAPTER V

Officers

Rule 13

WP.29 shall, at the end of its last session of the year, elect from the representatives of participants as defined in Rule 1(a) a Chairperson and Vice-Chairperson(s), who shall take office at the start of the first session of the following year. The number of Vice-Chairpersons may vary from year to year depending upon need. The officers shall be eligible for re-election.

Rule 14

If the Chairperson ceases to represent a participant, or can no longer hold office, one of the Vice-Chairpersons, designated by the participants as defined in Rule 1(a), shall become Chairperson for the unexpired portion of the term. In that case, or if one of the Vice-Chairpersons ceases to represent a participant, or can no longer hold office, WP.29 shall elect another Vice-Chairperson for the unexpired portion of the term.

Rule 15

The Vice-Chairperson acting as Chairperson shall have the same powers and carry out the same duties as the Chairperson.

Rule 16

The Chairperson or the Vice-Chairperson acting as Chairperson shall participate in WP.29 in this capacity and not as the representative of the participant, as defined in Rule 1(a), by whom he or she was accredited. WP.29 shall admit an alternate representative to represent that participant, and to exercise its right to vote.

CHAPTER VI**Secretariat****Rule 17**

The Secretariat, acting in the framework of the Transport Division of the ECE Secretariat, shall provide administrative support for all sessions, including preparation of the session reports. Reports of WP.29 shall be adopted at the end of each session. Reports of the subsidiary bodies of WP.29 shall be prepared by the Secretariat for subsequent consideration and endorsement by WP.29.

Rule 18

During the sessions, the Secretariat shall assist WP.29 and its subsidiary bodies in complying with these Rules of Procedure.

CHAPTER VII**Conduct of Business****Rule 19**

The sessions of WP.29 and its subsidiary bodies shall be held in public.

Rule 20

The Secretariat, in consultation with WP.29/AC.2, may decide not to hold a session if the substance of the provisional agenda or the number of accredited representatives is determined to be insufficient.

Rule 21

The conduct of business shall be in accordance with Rules 27 to 37 of the Rules of Procedure of the ECE, unless otherwise provided herein.

Rule 22

The Chairperson may limit the time allowed to each speaker.

Rule 23

Every representative has the right to declare his or her position and have it reflected in the session report.

CHAPTER VIII

Voting

Rule 24

Each participant, as defined in Rule 1(a), other than REIOs, shall have one vote. REIOs, as defined in Rule 1(a), may only vote in lieu of their Member States and with the number of votes of their Member States that are participants in WP.29.

Rule 25

Decisions of WP.29 shall be made by a majority of the participants as defined in Rule 1(a), present and voting, and in accordance with Rule 24 above.

Rule 26

The voting shall be in accordance with Rules 34 to 39 of the Rules of Procedure of the ECE, unless otherwise provided herein.

Rule 27

Voting under the Agreements listed in Annex 1 shall be in accordance with the voting rules specified in the respective Agreement.

CHAPTER IX

Administrative Committee

Rule 28

WP.29 shall form an Administrative Committee for the Coordination of Work, to be known as WP.29/AC.2. In particular, WP.29/AC.2 shall:

- a. Develop and recommend a programme of work to WP.29, giving consideration to requests from participants, as defined in Rule 1, and the relevance and priority of such requests, in particular with regard to the Agreements listed in Annex 1;
- b. Consider the reports and recommendations from the subsidiary bodies, and identify those items that require action by WP.29 and the time frame for their consideration;
- c. Provide recommendations to WP.29 on any other work that is within the scope of WP.29's activities; and
- d. Develop and recommend to WP.29 the provisional agenda for sessions of WP.29.

Rule 29

Participants in WP.29/AC.2 shall be:

- a. The Chairperson and the ViceChairperson(s) of WP.29;
- b. The Chairperson and the Vice-Chairperson(s) of the Administrative or Executive Committee attendant to each Agreement listed in Annex 1, and representatives of the European Community, Japan, and the United States of America; and
- c. The Chairperson and the Vice-Chairpersons of each subsidiary body of WP.29 in accordance with Chapter X of these Rules of Procedure.

Rule 30

WP.29/AC.2 may invite other persons to participate in a consultative capacity.

Rule 31

WP.29/AC.2 shall meet prior to each session of WP.29, with notice given by the Secretariat in accordance with Rule 4.

Rule 32

The meetings of WP.29/AC.2 shall be convened by the Secretariat in consultation with the Chairperson, and the Secretariat shall participate in accordance with the Rules of Chapter VI.

Rule 33

The Chairperson of WP.29 shall serve as the Chairperson of WP.29/AC.2 unless decided otherwise by WP.29/AC.2.

CHAPTER X

Subsidiary bodies of WP.29

Rule 34

WP.29 may propose to the ITC to establish a new subsidiary body or to dissolve an existing one, and shall provide justification for such action.

Rule 35

Subsidiary bodies of WP.29 shall act within the Terms of Reference of WP.29 and apply the Rules of Procedure of WP.29, as appropriate.

Rule 36

Each subsidiary body shall be comprised of experts accredited by participants, as defined in Rule 1.

Rule 37

Each subsidiary body of WP.29 shall, at the end of its last session of each year, elect from the experts accredited by participants, as defined in Rule 1(a), a Chairperson, and, if desired, Vice-Chairpersons.

Rule 38

In carrying out its work and developing its recommendations, each subsidiary body shall give consideration to technical issues as elaborated in the Agreements listed in Annex 1 and other relevant technical matters. Any documentation relating to its recommendation shall be provided to the Secretariat, and shall be made available to the public.

CHAPTER XI

Amendments

Rule 39

Any of these Rules of Procedure may be amended, in accordance with Rule 25.

ANNEX 1

List of Agreements administered by WP.29

Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations, done at Geneva on 20 March 1958 (including the amendments entered into force on 14 September 2017)

(E/ECE/TRANS/505/Rev.3)

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, done at Vienna on 13 November 1997

(ECE/RCTE/CONF/4)

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, done at Geneva on 25 June 1998

(ECE/TRANS/132 and Corr.1)

ANNEX 2

Subsidiary bodies of WP.29

Working Party on Pollution and Energy	GRPE
Working Party on General Safety Provisions	GRSG
Working Party on Automated/Autonomous and Connected Vehicles	GRVA
Working Party on Lighting and Light-Signalling	GRE
Working Party on Passive Safety	GRSP
Working Party on Noise and Tyres	GRBP

ANNEX II

Agreement concerning the adoption of harmonized technical United Nations Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these United Nations Regulations, done at Geneva on 20 March 1958¹

Revision 3

*(Including the amendments entered into force on 14 September 2017)
(reproduction of document E/ECE/TRANS/505/Rev.3)*

PREAMBLE

THE CONTRACTING PARTIES,

HAVING DECIDED to amend the Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958, as amended on 16 October 1995, and

DESIRING to reduce technical barriers to international trade by defining harmonized technical UN Regulations that it will suffice for certain wheeled vehicles, equipment and parts to fulfil in order to be used in their countries or regions,

RECOGNIZING the importance of safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts, which can be fitted and/or be used on wheeled vehicles for the development of regulations that are technically and economically feasible and adapted to technical progress,

DESIRING to apply these UN Regulations whenever possible in their countries or regions,

DESIRING to facilitate the acceptance in their countries of the vehicles, equipment and parts, where approved according to these UN Regulations by the approval authorities of another Contracting Party,

DESIRING to establish an International Whole Vehicle Type Approval scheme (IWVTA) within the framework of the Agreement to increase the advantages of individual UN Regulations annexed to the Agreement and so create opportunities to simplify implementation by Contracting Parties and the wider adoption of mutual recognition of type approvals for whole vehicles, and,

DESIRING to increase the number of Contracting Parties to the Agreement by improving its functioning and reliability, and thus ensure that it remains the key international framework for the harmonization of technical regulations in the automotive sector,

HAVE AGREED as follows:

Article 1

1. The Contracting Parties shall establish, through an Administrative Committee made up of all the Contracting Parties in conformity with the rules of procedure set out in the Appendix to this Agreement and on the basis of the following articles, paragraphs, UN Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.

¹ Former titles of the Agreement:

Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958 (original version).

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, done at Geneva on 5 October 1995 (Revision 2).

Conditions for granting type approvals and their reciprocal recognition will be included for use by Contracting Parties which choose to implement Regulations through type approval.

For the purposes of this Agreement:

The term “wheeled vehicles, equipment and parts” shall include any wheeled vehicles, equipment and parts whose characteristics have a bearing on vehicle safety, protection of the environment, energy saving and the performance of anti-theft technology.

The term “type approval pursuant to a UN Regulation” indicates an administrative procedure by which the approval authorities of one Contracting Party declare, after carrying out the required verifications that a type of vehicle, equipment or part submitted by the manufacturer conforms to the requirements of the given UN Regulation. Afterwards the manufacturer certifies that each vehicle, equipment or parts put on the market were produced to be identical with the approved product.

The term “whole vehicle type approval” indicates that type approvals granted pursuant to applicable UN Regulations for wheeled vehicles, equipment and parts of a vehicle are integrated into an approval of the whole vehicle according to the provisions of the administrative IWVTA system.

The term “version of a UN Regulation” indicates that a UN Regulation, following its adoption and establishment, may subsequently be amended following the procedures described in this Agreement, in particular Article 12. The unamended UN Regulation as well as the UN Regulation, after integration of subsequent amendment(s), are considered to be separate versions of that UN Regulation.

The term “applying a UN Regulation” indicates that a UN Regulation enters into force for a Contracting Party. When doing so, Contracting Parties have the possibility to keep their own national/regional legislation. If they wish, they may substitute their national/regional legislation by the requirements of the UN Regulations they are applying, but they are not bound by the Agreement to do so. However, Contracting Parties shall accept, as an alternative to the relevant part of their national/regional legislation, UN type approvals granted pursuant to the latest version of UN Regulations applied in their country/region. The rights and obligations of Contracting Parties applying a UN Regulation are detailed in the various articles of this Agreement.

For the application of the UN Regulations there could be various administrative procedures alternative to type approval. The only alternative procedure generally known and applied in certain member States of the Economic Commission for Europe is the self-certification by which the manufacturer certifies, without any preliminary administrative control, that each product put on the market conforms to the given UN Regulation; the competent administrative authorities may verify by random sampling on the market that the self-certified products comply with the requirements of the given UN Regulation.

2. The Administrative Committee shall be composed of all the Contracting Parties in accordance with the rules of procedure set out in the Appendix.

A UN Regulation, after having been established in accordance with the procedure indicated in the Appendix, shall be communicated by the Administrative Committee to the Secretary-General of the United Nations, hereinafter called “Secretary-General”. As soon as possible thereafter, the Secretary-General shall give notification of this UN Regulation to the Contracting Parties.

The UN Regulation will be considered as adopted unless, within a period of six months from its notification by the Secretary-General, more than one-fifth of the Contracting Parties at the time of notification have informed the Secretary-General of their disagreement with the UN Regulation.

The UN Regulation shall cover the following:

- a. Wheeled vehicles, equipment or parts concerned;
- b. Technical requirements, which shall be performance oriented wherever appropriate and not design-restrictive, that give objective consideration to available technologies, costs and benefits as appropriate, and may include alternatives;
- c. Test methods by which any performance requirements are to be demonstrated;
- d. Conditions for granting type approval and their reciprocal recognition including administrative provisions, any approval markings and conditions for ensuring conformity of production;
- e. The date(s) on which the UN Regulation enters into force, including the date when Contracting Parties applying it can issue approvals pursuant to that UN Regulation, and the date from which they shall accept approvals (if different);
- f. An information document to be provided by the manufacturer.

The UN Regulation may, if needed, include references to the laboratories accredited by the approval authorities where acceptance tests of the types of wheeled vehicles, equipment or parts submitted for approval shall be carried out.

In addition to the above-mentioned UN Regulations, this Agreement provides for establishing a UN Regulation to introduce a system of Whole Vehicle Type Approval. This UN Regulation shall set the scope, administrative procedures, and technical requirements that can include different levels of stringency in one version of the said UN Regulation.

Notwithstanding other provisions of Article 1 and Article 12, a Contracting Party applying the UN Regulation on IWVTA shall only be obliged to accept those type approvals granted pursuant to the highest level of stringency of the latest version of the said UN Regulation.

This Agreement also includes Schedules of Administrative and Procedural Provisions applicable to all UN Regulations annexed to this Agreement and to all Contracting Parties applying one or more UN Regulations.

3. When a UN Regulation has been adopted, the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected, or have notified their agreement but intention not to begin applying the UN Regulation at the date of entry into force, and in respect of which the UN Regulation shall not enter into force.

4. The adopted UN Regulation shall enter into force on the date(s) specified therein as a UN Regulation annexed to this Agreement for all Contracting Parties which have not notified either their disagreement, or their intention not to apply it on that date.

5. When depositing its instrument of accession, any new Contracting Party may declare that it will not apply certain UN Regulations then annexed to this Agreement or that it will not apply any of them. If, at that time, the procedure laid down in paragraphs 2, 3, and 4 of this Article is in progress for a draft or adopted UN Regulation, the Secretary-General shall communicate such draft or adopted UN Regulation to the new Contracting Party and it shall enter into force as a UN Regulation for the new Contracting Party unless this Contracting Party notifies its disagreement with the adopted UN Regulation within a period of six months after the deposit of its instrument of accession. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. The Secretary-General shall also communicate to them all declarations concerning the non-application of certain UN Regulations that any Contracting Party may make in accordance with the terms of this paragraph.

6. Any Contracting Party applying a UN Regulation may at any time notify the Secretary-General, subject to one year's notice, about its intention to cease applying that UN Regulation. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

Approvals previously granted pursuant to that UN Regulation by that Contracting Party shall remain valid unless they are withdrawn in accordance with the provisions of Article 4.

If a Contracting Party ceases to issue approvals to a UN Regulation it shall:

- a. Maintain proper supervision on conformity of production of products for which it previously granted type approval;
- b. Take the necessary steps set out in Article 4 when advised of non-conformity by a Contracting Party that continues to apply the UN Regulation;
- c. Continue to notify the other Contracting Parties of withdrawal of approvals as set out in Article 5;
- d. Continue to grant extensions to existing approvals.

7. Any Contracting Party not applying a UN Regulation may at any time notify the Secretary-General that it intends henceforth to apply it and the UN Regulation will then enter into force for this Party on the sixtieth day after this notification. The Secretary-General shall notify all the Contracting Parties of every entry into force of a UN Regulation for a new Contracting Party affected in accordance with the terms of this paragraph.

8. The Contracting Parties for which a UN Regulation is in force shall hereinafter be referred to as "the Contracting Parties applying a UN Regulation".

Article 2

1. Each Contracting Party applying UN Regulations largely through type approval shall grant the type approvals and approval markings described in any UN Regulation for the types of wheeled vehicles, equipment or parts covered by the UN Regulation, provided that it has the technical competence and is satisfied with the arrangements for ensuring conformity of the product with the approved type. Each Contracting Party which grants type approval shall take the necessary measures as set out in Schedule 1

annexed to this Agreement to verify that adequate arrangements have been made to ensure that wheeled vehicles, equipment and parts are manufactured in conformity with the approved type.

2. Each Contracting Party issuing type approvals pursuant to a UN Regulation shall specify an approval authority for the UN Regulation. The approval authority shall have the responsibility for all aspects of type approval pursuant to the said UN Regulation. This approval authority may designate technical services to carry out on its behalf the testing and inspections necessary for the verifications required in paragraph 1 of this article. Contracting Parties shall ensure that technical services are assessed, designated and notified in accordance with the requirements set out in Schedule 2 annexed to this Agreement.
3. The type approvals, approval markings and identifiers for the types of wheeled vehicles, equipment and parts shall be specified in the UN Regulation and granted in accordance with the procedures set out in Schedules 3 to 5 annexed to this Agreement.
4. Each Contracting Party applying a UN Regulation shall refuse to grant the type approvals and approval markings covered by the UN Regulation if the above-mentioned conditions are not complied with.

Article 3

1. Wheeled vehicles, equipment or parts for which type approvals have been issued by a Contracting Party in accordance with Article 2 of this Agreement, shall be held to be in conformity with the relevant part of the national legislation of all the Contracting Parties applying the said UN Regulation.
2. Contracting Parties applying UN Regulations shall, by mutual recognition, accept for the placement in their markets, and subject to the provisions of Articles 1, 8 and 12 as well as any special provisions within these UN Regulations, type approvals granted pursuant to these UN Regulations, without requiring any further testing, documentation, certification or marking concerning these type approvals.

Article 4

1. Should a Contracting Party applying a UN Regulation find that certain wheeled vehicles, equipment or parts bearing approval markings issued under the said UN Regulation by one of the Contracting Parties, do not conform to the approved types or the requirements of the said UN Regulation, they shall advise the approval authority of the Contracting Party which issued the approval.

The Contracting Party that issued the approval shall take the necessary steps to ensure that the non-conformity is rectified.

2. When the non-conformity is due to non-compliance with the technical requirements specified in a UN Regulation, as referred to in Article 1.2.(b), the Contracting Party that issued the approval shall immediately inform all other Contracting Parties about the situation and shall provide regular advice to Contracting Parties of the steps it is taking, which may include, if necessary, the withdrawal of the approval.

After having considered the potential impact on vehicle safety, protection of the environment, energy saving or the performance of anti-theft technology, Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory until this non-conformity is rectified. In such a case, these Contracting Parties shall inform the secretariat of the Administrative Committee of the measures taken. For resolution of disputes between the Contracting Parties, the procedure provided in Article 10.4 shall apply.

3. Notwithstanding the provisions of paragraph 1 of this Article, if a non-conforming product, as referred to in paragraph 2 of this Article, has not been brought into conformity within a period of three months, the Contracting Party responsible for the approval shall temporarily or permanently withdraw the approval. By exception, this period may be extended by a period not exceeding three months unless one or more Contracting Parties applying the concerned UN Regulation object. When the period is being extended, the Contracting Party that issued the approval shall, within the initial three-month period, notify all Contracting Parties applying the concerned UN Regulation of their intention to extend the period in which the non-conformity shall be rectified and provide a justification for such extension.
4. When the non-conformity is due to non-compliance with the administrative provisions, approval markings, conditions for conformity of production or the information document specified in a UN Regulation, as referred to in Article 1.2.(d) and 1.2.(f), the Contracting Party that issued the approval shall temporarily or permanently withdraw the approval if the non-conformity has not been rectified within a period of six months.

5. Paragraphs 1 to 4 of this Article also apply in the situation where the Contracting Party responsible for issuing of the approval itself finds that certain wheeled vehicles, equipment or parts bearing approval markings do not conform to the approved types or the requirements of a UN Regulation.

Article 5

1. The approval authorities of each Contracting Party applying UN Regulations shall send upon the request from the other Contracting Parties, a list of the wheeled vehicles, equipment or parts, of which it has refused to grant or has withdrawn approvals.
2. In addition, on receiving a request from another Contracting Party applying a UN Regulation, it shall send forthwith, in accordance with the provisions of Schedule 5 annexed to this Agreement, to that Contracting Party a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a wheeled vehicle, equipment or part pursuant to that UN Regulation.
3. The paper copy may be replaced by an electronic file in accordance with Schedule 5 annexed to this Agreement.

Article 6

1. Countries members of the Economic Commission for Europe, countries admitted to the Commission in a consultative capacity in accordance with paragraph 8 of the Commission's Terms of Reference, and regional economic integration organizations set up by countries members of the Economic Commission for Europe to which their member States have transferred powers in the fields covered by this Agreement, including the power to make binding decisions on their member States, may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organizations vote with the number of votes of their member States being members of the Economic Commission for Europe.

2. Countries members of the United Nations as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's Terms of Reference and regional economic integration organizations of such countries to which their member States have transferred powers in the fields covered by this Agreement including power to make binding decisions on their member States may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organizations vote with the number of votes of their member States being members of the United Nations.

3. Accession to this Agreement by new Contracting Parties which are not Parties to the 1958 Agreement shall be effected by the deposit of an instrument with the Secretary-General, after the entry into force of this Agreement.

Article 7

1. This Agreement shall be deemed to enter into force nine months after the date of its transmission by the Secretary-General to all the Contracting Parties to the 1958 Agreement.
2. This Agreement shall be deemed not to enter into force if any objection from the Contracting Parties to the 1958 Agreement is expressed within a period of six months following the date of its transmission to them by the Secretary-General.
3. For any new Contracting Party acceding to this Agreement, this Agreement shall enter into force on the sixtieth day after the deposit of the instrument of accession.

Article 8

1. Any Contracting Party may denounce this Agreement by notifying the Secretary-General.
2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of such notification.
3. Any type approvals granted by the Contracting Party shall remain valid for a period of twelve months after the denunciation has taken effect in accordance with Article 8.2.

Article 9

1. Any Contracting Party as defined in Article 6 of this Agreement may, at the time of accession or at any time thereafter, declare by notification addressed to the Secretary-General that this Agreement shall extend to all or any of the territories for whose international relations it is responsible. The Agreement shall extend to the territory or territories named in the notification as from the sixtieth day after its receipt by the Secretary-General.

2. Any Contracting Party as defined in Article 6 of this Agreement which has made a declaration in accordance with paragraph 1 of this Article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory, in accordance with the provisions of Article 8.

Article 10

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General to nominate a single arbitrator to whom the dispute shall be referred for decision.
3. The decision of the arbitrator or arbitrators appointed in accordance with paragraph 2 of this Article shall be binding on the Contracting Parties in dispute.
4. Any dispute between two or more Contracting Parties concerning the interpretation or application of UN Regulations annexed to this Agreement shall be settled by negotiation in accordance with the procedure set out in Schedule 6 annexed to this Agreement.

Article 11

1. Any Contracting Party may, at the time of acceding to this Agreement, declare that it does not consider itself bound by paragraphs 1 to 3 of Article 10 of the Agreement. Other Contracting Parties shall not be bound by paragraphs 1 to 3 of Article 10 in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General.
3. No other reservation to this Agreement, its Appendix, Schedules and the UN Regulations annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, paragraph 5, declare that it does not intend to apply certain of the UN Regulations or that it does not intend to apply any of them.

Article 12

The UN Regulations annexed to this Agreement may be amended in accordance with the following procedure:

1. Amendments to UN Regulations shall be established by the Administrative Committee as described in Article 1, paragraph 2 and in accordance with the procedure indicated in the Appendix.

An amendment to the UN Regulation, after having been established, shall be communicated by the Administrative Committee to the Executive Secretary of the United Nations Economic Commission for Europe. As soon as possible thereafter, the Executive Secretary of the United Nations Economic Commission for Europe shall give notification of this amendment to the Contracting Parties applying the UN Regulation and the Secretary-General.

2. An amendment to a UN Regulation will be considered to be adopted unless, within a period of six months from its notification by the Executive Secretary of the United Nations Economic Commission for Europe, more than one-fifth of the Contracting Parties applying the UN Regulation at the time of notification have informed the Secretary-General of their disagreement with the amendment. When an amendment to a UN Regulation is adopted, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the UN Regulation.
3. Amendments to a UN Regulation may include transitional provisions relating to the entry into force of the amended UN Regulation, the date up to which Contracting Parties shall accept approvals pursuant to the preceding version of the UN Regulation and the date as from which Contracting Parties shall not be obliged to accept type approvals issued pursuant to the preceding version of the amended UN Regulation.
4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to this Agreement which are applying UN Regulations may, subject to compliance with the provisions of Article 2, nevertheless issue type approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3 of this Article,

Contracting Parties applying a UN Regulation shall not be obliged to accept type approvals issued pursuant to these earlier versions.

5. All Contracting Parties applying a UN Regulation, except for Contracting Parties which notified the Secretary-General of their intention to cease applying the UN Regulation, shall accept approvals granted pursuant to the latest version of that UN Regulation. A Contracting Party which notified the Secretary-General of its intention to cease applying a UN Regulation shall, during the one-year period mentioned in paragraph 6 of Article 1, accept approvals granted pursuant to the version(s) of the UN Regulation applicable for that Contracting Party at the instance of its notification to Secretary-General.

6. A Contracting Party applying a UN Regulation may grant an exemption approval pursuant to a UN Regulation for a single type of wheeled vehicle, equipment or part which is based on a new technology, when this new technology is not covered by the existing UN Regulation, and is incompatible with one or more requirements of this UN Regulation. In such a case, the procedures set out in Schedule 7 annexed to this Agreement shall apply.

7. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a UN Regulation by the Executive Secretary of the United Nations Economic Commission for Europe and its entry into force, the UN Regulation in question shall enter into force for that Contracting Party unless, within a period of six months from its notification of accession by the Secretary-General, that Party has informed the Secretary-General of its disagreement with the amendment.

Article 13

The text of the Agreement itself and of its Appendix may be amended in accordance with the following procedure:

1. Any Contracting Party may propose one or more amendments to this Agreement and its Appendix. The text of any proposed amendment to the Agreement and its Appendix shall be transmitted to the Secretary-General, who shall transmit it to all Contracting Parties and inform all other countries referred to in paragraph 1 of Article 6 thereof.

2. Any proposed amendment circulated in accordance with paragraph 1 of this Article shall be deemed to be accepted if no Contracting Party expresses an objection within a period of nine months following the date of circulation of the proposed amendment by the Secretary-General.

3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatsoever. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of nine months referred to in paragraph 2 of this Article.

Article 13 bis

1. The Schedules of Administrative and Procedural Provisions annexed to this Agreement may be amended in accordance with the following procedure:

1.1. Amendments to the Schedules of Administrative and Procedural Provisions shall be established by the Administrative Committee as referred to in Article 1.1 and in accordance with the procedure indicated in Article 7 of the Appendix to this Agreement.

1.2. An amendment to the Schedules of Administrative and Procedural Provisions shall be communicated by the Administrative Committee to the Secretary-General. As soon as possible thereafter, the Secretary-General shall give notification of this amendment to the Contracting Parties applying one or more UN Regulations.

2. An amendment to the Schedules of Administrative and Procedural Provisions will be considered to be adopted if, within a period of six months from its notification by the Secretary-General, no Contracting Party applying one or more UN Regulations has informed the Secretary-General of its disagreement with the amendment.

3. The Secretary-General shall, as soon as possible, notify all Contracting Parties to the Agreement applying one or more UN Regulations whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not accepted, and shall be of no effect whatsoever. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties applying one or more UN Regulations three months after the expiry of the period of six months referred to in paragraph 2 of this Article.

4. A new schedule shall be considered as an amendment to the Schedules of Administrative and Procedural Provisions and, therefore, established according to the same procedure as specified in this Article.

Article 14

1. In accordance with the provisions of this Agreement, the Secretary-General shall notify the Contracting Parties of:
 - a. Accessions in accordance with Article 6;
 - b. The dates of entry into force of this Agreement in accordance with Article 7;
 - c. Denunciations in accordance with Article 8;
 - d. Notifications received in accordance with Article 9;
 - e. Declarations and notifications received in accordance with paragraphs 1 and 2 of Article 11;
 - f. The entry into force of any new UN Regulation and any amendment to an existing UN Regulation in accordance with paragraphs 2, 3, 5 and 7 of Article 1, and paragraph 2 of Article 12;
 - g. The entry into force of any amendment to the Agreement, its Appendix or to the Schedules of Administrative and Procedural Provisions in accordance with paragraph 3 of Article 13 or with paragraph 3 of Article 13 bis, respectively;
 - h. The cessation of application of UN Regulations by Contracting Parties in accordance with paragraph 6 of Article 1.
2. In accordance with the provisions of this Agreement and the annexed Schedules of Administrative and Procedural Provisions, the Executive Secretary of the United Nations Economic Commission for Europe shall notify:
 - a. The Secretary-General and the Contracting Parties of the establishment of an amendment to a UN Regulation in accordance with paragraph 2 of Article 12;
 - b. The Contracting Parties of the decision by Administrative Committee on an exemption approval request and, subsequently, of its adoption in accordance with paragraph 5 of Schedule 7.

Article 15

1. If at the date the above provisions come into effect the procedures envisaged in Article 1, paragraphs 3 and 4 of the previous version of the Agreement are under way for adopting a new UN Regulation, the said new UN Regulation shall enter into force under the provisions of paragraph 4 of the said Article.
2. If at the date the above provisions come into effect, the procedures envisaged in Article 12, paragraph 1 of the previous version of the Agreement are under way for the adoption of an amendment to a UN Regulation, the said amendment shall enter into force under the provisions of the said Article.
3. If all Contracting Parties to the Agreement agree, any UN Regulation adopted under the terms of the previous version of the Agreement may be treated as though it were a UN Regulation adopted under the terms of the above provisions.

Article 16

This Agreement was done at Geneva in a single copy in the English, French and Russian languages, each text being equally authentic.

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APPENDIX

Composition and rules of procedure of the Administrative Committee

Article 1

The members of the Administrative Committee shall be composed of all the Contracting Parties to the amended Agreement.

Article 2

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with secretariat services.

Article 3

The Committee shall, at its first session each year, elect a chairman and vice-chairman.

Article 4

The Secretary-General of the United Nations shall convene the Committee under the auspices of the Economic Commission for Europe whenever a new UN Regulation, an amendment to a UN Regulation, a notification according to the procedure for an exemption approval for new technologies (set out in Schedule 7) or an amendment to the Schedules of Administrative and Procedural Provisions is required to be established.

Article 5

Proposed new UN Regulations shall be put to the vote. Each country, Contracting Party to the Agreement shall have one vote. A quorum consisting of not less than half of the Contracting Parties is required for the purposes of taking decisions. For the determination of the quorum regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their member States. The representative of a regional economic integration organization may deliver the votes of its constituent sovereign countries. New draft UN Regulations shall be established by a four-fifths majority of those present and voting.

Article 6

Proposed amendments to UN Regulations shall be put to the vote. Each country, Contracting Party to the Agreement applying the UN Regulation shall have one vote. A quorum of not less than half of the Contracting Parties applying the UN Regulation is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their member States. The representative of a regional economic integration organization may deliver the votes of those of its constituent sovereign countries which apply the UN Regulation. Draft amendments to UN Regulations shall be established by a four-fifths majority of those present and voting.

Article 7

Proposed amendments to the Schedules of Administrative and Procedural Provisions annexed to this Agreement shall be put to the vote. Each Contracting Party to the Agreement applying one or more UN Regulations shall have one vote. A quorum of not less than half of the Contracting Parties to the Agreement applying one or more UN Regulations is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their member States. The representative of a regional economic integration organization may deliver the votes of those of its constituent sovereign countries which apply one or more UN Regulations. Draft amendments to the Schedules of Administrative and Procedural Provisions shall be established by unanimous vote of those present and voting.

Article 8

The request of a Contracting Party for an authorization to grant a proposed exemption approval concerning new technologies shall be put to the vote. Each Contracting Party applying the UN Regulation shall have one vote. A quorum of not less than half of the Contracting Parties applying the UN Regulation is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their member States. The representative of a regional economic integration organization may deliver the votes of those of its constituent sovereign countries which apply the UN Regulation. The authorization to grant an exemption approval for the said Contracting Party shall be established by a four-fifths majority of those present and voting.

Schedules of Administrative and Procedural Provisions

The following Schedules of Administrative and Procedural Provisions (SAPP) are annexed to the 1958 Agreement² and specify the administrative and procedural provisions applicable to all UN Regulations annexed to the 1958 Agreement:

- Schedule 1** Conformity of production procedures
- Schedule 2** Part one: Assessment, designation and notification of technical services
 Part two: Standards which the technical services, referred to in Part one of this Schedule, shall comply with
 Part three: Procedure for the assessment of technical services
- Schedule 3** Procedures for UN type approvals
- Schedule 4** Numbering of UN type approvals
- Schedule 5** Circulation of approval documentation
- Schedule 6** Procedures for resolving interpretation issues in relation to the application of UN Regulations and granting approvals pursuant to these UN Regulations
- Schedule 7** Procedure for exemption approvals concerning new technologies
- Schedule 8** General conditions for virtual testing methods

² Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations.

SCHEDULE 1

Conformity of production procedures

Objectives

The conformity of production procedure aims to ensure that each produced wheeled vehicle, equipment or part is in conformity with the approved type.

Procedures include inseparably the assessment of quality management systems, referred to below as “initial assessment” and verification of the approval subject and product-related controls, referred to as “product conformity arrangements”.

1. Initial assessment

- 1.1. The approval authority of a Contracting Party shall verify before granting UN type approval the existence of satisfactory arrangements and procedures for ensuring effective control so that wheeled vehicles, equipment or parts when in production conform to the approved type.
- 1.2. Guidance for conducting assessments may be found in the international standard ISO 19011:2011 - Guidelines for auditing management systems.
- 1.3. The requirement in paragraph 1.1 shall be verified to the satisfaction of the authority granting UN type approval.

The approval authority granting UN type approval shall be satisfied with the initial assessment and the product conformity arrangements in section 2 below, taking into account as necessary one of the arrangements described in paragraphs 1.3.1 to 1.3.3, or a combination of those arrangements in full or in part as appropriate.

- 1.3.1. The actual initial assessment and/or verification of product conformity arrangements shall be carried out by the approval authority granting UN type approval or by a technical service designated to act on behalf of that approval authority.
 - 1.3.1.1. When considering the extent of the initial assessment to be carried out, the approval authority may take account of available information relating to:
 - (a) The manufacturer's certification described in paragraph 1.3.3 below, which has not been qualified or recognized under that paragraph;
 - (b) In the case of UN type approval of equipment or parts, quality system assessments performed by vehicle manufacturer(s), in the premises of the manufacturer(s) of the equipment or parts, according to one or more of the industry sector specifications satisfying the requirements in the international standard ISO 9001:2008.
- 1.3.2. The actual initial assessment and/or verification of product conformity arrangements may also be carried out by the approval authority of another Contracting Party, or the technical service designated for this purpose by the latter approval authority, provided this Contracting Party applies at least the same UN Regulations upon which the UN type approval has been based.
 - 1.3.2.1. In such a case, the approval authority of the other Contracting Party shall prepare a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type approved and to the UN Regulations according to which these products are to be type approved.
 - 1.3.2.2. On receiving an application for a compliance statement from the approval authority of a Contracting Party granting UN type approval, the approval authority of another Contracting Party shall send forthwith the statement of compliance or advise that it is not in a position to provide such a statement.

1.3.2.3. The statement of compliance shall include at least the following:

- (a) Group or company (e.g. XYZ Automotive);
- (b) Particular organization (e.g. Regional division);
- (c) Plants/sites (e.g. Engine plant 1 (in country A) Vehicle plant 2 (in country B));
- (d) Vehicle/Component range (e.g. all category M1 models);
- (e) Areas assessed (e.g. Engine assembly, body pressing and assembly, vehicle assembly);
- (f) Documents examined (e.g. Company and site quality manual and procedures);
- (g) Date of the assessment (e.g. Audit conducted from dd/mm/yyyy to dd/mm/yyyy);
- (h) Planned monitoring visit (e.g. mm/yyyy).

1.3.3. The approval authority may also accept the manufacturer's certification to the international standard ISO 9001:2008 (the scope of this certification shall cover the product(s) to be approved) or an equivalent accreditation standard as satisfying the initial assessment requirements of paragraph 1.1. The manufacturer shall provide details of the certification and undertake to inform the approval authority of any revisions to its validity or scope of that certification.

1.4. For the purpose of the International Whole Vehicle Type Approval, the initial assessments carried out for granting UN approvals for equipment and parts of the vehicle need not be repeated but shall be completed by an assessment covering the areas not covered by the former assessments, in particular, in relation to the assembly of the whole vehicle.

2. Product conformity arrangements

2.1. Every vehicle, equipment or part approved pursuant to a UN Regulation annexed to the 1958 Agreement shall be so manufactured as to conform to the type approved by meeting the requirements of this Schedule and of the said UN Regulation.

2.2. The approval authority of a Contracting Party granting a type approval pursuant to a UN Regulation annexed to the 1958 Agreement shall verify the existence of adequate arrangements and documented control plans, to be agreed with the manufacturer for each approval, to carry out at specified intervals those tests or associated checks necessary to verify continued conformity with the approved type, including, specifically, where applicable, tests specified in the said UN Regulation.

2.3. The holder of the UN type approval shall, in particular:

- 2.3.1. Ensure the existence and application of procedures for effective control of the conformity of products (wheeled vehicles, equipment or parts) to the approved type;
- 2.3.2. Have access to the testing or other appropriate equipment necessary for checking the conformity to each approved type;
- 2.3.3. Ensure that test or check results' data are recorded and that annexed documents remain available for a period to be determined in agreement with the approval authority. This period shall not exceed 10 years;
- 2.3.4. Analyse the results of each type of test or check, in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;
- 2.3.5. Ensure that for each type of product, at least the checks prescribed in this Schedule and the tests prescribed in the applicable UN Regulations are carried out;
- 2.3.6. Ensure that any set of samples or test pieces giving evidence of non-conformity in the type of test in question gives rise to a further sampling and test. All the necessary steps shall be taken to restore conformity of the corresponding production.

3. Continued verification arrangements

3.1. The authority which has granted UN type approval may at any time verify the conformity control methods applied in each production facility.

- 3.1.1. The normal arrangements shall be to monitor the continued effectiveness of the procedures laid down in paragraphs 1 and 2 (initial assessment and product conformity arrangements) of this Schedule.
 - 3.1.1.1. Surveillance activities carried out by the technical services (qualified or recognized as required in paragraphs 1.3.1 and 1.3.2) shall be accepted as satisfying the requirements of paragraph 3.1.1 concerning the procedures established at the initial assessment.
 - 3.1.1.2. The normal frequency of these verifications by the approval authority (other than those referred to in paragraph 3.1.1.1) shall be such as to ensure that the relevant controls applied in accordance with paragraphs 1 and 2 of this Schedule are reviewed at intervals based on a risk assessment methodology consistent with the international standard ISO 31000:2009 — Risk Management — Principles and guidelines and, in all cases, with a minimum frequency of once every three years. This methodology should take particular account of any non-conformity raised by Contracting Parties under Article 4 of the 1958 Agreement.
- 3.2. At every review, the records of tests and checks and production records shall be available to the inspector; in particular, records of those tests or checks documented as required in paragraph 2.2.
- 3.3. The inspector may select samples at random to be tested in the manufacturer's laboratory or in the facilities of the technical service. In such a case only physical tests shall be carried out. The minimum number of samples may be determined according to the results of the manufacturer's own verification.
- 3.4. Where the level of control appears unsatisfactory, or when it seems necessary to verify the validity of the tests carried out in application of paragraph 3.3, the inspector shall select samples to be sent to the technical service to perform physical tests.
- 3.5. Where unsatisfactory results are found during an inspection or a monitoring review, the approval authority shall ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.

SCHEDULE 2

PART ONE: Assessment, designation and notification of technical services

1. Designation of technical services

- 1.1. When an approval authority designates a technical service, the latter shall comply with the provisions of this Schedule.
- 1.2. The technical services shall carry out themselves, or supervise, the tests required for approval or inspections specified in UN Regulations, except where alternative procedures are specifically permitted. They may not conduct tests or inspections for which they have not been duly designated.

The performance of technical services and the quality of the tests and inspections they are carrying out shall ensure that the products for which UN type approval is requested are adequately verified for their compliance with the requirements of the applicable UN Regulations for which the technical services are designated.
- 1.3. The technical services shall be designated according to one or more of the four following categories of activities, depending on their field of competence:
 - (a) Category A: Technical services which carry out the tests referred to in UN Regulations in their own facilities;
 - (b) Category B: Technical services which supervise the tests referred to in the UN Regulations, performed in the manufacturer's facilities or in the facilities of a third party;
 - (c) Category C: Technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;
 - (d) Category D: Technical services which supervise or perform tests or inspections in the framework of the surveillance of conformity of production.

- 1.4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by the UN Regulations for which they are designated.

In addition, technical services shall comply with, but not necessarily be approved/accredited in accordance with, the standards listed in Part two of this Schedule which are relevant for the categories of activities for which they are designated.

The technical services shall ensure that they are free from any control and influence of interested parties which may adversely affect the impartiality and quality of the tests and inspections.

The technical services shall have access to the test facilities and measurement devices necessary to supervise or perform tests or inspections referred to in the UN Regulations for which the technical services are designated.

- 1.5. An approval authority may act as a technical service for one or more of the activities referred to in paragraph 1.3. Where an approval authority acting as a technical service has been appointed by national law of a Contracting Party and is financed by the latter, the provisions of this Schedule or equivalent rules to the provisions in paragraphs 1, 2 and 3.4 of this Schedule shall be complied with. The same applies for technical services that have been appointed by national law of a Contracting Party and are subject to financial and managerial control by the Government of that Contracting Party. The equivalent rules shall guarantee the same level of performance and independence.
- 1.6. Regardless of paragraph 3.3, a manufacturer or its representative acting on its behalf may be designated as a technical service for category A activities for only those UN Regulations which make provision for such a designation. In this case, and regardless of paragraph 1.4, such technical service shall be accredited in accordance with the standards referred to in paragraph 1 of Part two of this Schedule.
- 1.7. The entities referred to in paragraphs 1.5 and 1.6 shall comply with the provisions of paragraph 1.

2. Assessment of the skills of the technical services

- 2.1. The skills referred to in paragraph 1 shall be demonstrated in an assessment report established by a competent authority.³ This may include a certificate of accreditation issued by an accreditation body.
- 2.2. The assessment referred to in paragraph 2.1 shall be conducted in accordance with the provisions of Part three of this Schedule.
- The assessment report shall be reviewed after a maximum period of three years.
- 2.3. The assessment report shall be communicated to the UNECE secretariat and to the Contracting Parties upon request.
- 2.4. The approval authority which acts as a technical service shall demonstrate compliance with documentary evidence.
- This includes an assessment which shall be conducted by auditors independent of the activity being assessed. Such auditors may be from within the same organization provided that they are independent of the personnel undertaking the assessed activity.
- 2.5. A manufacturer or its representative acting on their behalf, designated as the technical service, shall comply with the relevant provisions of paragraph 2.

3. Procedures for notification

- 3.1. Contracting Parties shall notify the UNECE secretariat of the name, the address including electronic address and the category of activities of each designated technical service. They shall also notify the UNECE secretariat any subsequent modifications thereof.
- The notification act shall state for which UN Regulations the technical services have been designated.
- 3.2. A technical service may conduct the activities described in paragraph 1 for the purposes of UN type approval only if it has been notified to the UNECE secretariat.

3 "Competent authority" means either the approval or designated authority, or an appropriate accreditation body acting on their behalf respectively.

- 3.3. The same technical service may be designated and notified by several Contracting Parties, irrespective of the category of activities which they conduct.
- 3.4. The UNECE secretariat shall publish the list and contact details of the approval authorities and technical services on its website.

PART TWO: Standards which the technical services, referred to in Part one of this Schedule, shall comply with

1. Activities in testing for UN type approval, to be carried out in accordance with UN Regulations

- 1.1. Category A (tests performed in own facilities):
ISO/IEC 17025:2005 on the general requirements for the competence of testing and calibration laboratories.
A technical service designated for category A activities may carry out or supervise the tests according to UN Regulations for which it has been designated, in the facilities of the manufacturer or of its representative.
- 1.2. Category B (supervising tests performed in the manufacturer's facilities or in the facilities of its representative):
ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.
Before performing or supervising any test in the facilities of a manufacturer or of its representative, the technical service shall verify that the test facilities and measurement devices comply with the appropriate requirements of paragraph 1.1.

2. Activities related to Conformity of Production

- 2.1. Category C (procedure for the initial assessment and surveillance audits of the manufacturer's quality management system):
ISO/IEC 17021:2015 on the requirements for bodies providing audit and certification of management systems.
- 2.2. Category D (inspection or testing of production samples or supervision thereof):
ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.

PART THREE: Procedure for the assessment of technical services

1. Purpose

- 1.1. This part of Schedule 2 establishes the conditions by which the assessment procedure of the technical services shall be conducted by the competent authority referred to in paragraph 2 of Part one of this Schedule.
- 1.2. These requirements shall apply, mutatis mutandis, to all technical services irrespective of their legal status (independent organization, manufacturer or approval authority acting as technical service).

2. Principles of assessing

Assessment shall be characterized by reliance on a number of principles:

- (a) Independence which is the basis for the impartiality and objectivity of the conclusions;
- (b) An evidence-based approach which guarantees reliable and reproducible conclusions.

Auditors shall show trust and integrity, and shall respect confidentiality and discretion. They shall report truthfully and accurately findings and conclusions.

3. Auditor skills

- 3.1. The assessments may only be conducted by auditors with the technical and administrative knowledge necessary for such purposes.
- 3.2. The auditors shall have been trained specifically for assessment activities. In addition, they shall have the specific knowledge of the technical area in which the technical service will exercise its activities.

- 3.3. Without prejudice to the provisions of paragraphs 3.1 and 3.2 above, the assessment referred to in paragraph 2.5 of Part one of this Schedule shall be conducted by auditors independent of the activities for which the assessment is conducted.

4. Application for designation

- 4.1. A duly authorized representative of the applicant technical service shall make a formal application to the competent authority. The application shall include as a minimum the following:
- (a) General features of the technical service, including corporate entity, name, addresses, legal status and human and technical resources;
 - (b) A detailed description including curriculum vitae of the personnel in charge of testing and/or inspections and of the managerial staff as evidenced by the skills both educational and professional;
 - (c) In addition to the above, technical services which use virtual testing methods shall provide evidence of their ability to work in a Computer-Aided-x environment;
 - (d) General information concerning the technical service, such as its activities, its relationship in a larger corporate entity, if any, and addresses of all its physical location(s) to be covered by the scope of designation;
 - (e) An agreement to fulfil the requirements for designation and the other obligations of the technical service as applicable in the relevant UN Regulations for which it is designated;
 - (f) A description of the conformity assessment services that the technical service undertakes in the framework of the applicable UN Regulations and a list of the UN Regulations for which the technical service applies for designation, including its limits of capability where applicable;
 - (g) A copy of the quality assurance manual or comparable operational rules of the technical service.
- 4.2. The competent authority shall review for adequacy the information supplied by the technical service.
- 4.3. The technical service shall notify the approval authority of any modifications to the information provided in accordance with paragraph 4.1.

5. Resource review

The competent authority shall review its ability to carry out the assessment of the technical service, in terms of its own policy, its competence and the availability of suitable auditors and experts.

6. Subcontracting the assessment

- 6.1. The competent authority may subcontract parts of the assessment to another designated authority or ask for support from technical experts provided by other competent authorities. The subcontractors and experts shall be accepted by the applicant technical service.
- 6.2. The competent authority shall take into account accreditation certificates with adequate scope, in order to complete its global assessment of the technical service.

7. Preparation for assessment

- 7.1. The competent authority shall formally appoint an assessment team. The former shall ensure that the expertise brought to each assignment is appropriate. In particular, the team as a whole:
- (a) Shall have appropriate knowledge of the specific scope for which designation is sought; and
 - (b) Shall have sufficient understanding to reliably assess the competence of the technical service which operates within its scope of designation.
- 7.2. The competent authority shall clearly define the assignment given to the assessment team. The task of the assessment team is to review the documents collected from the applicant technical service and to conduct the on-site assessment.

- 7.3. The competent authority shall agree, together with the technical service and the assigned assessment team, on the date and timetable for the assessment. However, it remains the responsibility of the competent authority to pursue a date that is in accordance with the surveillance and reassessment plan.
- 7.4. The competent authority shall ensure that the assessment team is provided with the appropriate criteria documents, previous assessment records, and the relevant documents and records of the technical service.

8. On-site assessment

The assessment team shall conduct the assessment of the technical service on the premises of the technical service from which one or more key activities are performed and, where relevant, shall perform eyewitness assessment at other selected locations where the technical service operates.

9. Analysis of findings and assessment report

- 9.1. The assessment team shall analyse all relevant information and evidence from the document and record review and the on-site assessment. This analysis shall be sufficient to allow the team to determine the extent of competence and conformity of the technical service with the requirements for designation.
- 9.2. The competent authority's reporting procedures shall ensure that the following requirements are fulfilled.
 - 9.2.1. A meeting shall take place between the assessment team and the technical service prior to leaving the site. At this meeting, the assessment team shall provide a written and/or oral report of its findings obtained from the analysis. The technical service shall have the opportunity to ask questions about the findings, including non-conformities, if any, and their basis.
 - 9.2.2. A written report on the outcome of the assessment shall be promptly brought to the attention of the technical service. This assessment report shall contain comments on competence and conformity, and shall identify non-conformities, if any, that need to be resolved in order to conform to all of the requirements for designation.
 - 9.2.3. The technical service shall be invited to respond to the assessment report and to describe the specific actions taken or planned to be taken, within a defined time, to resolve any identified non-conformities.
- 9.3. The competent authority shall ensure that the responses of the technical service are sufficient and effective to resolve non-conformities. If the technical service responses are found to be insufficient, further information shall be requested. Additionally, evidence of effective implementation of actions taken may be requested, or a follow-up assessment may be carried out to verify effective implementation of corrective actions.
- 9.4. The assessment report shall include, as a minimum:
 - (a) The unique identification of the technical service;
 - (b) The date(s) of the on-site assessment;
 - (c) The name(s) of the auditor(s) and/or experts involved in the assessment;
 - (d) The unique identification of all premises assessed;
 - (e) The proposed scope of designation that was assessed;
 - (f) A statement on the adequacy of the internal organization and procedures adopted by the technical service supporting its competence, as determined through its fulfilment of the requirements for designation;
 - (g) The information on resolving all non-conformities;
 - (h) A recommendation on whether the applicant should be designated or confirmed as technical service and, if so, the scope of designation.

10. Granting/confirming a designation

- 10.1. The approval authority shall, without undue delay, make the decision on whether to grant, confirm or extend designation on the basis of the report(s) and any other relevant information.

- 10.2. The approval authority shall provide a certificate to the technical service. This certificate shall identify the following:
- (a) The identity and logo of the approval authority;
 - (b) The unique identity of the designated technical service;
 - (c) The effective date of granting of designation and the expiry date;
 - (d) A brief indication of, or a reference to, the scope of designation (applicable UN Regulations or parts thereof);
 - (e) A statement of conformity and a reference to this Schedule.

11. Reassessment and surveillance

- 11.1. Reassessment is similar to an initial assessment except that experience gained during previous assessments shall be taken into account. Surveillance on-site assessments are less extensive than reassessments.
- 11.2. The competent authority shall design its plan for reassessment and surveillance of each designated technical service, so that representative samples of the scope of designation are assessed on a regular basis.
- The interval between on-site assessments, whether reassessment or surveillance, depends on the proven stability of the technical service.
- 11.3. When, during surveillance or reassessments, non-conformities are identified, the competent authority shall define strict time limits for the implementation of corrective actions.
- 11.4. When the corrective or improvement actions have not been taken within the agreed timeframe, or are not deemed to be sufficient, the competent authority shall adopt appropriate measures such as, conducting further assessment, suspending/withdrawing the designation for one or more of the activities for which the technical service has been designated.
- 11.5. When the competent authority decides to suspend or withdraw the designation of a technical service, it shall inform the latter by registered mail, and shall inform the UNECE secretariat thereof accordingly. In any case, the competent authority shall adopt all the necessary measures to ensure the continuity of the activities already undertaken by the technical service.

12. Records on designated technical services

- 12.1. The competent authority shall maintain records on technical services to demonstrate that requirements for designation, including competence, have been effectively fulfilled.
- 12.2. The competent authority shall keep the records on technical services secure to ensure confidentiality.
- 12.3. Records on technical services shall include at least:
- (a) Relevant correspondence;
 - (b) Assessment records and reports;
 - (c) Copies of designation certificates.

SCHEDULE 3

Procedures for UN type approvals

1. Application for and conduct of UN type approval

- 1.1. An application for UN type approval shall be submitted to the approval authority of a Contracting Party by the manufacturer or their authorized representative (hereinafter referred to as the "applicant").
- 1.2. Only one application may be submitted for a particular type of vehicle, equipment or part and it may be submitted in only one Contracting Party applying the UN Regulations pursuant to which UN type approval is sought. A separate application shall be submitted for each type to be approved.
- 1.3. The application shall be accompanied by the information as specified in the UN Regulations pursuant to which approval is sought. This information shall contain a detailed description of the particulars of the type to be approved, including drawings, diagrams and pictures as necessary.
- 1.4. The approval authority may, by reasoned request, call upon the applicant to supply any additional information necessary to enable decision on the approval tests required or facilitating the execution of those tests.
- 1.5. The applicant shall make available to the approval authority as many wheeled vehicles, equipment or parts as are required for the performance of the tests required by the UN Regulations pursuant to which approval is sought.
- 1.6. Compliance with the requirements laid down in the UN Regulations shall be demonstrated by means of appropriate tests performed on wheeled vehicles, equipment and parts which are representative of the type to be approved.

The approval authority shall apply the principle of "worst-casing", by selecting the variant or version from the specified type that for the purpose of testing will represent the type to be approved under the worst conditions. The decisions taken along with their justification shall be recorded in the approval documentation.

However, the applicant may select, in agreement with the approval authority, a vehicle, equipment or parts which, while not representative of the type to be approved, combines a number of most unfavourable features with regard to the level of performance required by the UN Regulations (worst-casing). Virtual testing methods may be used to aid the decision-making on the selection of the worst-case.

- 1.7. The approval tests will be performed or supervised by technical services. The test procedures to be applied and the specific equipment and tools to be used shall be those specified in the UN Regulations.
- 1.8. As an alternative to the test procedures referred to in paragraphs 1.6 and 1.7 above, virtual testing may be used at the request of the applicant, in as far as this is provided for in the relevant UN Regulations and subject to the fulfilment of the general conditions as set out in Schedule 8 annexed to the 1958 Agreement.
- 1.9. Contracting Parties shall issue type approvals only where compliance with conformity of production requirements of Schedule 1 annexed to the 1958 Agreement is ensured.
- 1.10. When the approval tests have demonstrated that the type complies with the technical requirements of the UN Regulation, an approval of that type shall be granted, an approval number shall be assigned according to Schedule 4 annexed to the 1958 Agreement and an approval mark shall be assigned to each type in accordance with the specific provisions of the UN Regulation concerned.
- 1.11. The approval authority shall ensure that the following is included in the approval documentation:
 - (a) A record of the worst-case selection and the justification for that selection. This may include information provided by the manufacturer;
 - (b) A record of any significant technical interpretation made, different test methods applied, or new technology introduced;
 - (c) A test report from the technical service that includes recorded values achieved for measurements and tests as required by the UN Regulation;
 - (d) Information documents from the manufacturer, properly specifying the characteristics of the type to be approved;

- (e) A statement of compliance with the conformity of the production requirements of Schedule 1 annexed to the 1958 Agreement, detailing which of the arrangements referred to in paragraph 1.3 of Schedule 1 annexed to the 1958 Agreement have been taken into account as the basis for the initial assessment as well as the date of the initial assessment and any surveillance activities;
- (f) The type approval certificate.

2. Amendments to UN type approvals

- 2.1. The manufacturer holding a UN type approval for their vehicle, equipment or part shall inform without delay the Contracting Party that issued the UN type approval of any change in the particulars of the type as recorded in the information referred to in paragraph 1.3.
- 2.2. The Contracting Party shall decide which of the two procedures to amend the UN type approval as laid down in paragraphs 2.5 and 2.6 is to be followed. Where necessary, the Contracting Party may decide, in consultation with the manufacturer that a new UN type approval may need to be granted.
- 2.3. An application for amending a UN type approval may only be submitted to the Contracting Party that issued the original UN type approval.
- 2.4. If the Contracting Party finds it necessary, for the purpose of amending the UN type approval, to carry out inspections or tests, it shall inform the manufacturer accordingly.
- 2.5. When particulars of the type as recorded in the information documents and test reports have changed and the Contracting Party considers that the changes are unlikely to have an appreciable adverse effect on the environmental and/or functional safety performance, and that in any case the type still complies with the requirements of the UN Regulations concerned, the modification of the UN type approval shall be designated as a "revision".

In such a case, the Contracting Party shall issue the revised pages of the information documents and test reports as necessary, marking each revised page to show clearly the nature of the modification and the date of re-issue. A consolidated, updated version of the information documents and test reports, accompanied by a detailed description of the modification, shall be deemed to meet this requirement.

- 2.6. The amendment to a UN type approval shall be designated as an "extension" if, in addition to the change of the data recorded in the information documents:
 - (a) Further inspections or tests are required; or
 - (b) Any information on the communication document (with the exception of its attachments) has changed; or
 - (c) Approval to a later series of amendments is requested after its entry into force, which can be granted provided that the requirements of a later series of amendments are fulfilled.
- 2.7. Confirmation or refusal of amending the UN type approval, specifying the alterations, shall be communicated to the Contracting Parties to the 1958 Agreement applying the UN Regulation by means of a communication form. In addition, the index to the information documents and to the test reports, attached to the communication document, shall be amended accordingly to show the date of the most recent revision or extension.
- 2.8. The type approval authority granting the extension of approval shall update the approval number with an extension number incremented in accordance with the number of successive extensions already granted in accordance with Schedule 4 annexed to the 1958 Agreement and issue a revised communication form denoted by this extension number.

SCHEDULE 4

Numbering of UN type approvals

1. As from the entry into force of the 1958 Agreement, Contracting Parties shall issue a type approval number according to paragraphs 1.10 and 2.8 of Schedule 3 for each new type approval and each extension of such an approval.
 2. As from the entry into force of the 1958 Agreement and notwithstanding that the provisions on approval markings in any version of UN Regulations may have stipulated otherwise, the manufacturer shall affix an approval mark, if requested, according to the provisions of the relevant UN Regulations, however, utilizing in that marking the first two digits of Section 2 and the digits of Section 3 of the approval number as mentioned in this Schedule as approval number to each wheeled vehicle, equipment or part for which a new approval has been granted or for which such approvals have been extended. However, this provision does not apply where a UN Regulation requires an approval code or an identification code to be used in the approval mark instead of an approval number. The leading zeros to Section 3 may be omitted.
 3. An approval number shall be assigned to each type approved. The type approval number shall consist of 4 sections. Each section shall be separated by the '*' character.
 - 3.1. The definition of the sections for all UN Regulations, except UN Regulation No. 0 on International Whole Vehicle Type Approval, is:

Section 1: The capital letter 'E' followed by the distinguishing number of the Contracting Party which has granted the type approval.

Section 2: The number of the relevant UN Regulation, followed by the letter 'R', successively followed by:

 - (a) Two digits (with leading zeros as applicable) indicating the series of amendments incorporating the technical provisions of the UN Regulation applied to the approval (00 for the UN Regulation in its original form);
 - (b) A slash and two digits (with leading zeros as applicable) indicating the number of supplement to the series of amendments applied to the approval (00 for the series of amendments in its original form);
 - (c) A slash and one or two character(s) indicating the implementing stage, if applicable.

Section 3: A four to six digit sequential number (with leading zeros as applicable). The sequence shall start from 0001.

Section 4: A two-digit sequential number (with leading zeros if applicable) to denote the extension. The sequence shall start from 00.

All digits shall be Arabic digits.
 - 3.2. The definition of the sections of the approval number for an International Whole Vehicle Type Approval is given in UN Regulation No. 0.
 4. The same Contracting Party shall not assign the same number to another approval.
- Examples:
- Example of the second extension to the fourth type approval issued by the Netherlands according to UN Regulation No. 58 in its original version:
- E4*58R00/00*0004*02
- Example of the first extension to the 2439th type approval issued by the United Kingdom of Great Britain and Northern Ireland for a vehicle approval according to UN Regulation No. 83, third series of amendments, version for a vehicle of category M, N1 class I with regard to the emission of pollutants according to engine fuel requirements:
- E11*83R03/00/J*2439*01

SCHEDULE 5

Circulation of approval documentation

1. Where an approval authority is required to or is requested to provide a copy of an approval and its attachments, it shall send the documents as paper copies, or by e-mail in electronic format, or by utilizing the secure internet database established by the United Nations Economic Commission for Europe.
2. Documents stored on the secure internet database shall consist of at least the documents specified in each UN Regulation. These shall include documentation communicating to Contracting Parties notice of approval, of extension, of refusal or withdrawal of approval or where production is definitely discontinued of a type of wheeled vehicles, equipment or parts pursuant to the UN Regulation.
3. If the type approvals applicable to a wheeled vehicles, equipment or parts are stored on the secure internet database, then the approval markings required by UN Regulations may be replaced by a Unique Identifier (UI) preceded by the symbol , unless specified otherwise in the UN Regulations. Such unique identifier shall be generated by the database automatically.
4. All Contracting Parties applying a UN Regulation shall have access to the information for that UN Regulation contained in the database by using the Unique Identifier and this will provide access to the relevant information relating to the specific approval(s).
5. UN Regulations annexed to the 1958 Agreement may require the circulation of type approvals by electronic copies utilizing the secure internet database, where necessary for the efficient operation of the approval process, subject to the access rights as defined by the Contracting Parties.

SCHEDULE 6

Procedures for resolving interpretation issues in relation to the application of UN Regulations and granting approvals pursuant to these UN Regulations

1. Interpretation issues prior to UN type approval being granted

When an application for UN type approval requires the approval authority to make a significant interpretation on the application of the UN Regulation, or if so requested by the applicant for approval, the approval authority shall actively inform and seek guidance from other approval authorities before making a decision.

The approval authority concerned shall notify the other approval authorities applying the UN Regulation of the issue and of their proposed solution for the interpretation, including any supporting information from the manufacturer. As a general rule, this should be done via electronic media. A period of fourteen days shall be allowed for replies from the other approval authorities.

- (a) The approval authority having taken account of any comments received, can then grant approvals in accordance with the new interpretation;
- (b) If it is not possible to take a decision according to the comments received, the approval authority shall seek further clarification by means of the procedure described in paragraph 3 below.

2. Interpretation issues subsequent to UN type approval being granted

In situations where different interpretations exist between Contracting Parties but subsequent to an approval being issued the following procedures shall be followed.

In the first instance, the Contracting Parties concerned shall seek to resolve the issue by mutual agreement. This will require liaison and for each Contracting Party to review the procedures used to test and approve the wheeled vehicles, equipment and parts being the subject of the interpretation dispute. The following procedures will be applied:

- (a) In the event of an error being acknowledged by an approval authority, the approval authority shall take an action in accordance with the provisions of the 1958 Agreement, and in particular its Article 4;
- (b) Where agreement is reached which necessitates a new or different interpretation of existing practice (by either Contracting Party), then this shall be communicated to other Contracting Parties applying the UN Regulation concerned as a matter of urgency. The other Parties shall have fourteen days to comment upon the decision, following which the approval authorities, having taken account of any comments received, can issue UN type approvals in accordance with the new interpretation;
- (c) Where agreement cannot be reached, then the Contracting Parties concerned shall seek further review by the arbitration process described in paragraph 3 below;
- (d) In any event, the matter shall be brought to the attention of the competent Working Party subsidiary to the World Forum for Harmonization of Vehicle Regulations (WP.29). If deemed necessary, the subsidiary Working Party shall submit to WP.29 proposals for suitable regulatory amendments aimed at resolving the difference of interpretations.

3. Arbitration process through WP.29 and its subsidiary Working Parties

The Chairs of the subsidiary Working Parties shall identify the issues arising from diverging interpretations between Contracting Parties in relation to the application of UN Regulations and the granting of UN type approvals pursuant to these UN Regulations, with a view to put in place measures at the earliest opportunity to resolve the different interpretations.

The Chairs of the Working Parties will develop suitable procedures to deal with such interpretation issues, in order to be able to demonstrate to WP.29 that:

- (a) Full consideration is given to the different opinions by the approval authorities of the Contracting Parties concerned, as well as to the views of other Contracting Parties applying the UN Regulation;
- (b) Decisions are based upon appropriate technical advice, taking full account of the subject area;
- (c) Wherever possible, an unanimous decision is reached; and
- (d) Procedures are transparent and auditable.

If necessary to resolve the issue, the Chair may submit a new agenda item on the issue to the next available session of the subsidiary Working Party, without obtaining prior approval from WP.29. In these circumstances, the Chair shall report on the progress to WP.29 at the earliest opportunity.

At the end of the arbitration process, the Chair shall provide a report to WP.29.

3.1. Where the issue can be resolved within the current regulatory framework:

The interpretation of the UN Regulation as agreed in the Working Party shall be implemented and approval authorities shall issue UN type approvals accordingly.

3.2. Where the issue cannot be resolved within the current regulatory framework:

WP.29 shall be informed accordingly and shall request the relevant subsidiary Working Party to consider the issue as a priority item at its next session. The agenda of the session shall be amended accordingly.

The subsidiary Working Party shall consider any proposal on the interpretation issue and shall submit formal proposals to WP.29 to amend the UN Regulation concerned following the normal procedures. WP.29 will consider the issue as a priority item at its next session.

SCHEDULE 7

Procedure for exemption approvals concerning new technologies

1. Contracting Parties applying a UN Regulation may, on application by the manufacturer, grant exemption approval pursuant to a UN Regulation in respect of a vehicle, equipment or part that incorporates technologies which are incompatible with one or more requirements of that UN Regulation, subject to authorization being granted by the Administrative Committee of the 1958 Agreement under the procedure described in paragraphs 2 to 12 of this Schedule.
2. Pending the decision on whether or not authorization for such an exemption approval is granted, the Contracting Party applying the UN Regulation may grant provisional approval for its territory only. Other Contracting Parties applying that UN Regulation may decide to accept this provisional approval in their territory.
3. The Contracting Party granting the provisional approval mentioned in paragraph 2 of this Schedule shall notify the Administrative Committee of its decision and submit a file with the following:
 - (a) The reasons why the technologies or concept concerned make the vehicle, equipment or part incompatible with the requirements of the UN Regulation;
 - (b) A description of the safety, environmental or other considerations and the measures taken;
 - (c) A description of the tests and results, demonstrating that, compared with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured;
 - (d) A request for authorization to grant an exemption approval to the UN Regulation for the type of vehicle, equipment or part.
4. The Administrative Committee shall consider the complete notification referred to in paragraph 3 of this Schedule at its next session following receipt of the notification, provided this notification was received at least three months prior to the session. After considering the notification, the Administrative Committee may decide to authorize or to refuse the granting of the exemption approval or to refer the issue to the competent subsidiary Working Party.
5. The decision of the Administrative Committee shall be established in accordance with the procedure indicated in the Appendix, Article 8.
6. The requested exemption approval pursuant to a UN Regulation, mentioned under paragraph 3 of this Schedule, will be considered to be authorized unless, within a period of one month from the notification by the Executive Secretary of the United Nations Economic Commission for Europe of the Administrative Committee's authorization decision, more than one-fifth of the Contracting Parties applying the UN Regulation at the time of notification have informed the Executive Secretary of the United Nations Economic Commission for Europe of their disagreement with the authorization of the exemption approval.
7. When the authorization for granting the exemption approval is adopted, the Executive Secretary of the United Nations Economic Commission for Europe shall, as soon as possible, notify the Contracting Parties applying the concerned UN Regulation about this adoption.

 As from the date of that notification the Contracting Party referred to in paragraph 3 of this Schedule may then deliver the exemption approval pursuant to the UN Regulation. The exemption approval shall be accepted by the Contracting Parties applying the UN Regulation, with the exception of those who have notified their disagreement, or their intention not to accept the exemption approval immediately, to the Executive Secretary of the United Nations Economic Commission for Europe. The Contracting Parties which have notified their disagreement, or their intention not to accept the exemption approval immediately, with the authorization by the Administrative Committee may at a later date accept the exemption approval by notifying the Executive Secretary of the United Nations Economic Commission for Europe of their decision.
8. The Administrative Committee shall specify any restrictions in the authorization decision. Time limits shall not be less than thirty-six months. Contracting Parties applying the UN Regulation shall accept the exemption approval at least until the expiration of the time limit, if any, or, when the UN Regulation in question is subsequently amended as per paragraphs 9 and 10 of this Schedule in order to take into account the technology covered by the exemption approval,

until the date, as from which Contracting Parties may refuse approvals to the previous version of the UN Regulation, whichever of these two dates comes first.

The Contracting Party authorized to grant the exemption approval shall ensure that the manufacturer fully complies with all restrictions associated with this approval and that the communication form clearly indicates that it is based on an exemption authorized by the Administrative Committee.

9. The Administrative Committee shall at the same time inform the subsidiary Working Party responsible for the UN Regulation about the authorization to grant the exemption approval.

The Contracting Party authorized to grant the exemption approval shall submit to the subsidiary Working Party responsible for the UN Regulation a proposal to amend the UN Regulation for which the exemption approval was requested, in order to adapt it to the technological development. This submission shall be made not later than by the next session of the subsidiary Working Party following the notification of the Administrative Committee authorization decision according to paragraph 6 of this Schedule.

10. As soon as the UN Regulation has been amended to take into account the technology for which the exemption approval was granted, and entered into force, the manufacturer shall be authorized to apply for type approval pursuant to the amended UN Regulation, in replacement of the previously granted exemption approval to that UN Regulation. The approval authority granting that type approval shall, as soon as reasonable, withdraw the exemption approval or inform the approval authority which granted the exemption approval that this exemption approval is to be withdrawn.
11. If the procedure to amend the UN Regulation is not completed before the expiration of the time limit defined in paragraph 8 of this Schedule, the validity of the exemption approval may be extended, at the request of the Contracting Party which granted the exemption approval, subject to a decision adopted in accordance with the procedure described in paragraphs 2 and 3 of this Schedule. If, however, the Contracting Party which has been authorized to grant the exemption approval failed to submit a proposal to amend the UN Regulation before the deadline specified in paragraph 9 of this Schedule, that Contracting Party shall immediately withdraw this exemption approval, taking however into account the time limit as defined in paragraph 8 of this Schedule. The Contracting Party which withdrew the exemption approval shall inform the Administrative Committee accordingly at its next session.
12. If the Administrative Committee decides to refuse an authorization to grant an exemption approval, the Contracting Party which issued the provisional approval referred to in paragraph 2 of this Schedule may withdraw this provisional approval. In this case, that Contracting Party shall immediately give notice to the holder of the provisional approval that this provisional approval, granted in accordance with paragraph 2 of this Schedule, will be withdrawn six months after the date of the decision taking into account that the provisional approval shall be valid at least for twelve months from the date of its granting.

SCHEDULE 8

General conditions for virtual testing methods

1. Virtual test pattern

The following scheme shall be used as a basic structure for describing and conducting virtual testing:

- (a) Purpose;
- (b) Structure model;
- (c) Boundary conditions;
- (d) Load assumptions;
- (e) Calculation;
- (f) Assessment;
- (g) Documentation.

2. Fundamentals of computer simulation and calculation

2.1. Mathematical model

The mathematical model shall be supplied by the manufacturer. It shall reflect the complexity of the structure of the wheeled vehicles, equipment and parts to be tested in accordance with the requirements of the UN Regulations concerned and its boundary conditions.

The same provisions shall apply, *mutatis mutandis*, for testing components independent of the vehicle.

2.2. Validation process of the mathematical model

The mathematical model shall be validated in comparison with the actual test conditions.

To that effect, physical testing shall be conducted as appropriate for the purposes of comparing the results obtained when using the mathematical model with the results of a physical test. Comparability of the test results shall be proven. A validation report shall be drafted by the manufacturer or by the technical service and submitted to the approval authority.

Any change made to the mathematical model or to the software likely to invalidate the validation report shall be brought to the attention of the approval authority which may require a new validation process to be conducted.

2.3. Documentation

The data and auxiliary tools used for the simulation and calculation shall be made available by the manufacturer and be documented in a way suitable for the technical service.

3. Tools and support

At the request of the approval authority or the technical service, the manufacturer shall supply or provide access to the necessary tools including appropriate software.

In addition the manufacturer shall provide appropriate support to the approval authority or the technical service.

Providing access and support to a technical service does not remove any obligation of the technical service regarding the skills of its personnel, the payment of licence rights and respect of confidentiality.

ANNEX III

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, done at Geneva on 25 June 1998

(Reproduction of documents ECE/TRANS/132 and Corr.1)

PREAMBLE

THE CONTRACTING PARTIES,

HAVING DECIDED to adopt an Agreement to establish a process for promoting the development of global technical regulations ensuring high levels of safety, environmental protection, energy efficiency and antitheft performance of Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles;

HAVING DECIDED that such process shall also promote the harmonization of existing technical regulations, recognizing the right of subnational, national and regional authorities to adopt and maintain technical regulations in the areas of health, safety, environmental protection, energy efficiency and anti-theft performance that are more stringent than those established at the global level;

HAVING AUTHORIZATION to enter into such an Agreement under paragraph 1(a) of the Terms of Reference of the UN/ECE and Chapter XIII of the Rules of Procedure of the UN/ECE, Rule 50;

RECOGNIZING that this Agreement does not prejudice the rights and obligations of a Contracting Party under existing international agreements on health, safety and environmental protection;

RECOGNIZING that this Agreement does not prejudice the rights and obligations of a Contracting Party under the agreements under the World Trade Organization (WTO), including the Agreement on Technical Barriers to Trade (TBT), and intending to establish global technical regulations under this agreement, as a basis for their technical regulations in a manner consistent with these agreements;

INTENDING that Contracting Parties to this Agreement use the global technical regulations established under this Agreement as a basis for their technical regulations;

RECOGNIZING the importance to public health, safety and welfare of continuously improving and seeking high levels of safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, and the potential value to international trade, consumer choice and product affordability of increasing convergences in existing and future technical regulations and their related standards;

RECOGNIZING that governments have the right to seek and implement improvements in the level of health, safety and environmental protection, and to determine whether the global technical regulations established under this Agreement are suitable for their needs;

RECOGNIZING the important harmonization work already carried out under the 1958 Agreement;

RECOGNIZING the interest and expertise in different geographic regions regarding safety, environmental, energy and anti-theft problems and methods of solving those problems, and the value of that interest and expertise in developing global technical regulations to aid in achieving those improvements and in minimizing divergences;

DESIRING to promote the adoption of established global technical regulations in developing countries, taking into account the special issues and circumstances for those countries, and in particular the least developed of them;

DESIRING that the technical regulations applied by the Contracting Parties be given due consideration through transparent procedures in developing global technical regulations, and that such consideration include comparative analyses of benefits and cost effectiveness;

RECOGNIZING that establishing global technical regulations providing high levels of protection will encourage individual countries to conclude that those Regulations will provide the protection and performance needed within their jurisdiction;

RECOGNIZING the impact of the quality of vehicle fuels on the performance of vehicle environmental controls, human health, and fuel efficiency; and

RECOGNIZING that the use of transparent procedures is of particular importance in developing global technical regulations under this Agreement and that this development process must be compatible with the regulatory development processes of the Contracting Parties to this Agreement;

HAVE AGREED as follows:

Article 1

Purpose

- 1.1. The purpose of this Agreement is:
 - 1.1.1. To establish a global process by which Contracting Parties from all regions of the world can jointly develop global technical regulations regarding the safety, environmental protection, energy efficiency, and antitheft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles;
 - 1.1.2. To ensure that, in developing global technical regulations, due and objective consideration is given to the existing technical regulations of Contracting Parties, and to the UN/ECE Regulations;
 - 1.1.3. To ensure that objective consideration is given to the analysis of best available technology, relative benefits and cost effectiveness as appropriate in developing global technical regulations;
 - 1.1.4. To ensure that the procedures used in developing global technical regulations are transparent;
 - 1.1.5. To achieve high levels of safety, environmental protection, energy efficiency, and anti-theft performance within the global community, and 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 subnational level;
 - 1.1.6. To reduce technical barriers to international trade through harmonizing existing technical regulations of Contracting Parties, and UN/ECE Regulations, and developing new global technical regulations governing safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, consistent with the achievement of high levels of safety and environment protection and the other above-stated purposes; and
 - 1.1.7. To ensure that, where alternative levels of stringency are needed to facilitate the regulatory activities of certain countries, in particular developing countries, such needs are taken into consideration in developing and establishing global technical regulations.
- 1.2. This Agreement is to operate in parallel with the 1958 Agreement, without affecting the institutional autonomy of either Agreement.

Article 2

Contracting Parties and consultative status

- 2.1. Countries that are members of the Economic Commission for Europe (UN/ECE), regional economic integration organizations that are set up by ECE member countries and countries that are admitted to the ECE in a consultative capacity in accordance with paragraph 8 of the ECE's Terms of Reference, may become Contracting Parties to this Agreement.
- 2.2. Countries that are members of the United Nations and that participate in certain activities of the ECE in accordance with paragraph 11 of the ECE's Terms of Reference, and regional economic integration organizations set up by such countries, may become Contracting Parties to this Agreement.

- 2.3. Any specialized agency and any organization, including intergovernmental organizations and non-governmental organizations, that have been granted consultative status by the Economic and Social Council of the United Nations, may participate in that capacity in the deliberations of any Working Party during consideration of any matter of particular concern to that agency or organization.

Article 3

Executive Committee

- 3.1. The representatives of Contracting Parties shall constitute the Executive Committee of this Agreement and shall meet at least annually in that capacity.
- 3.2. The Rules of Procedure of the Executive Committee are set forth in Annex B to this Agreement.
- 3.3. The Executive Committee shall:
- 3.3.1. Be responsible for the implementation of this Agreement, including the setting of priorities for activity under this Agreement;
 - 3.3.2. Consider all recommendations and reports by Working Parties regarding the establishment of global technical regulations under this Agreement; and
 - 3.3.3. Fulfil such other functions as may be appropriate under this Agreement.
- 3.4. The Executive Committee shall have the final authority to decide whether to list regulations in the Compendium of Candidate global technical regulations and to establish global technical regulations under this Agreement.
- 3.5. The Executive Committee shall, in discharging its functions, use information from all relevant sources when the Committee deems it appropriate to do so.

Article 4

Criteria for technical regulations

- 4.1. To be listed under Article 5 or established under Article 6, a technical regulation shall meet the following criteria:
- 4.1.1. Provide a clear description of the wheeled vehicles, equipment and/or parts which can be fitted and/or be used on wheeled vehicles and which are subject to the regulation.
 - 4.1.2. Contain requirements that:
 - 4.1.2.1. Provide for high levels of safety, environmental protection, energy efficiency or anti-theft performance; and
 - 4.1.2.2. Wherever appropriate, are expressed in terms of performance instead of design characteristics.
 - 4.1.3. Include:
 - 4.1.3.1. The test method by which compliance with the regulation is to be demonstrated;
 - 4.1.3.2. For regulations to be listed under Article 5, where appropriate, a clear description of approval or certification markings and/or labels requisite for type approval and conformity of production or for manufacturer self-certification requirements; and
 - 4.1.3.3. If applicable, a recommended minimum period of lead time, based upon considerations of reasonableness and practicability, that a Contracting Party should provide before requiring compliance.
- 4.2. A global technical regulation may specify alternative non-global levels of stringency or performance, and appropriate test procedures, where needed to facilitate the regulatory activities of certain countries, in particular developing countries.

Article 5

Compendium of candidate global technical regulations

- 5.1. A compendium of technical regulations of Contracting Parties other than UN/ECE Regulations that are candidates for harmonization or adoption as global technical regulations (to be known as the Compendium of Candidates) shall be created and maintained.

5.2. Listing technical regulations in the Compendium of Candidates

Any Contracting Party may submit a request to the Executive Committee for the listing in the Compendium of Candidates of any technical regulation that such Contracting Party has applied, is applying or has adopted for future application.

5.2.1. The request specified in paragraph 5.2. shall contain:

5.2.1.1. A copy of such regulation;

5.2.1.2. Any available technical documentation supporting such regulation, including documentation concerning best available technology, relative benefits, and cost effectiveness; and

5.2.1.3. The identification of any known existing or imminent relevant international voluntary standards.

5.2.2. The Executive Committee shall consider all requests that satisfy the requirements of Article 4 and paragraph 5.2.1. of this Article. The technical regulation shall be listed in the Compendium of Candidates if supported by an affirmative vote in accordance with paragraph 7.1. of Article 7 of Annex B. The documentation submitted with the request for that regulation shall be appended to the listed technical regulation.

5.2.3. The requested regulation shall be considered to be listed by the Secretary-General on the date on which it is supported by an affirmative vote under paragraph 5.2.2. of this Article.

5.3. Removing listed technical regulations from the Compendium of Candidates

A listed technical regulation shall be removed from the Compendium of Candidates either:

5.3.1. Upon the establishment in the Global Registry of a global technical regulation embodying product requirements addressing the same elements of performance or design characteristics as the listed technical regulation;

5.3.2. At the end of the 5-year period following the regulation's listing under this Article, and at the end of each subsequent 5-year period, unless the Executive Committee reaffirms, by an affirmative vote in accordance with paragraph 7.1. of Article 7 of Annex B, the listing of the technical regulation in the Compendium of Candidates; or

5.3.3. In response to a written request from the Contracting Party at whose request the technical regulation was originally listed. Such request shall include the bases for the removal of the regulation.

5.4. Availability of documents

All documents considered by the Executive Committee under this Article shall be publicly available.

Article 6

Registry of global technical regulations

6.1. A registry shall be created and maintained for the global technical regulations developed and established under this Article. The registry shall be known as the Global Registry.

6.2. Establishing global technical regulations in the Global Registry through harmonization of existing regulations

A Contracting Party may submit a proposal to develop a harmonized global technical regulation concerning elements of performance or design characteristics addressed either by technical regulations listed in the Compendium of Candidates, or by any UN/ECE Regulations, or both.

6.2.1. The proposal specified in paragraph 6.2. shall contain:

6.2.1.1. An explanation of the objective of the proposed global technical regulation.

6.2.1.2. A narrative description or, if available, the draft text of the proposed global technical regulation;

6.2.1.3. Available documentation that may facilitate the analysis of the issues to be addressed in the report required by paragraph 6.2.4.2.1. of this Article;

6.2.1.4. A list of all technical regulations in the Compendium of Candidates, and any UN/ECE Regulations, that address the same elements of performance or design characteristics to be addressed by the proposed global technical regulation; and

- 6.2.1.5. The identification of any known existing relevant international voluntary standards.
- 6.2.2. Each proposal specified in paragraph 6.2.1. of this Article shall be submitted to the Executive Committee.
- 6.2.3. The Executive Committee shall not refer to any Working Party any proposal that it determines does not satisfy the requirements of Article 4 and paragraph 6.2.1. of this Article. It may refer all other proposals to an appropriate Working Party.
- 6.2.4. In response to a proposal referred to it for developing a global technical regulation through harmonization, the Working Party shall use transparent procedures to:
 - 6.2.4.1. Develop recommendations regarding a global technical regulation by:
 - 6.2.4.1.1. Giving consideration to the objective of the proposed global technical regulation and the need for establishing alternative levels of stringency or performance;
 - 6.2.4.1.2. Reviewing all technical regulations that are listed in the Compendium of Candidates, and any UN/ECE Regulations, that address the same elements of performance;
 - 6.2.4.1.3. Reviewing any documentation that is appended to the regulations specified in paragraph 6.2.4.1.2. of this Article;
 - 6.2.4.1.4. Reviewing any available assessments of functional equivalence relevant to the consideration of the proposed global technical regulation, including assessments of related standards;
 - 6.2.4.1.5. Verifying whether the global technical regulation under development satisfies the stated objective of the regulation and the criteria in Article 4; and
 - 6.2.4.1.6. Giving due consideration to the possibility of the technical regulation being established under the 1958 Agreement.
 - 6.2.4.2. Submit to the Executive Committee:
 - 6.2.4.2.1. A written report that presents its recommendation regarding the global technical regulation, includes all technical data and information that were considered in the development of its recommendation, describes its consideration of the information specified in paragraph 6.2.4.1. of this Article, and sets forth the rationale for its recommendations, including an explanation for rejecting any alternative regulatory requirements and approaches considered; and
 - 6.2.4.2.2. The text of any recommended global technical regulation.
- 6.2.5. The Executive Committee shall, using transparent procedures:
 - 6.2.5.1. Determine whether the recommendations regarding the global technical regulation, and the report are based upon a sufficient and thorough performance of the activities specified in paragraph 6.2.4.1. of this Article. If the Executive Committee determines that the recommendations, report and/or the text of the recommended global technical regulation, if any, are inadequate, it shall return the regulation and report to the Working Party for revision or additional work.
 - 6.2.5.2. Consider the establishment of a recommended global technical regulation in accordance with the procedures set forth in paragraph 7.2. of Article 7 of Annex B. A consensus vote by the Executive Committee in favour of the regulation shall establish the Regulation in the Global Registry.
- 6.2.6. The global technical regulation shall be considered to be established in the Global Registry on the date of the consensus vote by the Executive Committee in favour of the regulation.
- 6.2.7. The Secretariat shall, upon the establishment of a global technical regulation by the Executive Committee, append copies of all relevant documentation, including the proposal submitted pursuant to paragraph 6.2.1. of this Article and the recommendations and report required by paragraph 6.2.4.2.1. of this Article, to that regulation.

6.3. Establishing new global technical regulations in the Global Registry

A Contracting Party may submit a proposal to develop a new global technical regulation concerning elements of performance or design characteristics not addressed by technical regulations in the Compendium of Candidates or UN/ECE Regulations.

- 6.3.1. The proposal specified in paragraph 6.3. shall contain:
 - 6.3.1.1. An explanation of the objective of the proposed new global technical regulation, based on objective data to the extent possible;
 - 6.3.1.2. A narrative description or, if available, the draft text of the proposed new global technical regulation;
 - 6.3.1.3. Any available documentation that may facilitate the analysis of the issues to be addressed in the report required by paragraph 6.3.4.2.1. of this Article; and
 - 6.3.1.4. The identification of any known existing relevant international voluntary standards.
- 6.3.2. Each proposal specified in paragraph 6.3.1. of this Article shall be submitted to the Executive Committee.
- 6.3.3. The Executive Committee shall not refer to any Working Party any proposal that it determines does not satisfy the requirements of Article 4 and paragraph 6.3.1. of this Article. It may refer all other proposals to an appropriate Working Party.
- 6.3.4. In response to a proposal referred to it for developing a new global technical regulation, the Working Party shall use transparent procedures to:
 - 6.3.4.1. Develop recommendations regarding a new global technical regulation by:
 - 6.3.4.1.1. Giving consideration to the objective of the proposed new global technical regulation and the need for establishing alternative levels of stringency or performance;
 - 6.3.4.1.2. Considering technical feasibility;
 - 6.3.4.1.3. Considering economic feasibility;
 - 6.3.4.1.4. Examining benefits, including those of any alternative regulatory requirements and approaches considered;
 - 6.3.4.1.5. Comparing potential cost effectiveness of the recommended regulation to that of the alternative regulatory requirements and approaches considered;
 - 6.3.4.1.6. Verifying whether the new global technical regulation under development satisfies the stated objective of the Regulation and the criteria in Article 4; and
 - 6.3.4.1.7. Giving due consideration to the possibility of the technical regulation being established under the 1958 Agreement.
 - 6.3.4.2. Submit to the Executive Committee:
 - 6.3.4.2.1. A written report that presents its recommendation regarding the new global technical regulation, includes all technical data and information that were considered in the development of its recommendation, describes its consideration of the information specified in paragraph 6.3.4.1. of this Article, and sets forth the rationale for its recommendations, including an explanation for rejecting any alternative regulatory requirements and approaches considered; and
 - 6.3.4.2.2. The text of any recommended new global technical regulation.
- 6.3.5. The Executive Committee shall, using transparent procedures:
 - 6.3.5.1. Determine whether the recommendations regarding the new global technical regulation and the report are based upon a sufficient and thorough performance of the activities specified in paragraph 6.3.4.1. of this Article. If the Executive Committee determines that the recommendations, report and/or the text of the recommended new global technical regulation, if any, are inadequate, it shall return the regulation and report to the Working Party for revision or additional work.

6.3.5.2. Consider the establishment of a recommended new global technical regulation in accordance with the procedures set forth in paragraph 7.2. of Article 7 of Annex B. A consensus vote by the Executive Committee in favour of the regulation shall establish the Regulation in the Global Registry.

6.3.6. The global technical regulation shall be considered to be established in the Global Registry on the date of the consensus vote by the Executive Committee in favour of the regulation.

6.3.7. The Secretariat shall, upon the establishment of a new global technical regulation by the Executive Committee, append copies of all relevant documentation, including the proposal submitted pursuant to paragraph 6.3.1. of this Article and the recommendations and report required by paragraph 6.3.4.2.1. of this Article, to that Regulation.

6.4. Amending established global technical regulations

The process for amending any global technical regulation established in the Global Registry under this Article shall be the procedures specified in paragraph 6.3. of this Article for establishing a new global technical regulation in the Global Registry.

6.5. Availability of documents

All documents considered or generated by the Working Party in recommending global technical regulations under this Article shall be publicly available.

Article 7

Adoption, and notification of application, of established global technical regulations

7.1. A Contracting Party that votes in favour of establishing a global technical regulation under Article 6 of this Agreement shall be obligated to submit the technical Regulation to the process used by that Contracting Party to adopt such a technical Regulation into its own laws or regulations and shall seek to make a final decision expeditiously.

7.2. A Contracting Party that adopts an established global technical regulation into its own laws or regulations shall notify the Secretary-General in writing of the date on which it will begin applying that Regulation. The notification shall be provided within 60 days after its decision to adopt the Regulation. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is selected by the Contracting Party.

7.3. A Contracting Party that is specified in paragraph 7.1. of this Article and that decides not to adopt the established global technical regulation into its own laws or regulations, shall notify the Secretary-General in writing of its decision and the basis for its decision. The notification shall be provided within sixty (60) days after its decision.

7.4. A Contracting Party that is specified in paragraph 7.1. of this Article and that has not, by the end of the one-year period after the date of the establishment of the Regulation in the Global Registry, either adopted that technical regulation or decided not to adopt the Regulation into its own laws or regulations, shall provide a report on the status of the Regulation in its domestic process. A status report shall be submitted for each subsequent one-year period if neither of those actions has been taken by the end of that period. Each report required by this paragraph shall:

7.4.1. include a description of the steps taken during the past year to submit the Regulation and make a final decision and an indication of the anticipated date of such a decision; and

7.4.2. be submitted to the Secretary-General not later than 60 days after the end of the one-year period for which the report is submitted.

7.5. A Contracting Party that accepts products that comply with an established global technical regulation without adopting that Regulation into its own laws or regulations shall notify the Secretary-General in writing of the date on which it began to accept such products. The Contracting Party shall provide the notification within sixty (60) days after the beginning of such acceptance. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is selected by the Contracting Party.

7.6. A Contracting Party that has adopted into its own laws or regulations an established global technical regulation may decide to rescind or amend the adopted Regulation. Prior to making that decision, the Contracting Party shall notify

the Secretary-General in writing of its intent and the reasons for considering that action. This notice provision shall also apply to a Contracting Party that has accepted products under paragraph 7.5. and that intends to cease accepting such products. The Contracting Party shall notify the Secretary-General of its decision to adopt any amended or new regulation within 60 days after that decision. Upon request, the Contracting Party shall promptly provide copies of such amended or new regulation to other Contracting Parties.

Article 8

Issue resolution

- 8.1. Questions concerning the provisions of an established global technical regulation shall be referred to the Executive Committee for resolution.
- 8.2. Issues between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be resolved through consultation or negotiation between or among them. Where this process fails to resolve the issues, the Contracting Parties concerned may agree to request the Executive Committee to resolve the issue as provided in paragraph 7.3. of Article 7 of Annex B.

Article 9

Becoming a Contracting Party

- 9.1. Countries and regional economic integration organizations specified in Article 2 may become Contracting Parties to this Agreement by either:
 - 9.1.1. Signature without reservation as to ratification, acceptance or approval;
 - 9.1.2. Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;
 - 9.1.3. Acceptance; or
 - 9.1.4. Accession.
- 9.2. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.
- 9.3. Upon becoming a Contracting Party:
 - 9.3.1. After this Agreement has entered into force, each country or regional integration organization shall give notification in accordance with Article 7 as to which, if any, global technical regulation(s) established pursuant to Article 6 it will adopt, and as to any decision to accept products that comply with any of those global technical regulations, without adopting those Regulations into its own laws or regulations. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is adopted or accepted by the Contracting Party.
 - 9.3.2. Each regional economic integration organization shall declare in matters within its competence that its Member States have transferred powers in fields covered by this Agreement, including the power to make binding decisions on their Member States.
- 9.4. Regional economic integration organizations that are Contracting Parties shall cease being Contracting Parties when they lose the powers declared in accordance with paragraph 9.3.2. of this Article and shall inform the Secretary-General thereof.

Article 10

Signature

- 10.1. This Agreement shall be open for signature beginning 25 June 1998.
- 10.2. This Agreement shall remain open for signature until its entry into force.

Article 11

Entry into force

- 11.1. This Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of five (5) countries and/or regional economic integration organizations have become Contracting Parties pursuant to Article 9. This minimum of five (5) must include the European Community, Japan, and the United States of America.
- 11.2. If, however, paragraph 11.1 of this Article is not satisfied fifteen (15) months after the date specified in paragraph 10.1., then this Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of eight (8) countries and/or regional economic integration organizations have become Contracting Parties pursuant to Article 9. Such date of entry into force shall not be earlier than sixteen (16) months after the date specified in paragraph 10.1. At least one (1) of these eight (8) must be either the European Community, Japan or the United States of America.
- 11.3. For any country or regional economic integration organization that becomes a Contracting Party to the Agreement after its entry into force, this Agreement shall enter into force sixty (60) days after the date that such country or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession.

Article 12

Withdrawal from Agreement

- 12.1. A Contracting Party may withdraw from this Agreement by notifying the Secretary-General in writing.
- 12.2. Withdrawal from this Agreement by any Contracting Party shall take effect one year after the date on which the Secretary-General receives notification pursuant to paragraph 12.1. of this Article.

Article 13

Amendment of Agreement

- 13.1. A Contracting Party may propose amendments to this Agreement and the Annexes to this Agreement. Proposed amendments shall be submitted to the Secretary-General, who shall transmit them to all Contracting Parties.
- 13.2. A proposed amendment transmitted in accordance with paragraph 13.1. of this Article shall be considered by the Executive Committee at its next scheduled meeting.
- 13.3. If there is a consensus vote in favour of the amendment by the Contracting Parties present and voting, it shall be communicated by the Executive Committee to the Secretary-General who shall then circulate the amendment to all Contracting Parties.
- 13.4. An amendment circulated under paragraph 13.3. of this Article shall be deemed to be accepted by all Contracting Parties if no Contracting Party expresses an objection within a period of six (6) months after the date of such circulation. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three (3) months after the expiry of the period of the six (6) months referred in this paragraph.
- 13.5. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If such objection has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatever.

Article 14

Depositary

The Depositary of this Agreement shall be the Secretary-General of the United Nations. In addition to other depositary functions, the Secretary-General shall, as soon as possible, notify the Contracting Parties of:

- 14.1. The listing or removing of technical regulations under Article 5.
- 14.2. The establishing or amending of global technical regulations under Article 6.
- 14.3. Notifications received in accordance with Article 7.

- 14.4. Signatures, acceptances, and accessions in accordance with Articles 9 and 10.
- 14.5. Notifications received in accordance with Article 9.
- 14.6. The dates on which this Agreement shall enter into force for Contracting Parties in accordance with Article 11.
- 14.7. Notifications of withdrawal from this Agreement received in accordance with Article 12.
- 14.8. The date of entry into force of any amendment to this Agreement in accordance with Article 13.
- 14.9. Notifications received in accordance with Article 15 regarding territories.

Article 15

Extension of Agreement to territories

- 15.1. This Agreement shall extend to any territory or territories of a Contracting Party for whose international relations such Contracting Party is responsible, unless the Contracting Party otherwise specifies, prior to entry into force of the agreement for that Contracting Party.
- 15.2. Any Contracting Party may denounce this Agreement separately for any such territory or territories in accordance with Article 12.

Article 16

Secretariat

The Secretariat of this Agreement shall be the Executive Secretary of the UN/ECE. The Executive Secretary shall carry out the following secretariat functions:

- 16.1. Prepare the meetings of the Executive Committee and the Working Parties;
- 16.2. Transmit to the Contracting Parties reports and other information received in accordance with the provisions of this Agreement; and
- 16.3. Discharge the functions assigned by the Executive Committee.

ANNEX A

Definitions

For the purposes of this Agreement, the following definitions shall apply:

1. With regard to the global technical regulations developed under this Agreement, the term “*accept*” means the action by a Contracting Party of allowing the entry of products that comply with a global technical regulation into its market without having adopted that global technical regulation into its respective laws and regulations.
2. With regard to the global technical regulations developed under this Agreement, the term “*adopt*” means the promulgation of a global technical regulation into the laws and regulations of a Contracting Party.
3. With regard to the global technical regulations developed under this Agreement, the term “*apply*” means the action of requiring compliance with a global technical regulation by a Contracting Party as of a certain date; in other words, the effective date of the regulation within a Contracting Party’s jurisdiction.
4. The term “*Article*” means an article of this Agreement.
5. The term “*consensus vote*” means a vote on a matter in which no Contracting Party present and voting objects to the matter in accordance with paragraph 7.2. of Article 7 of Annex B.
6. The term “*Contracting Party*” means any country, or regional economic integration organization, that is a Contracting Party to this Agreement.
7. The term “*equipment and parts which can be fitted and/or be used on wheeled vehicles*” means equipment or parts whose characteristics have a bearing on safety, environmental protection, energy efficiency, or anti-theft performance. Such equipment and parts include, but are not limited to, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices, and child restraint systems.
8. The term “*established global technical regulation*” means a global technical regulation that has been placed on the Global Registry in accordance with this Agreement.
9. The term “*listed technical regulation*” means a national or regional technical regulation that has been placed on the Compendium of Candidates in accordance with this Agreement.
10. The term “*manufacturer self-certification*” means a Contracting Party’s legal requirement that a manufacturer of wheeled vehicles, equipment and/or parts which can be fitted and/or be used on wheeled vehicles must certify that each vehicle, item of equipment or part that the manufacturer introduces into commerce satisfies specific technical requirements.
11. The term “*regional economic integration organization*” means an organization which is constituted by, and composed of, sovereign countries, and which has competence in respect of matters covered by this Agreement, including the authority to make decisions binding on all of its Member Countries in respect of those matters.
12. The term “*Secretary-General*” means the Secretary-General of the United Nations.
13. The term “*transparent procedures*” means procedures designed to promote the public awareness of and participation in the regulatory development process under this Agreement. They shall include the publication of:
 - (1) Notices of meetings of the Working Parties and of the Executive Committee; and
 - (2) Working and final documents.

They shall also include the opportunity to have views and arguments represented at:

 - (1) Meetings of Working Parties through organizations granted consultative status; and
 - (2) Meetings of Working Parties and of the Executive Committee through pre-meeting consulting with representatives of Contracting Parties.
14. The term “*type approval*” means written approval of a Contracting Party (or competent authority designated by a Contracting Party) that a vehicle and/or any item of equipment and/or part that can be fitted and/or be used on a vehicle, satisfies specific technical requirements, and is used as a precondition to the introduction of the vehicle, equipment or part into commerce.

15. The term “*UN/ECE Regulations*” means United Nations/Economic Commission for Europe Regulations adopted under the 1958 Agreement.
16. The term “*Working Party*” means a specialized technical subsidiary body under the ECE whose function is to develop recommendations regarding the establishment of harmonized or new global technical regulations for inclusion in the Global Registry and to consider amendments to the global technical regulations established in the Global Registry.
17. The term “*1958 Agreement*” means the Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions.

ANNEX B

Composition and rules of procedure of the Executive Committee

Article 1

Membership in the Executive Committee shall be limited to Contracting Parties.

Article 2

All Contracting Parties shall be members of the Executive Committee.

Article 3

- 3.1. Except as provided in paragraph 3.2. of this Article, each Contracting Party shall have one vote.
- 3.2. If a regional economic integration organization and one or more of its Member States are Contracting Parties to this Agreement, the regional economic integration organization shall, in matters within its competence, exercise its right to vote with a number of votes equal to the number of its Member States that are Contracting Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 4

In order to cast its own vote, a Contracting Party shall be present. A Contracting Party need not be present for the casting of a vote by its regional economic integration organization.

Article 5

- 5.1. A quorum consisting of not less than half of all the Contracting Parties shall be present for the taking of a vote.
- 5.2. For purposes of determining a quorum under this Article, and determining the number of Contracting Parties needed to constitute one-third of the Contracting Parties present and voting under paragraph 7.1. of Article 7 of this Annex, a regional economic integration organization and its Member States shall be counted as one Contracting Party.

Article 6

- 6.1. The Executive Committee shall, at its first session each calendar year, elect a Chairman and ViceChairman from its membership. The Chairman and ViceChairman shall be elected by a two-thirds affirmative vote of all Contracting Parties present and voting.
- 6.2. Neither the Chairman, nor the Vice-Chairman, shall come from the same Contracting Party more than two years in succession. In any year, the Chairman and Vice-Chairman shall not come from the same Contracting Party.

Article 7

- 7.1. A national or regional regulation shall be listed in the Compendium of Candidates by an affirmative vote of either at least one-third of the Contracting Parties present and voting (as defined in Article 5.2. of this Annex), or one-third of the total number of votes cast, whichever is more favourable to achieving an affirmative vote. In either case, the one-third shall include the vote of either the European Community, Japan or the United States, if any of them are Contracting Parties.
- 7.2. Establishing a global technical regulation in the Global Registry, amending an established global technical regulation and amending this Agreement shall be by a consensus vote of the Contracting Parties present and voting. A present and voting Contracting Party that objects to a matter for which a consensus vote is necessary for adoption shall provide a written explanation of its objection to the Secretary-General within sixty (60) days from the date of the vote. If such Contracting Party fails to provide such explanation during that period, it shall be considered as having voted in favour of the matter on which the vote was taken. If all Contracting Parties that objected to the matter so fail, the vote on the matter shall be considered to have been a consensus vote in favour of the matter by all persons present and voting. In that event, the date of the vote shall be considered to be the first day after that 60day period.
- 7.3. All other matters requiring resolution may, at the discretion of the Executive Committee, be resolved by the voting process set forth in paragraph 7.2. of this Article.

Article 8

Contracting Parties that abstain from voting are considered as not voting.

Article 9

The Executive Secretary shall convene the Executive Committee whenever a vote is required to be taken under Article 5, 6 or 13 of this Agreement or whenever necessary to conduct activities under this Agreement.

ANNEX IV

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, done at Vienna on 13 November 1997

(Reproduction of document ECE/RCTE/CONF/4 as corrected and amended)¹

PREAMBLE

THE CONTRACTING PARTIES,

RECOGNIZING the growth of road traffic and the resultant increase in danger and nuisance which presents all Contracting Parties with safety and environmental problems of a similar nature and seriousness;

DESIRING to achieve greater uniformity in the rules adapted to the technical progress governing international road traffic and to ensure a higher level of safety and protection of the environment;

DESIRING to define for this purpose uniform conditions on Periodical Technical Inspections of wheeled vehicles that it will suffice for these vehicles to fulfil in order to be certified in their countries;

WHEREAS the time needed to carry out such Periodical Technical Inspections of certain wheeled vehicles and the expense thereby incurred are factors which can affect the competitive conditions between road-transport operators in the territories of the Contracting Parties; whereas the present systems of testing vary from one territory to another;

WHEREAS it is therefore necessary to harmonize as far as possible the frequency of tests and the compulsory items to be tested;

WHEREAS the fixing of the date of application of the measure referred to in this Agreement should allow time for the administrative and technical arrangements required for carrying out the tests to be set up or extended in scope;

HAVE AGREED as follows:

Article 1

The Contracting Parties shall establish Rules for periodical technical inspections of wheeled vehicles registered in their territory and shall reciprocally recognize the inspections carried out in accordance with those Rules. The Rules shall be established through an Administrative Committee made up of all the Contracting Parties in conformity with the Rules of Procedure set out in Appendix 1 and on the basis of the following paragraphs and articles.

For the purposes of this Agreement,

The term “wheeled vehicles” shall include any motor vehicles and their trailers;

The term “technical inspection” shall include the inspection of any equipment and parts which are used on wheeled vehicles and whose characteristics have a bearing on road safety, protection of the environment and energy saving; the term “rules for periodical technical inspections of wheeled vehicles” shall include provisions for the proof of the periodical uniform procedure by which the competent authorities of a Contracting Party declare, after the required verifications have been carried out, that the wheeled vehicle conforms to the requirements of the given Rules. As proof shall serve a technical inspection certificate the model of which is reproduced in Appendix 2 to this Agreement.

¹ Amendments to the Agreement notified by the Russian Federation to the Office Of Legal Affairs at the time of drafting this publication (See notification: C.N.xxx.2018.TREATIES-XI.B.31) are inserted in square brackets.

The term “roadworthiness” means a property of vehicles to be in a suitable operating condition to be used on public roads, compliant with safety and environmental characteristics as prescribed by the Rules.

The term “approval” means a procedure whereby it can be certified that a vehicle satisfies the relevant administrative provisions and technical requirements referred to in the Regulations annexed to the 1958 Geneva Agreement or by national / regional legislation;

The term “deficiencies” means technical defects and other instances of non-compliance found during a technical inspection;

The term “inspector” means a person authorised by a Contracting Party or by its competent authority to carry out technical inspection in a testing centre or, where appropriate, on behalf of a competent authority;

The term “competent authority” means an authority or public body entrusted by a Contracting Party with responsibility for managing the system of technical inspection, including, where appropriate, the carrying-out of technical inspections;

The term “testing centre” means a public or private body or establishment authorised by a Contracting Party to carry out technical inspections;

The term “supervising body” means a body or bodies set up by a Contracting Party, responsible for the supervision of testing centres. A supervising body can be part of the competent authority or competent authorities.

Article 2

1. A Rule, after having been established in accordance with the procedure indicated in Appendix 1, shall be communicated by the Administrative Committee to the Secretary-General of the United Nations, hereinafter called “Secretary-General”. As soon as possible thereafter the Secretary-General shall give notification of this Rule to the Contracting Parties.

The Rule will be considered as adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties at the time of notification have informed the Secretary-General of their disagreement with the Rule.

The Rule shall cover the following:

- a. The categories of wheeled vehicles concerned and the frequency of its inspection;
- b. The equipment and/or parts to be inspected;
- c. Test methods, and equipment by which any performance requirements are to be demonstrated;
- d. Conditions for granting inspection certificate;
- e. The date(s) on which the Rule enters into force.

The Rule may, if needed, include references to the test centres accredited by the competent authorities where the inspections of wheeled vehicles may be carried out.

2. When a Rule has been adopted the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected and in respect of which the Rule shall not enter into force.

3. The adopted Rule shall enter into force on the date(s) specified therein as a Rule annexed to this Agreement for all Contracting Parties which did not notify their disagreement.

4. Any new Contracting Party may, when depositing its instrument of accession, declare that it is not bound by certain Rules then annexed to this Agreement or that it is not bound by any of them. If, at that time, the procedure laid down in paragraphs 1, 2 and 3 of this Article is in progress for a draft rule, the Secretary-General shall communicate such draft rule to the new Contracting Party and the draft shall enter into force as a Rule for the new Contracting Party only on the conditions specified in paragraph 3 of this Article, the time allowed being counted from the date of the communication of the draft to that Party. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. He shall also communicate to them all declarations concerning the non-application of certain Rules that any Contracting Party may make in accordance with the terms of this paragraph.

5. Any Contracting Party applying a Rule may at any time notify the Secretary-General, subject to one year's notice, that its administration intends to cease applying it. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

6. Any Contracting Party not applying a Rule may at any time notify the Secretary-General that it intends henceforth to apply it, and the Rule will then enter into force for this Party on the sixtieth day after this notification. The Secretary-General shall notify all the Contracting Parties of every entry into force of a Rule for a new Contracting Party effected in accordance with the terms of this paragraph.
7. The Contracting Parties for which a Rule is in force shall hereinafter be referred to as “the Contracting Parties applying a Rule.”
8. The Rules annexed to this Agreement as Addenda to this Agreement shall form an integral part thereof.

Article 3

The Rules annexed to this Agreement may be amended in accordance with the following procedure:

1. Amendments to Rules shall be established by the Administrative Committee as described in Articles 1 and 2 and in accordance with the procedure indicated in Appendix 1. An amendment to the Rule, after having been established, shall be communicated by the Administrative Committee to the Secretary-General. As soon as possible thereafter the Secretary-General shall give notification of this amendment to the Contracting Parties applying the Rule.
2. An amendment to a Rule will be considered to be adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties applying the Rule at the time of notification have informed the Secretary-General of their disagreement with the amendment. If, after this period, the Secretary-General has not received declarations of disagreement of more than one-third of the Contracting Parties applying the Rule, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the Rule who did not declare themselves opposed to it. When a Rule is amended and at least one-fifth of the Contracting Parties applying the unamended Rule subsequently declare that they wish to continue to apply the unamended Rule, the unamended Rule will be regarded as an alternative to the amended Rule and will be incorporated formally as such into the Rule with effect from the date of adoption of the amendment or its entry into force. In this case the obligations of the Contracting Parties applying the Rule shall be the same as set out in paragraph 1.
3. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a Rule by the Secretary-General and its entry into force, the Rule in question shall not enter into force for that Contracting Party until two months after it has formally accepted the amendment or two months after the lapse of a period of six months since the communication to that Party by the Secretary-General of the proposed amendment.

Article 4

1. Countries members of the Economic Commission for Europe, countries admitted to the Commission in a consultative capacity in accordance with paragraph 8 of the Commission's Terms of Reference, and regional economic integration organizations set up by countries members of the Economic Commission for Europe to which their Member States have transferred powers in the fields covered by this Agreement, including the power to make binding decisions on their Member States, may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 2, paragraph 1 and in Article 3, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being members of the Economic Commission for Europe.

2. Countries Members of the United Nations as may participate in certain activities of the Economic Commission for Europe in accordance with Paragraph 11 of the Commission's Terms of Reference and regional economic integration organizations of such countries to which their Member States have transferred powers in the fields covered by this Agreement including power to make binding decisions on their Member States may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 2, paragraph 1 and in Article 3, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being Members of the United Nations.

3. Countries under paragraphs 1 and 2 of this Article may become Contracting Parties to the Agreement:
 - a. By signing it without reservation to a ratification;
 - b. By ratifying it after signing it subject to ratification;
 - c. By acceding to it.

4. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.
5. The Agreement shall be open for signature from 12 November 1997 until 30 June 1998 inclusive. Thereafter, it shall be open for accession.

Article 5

1. This Agreement shall come into force on the sixtieth day after five of the countries referred to in paragraph 1 of Article 4 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.
2. For any country ratifying or acceding to the Agreement after its entry into force this Agreement shall enter into force on the sixtieth day after the said country has deposited its instrument of ratification or accession.

Article 6

1. Any Contracting Party may denounce this Agreement by so notifying the Secretary-General of the United Nations.
2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of such notification.

Article 7

1. Any country may, at the time of signing this Agreement without reservation of ratification or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall extend to all or any of the territories for the international relations of which it is responsible. The Agreement shall extend to the territory or territories named in the notification as from the sixtieth day after its receipt by the Secretary-General or, if on that day the Agreement has not yet entered into force, as from its entry into force.
2. Any country which has made a declaration in accordance with paragraph 1 of this Article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory, in accordance with the provisions of Article 6.

Article 8

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General of the United Nations to nominate a single arbitrator to whom the dispute shall be referred for decision.
3. The decision of the arbitrator or arbitrators appointed in accordance with paragraph 2 of this Article shall be binding on the Contracting Parties in dispute.

Article 9

1. Each Contracting Party may, at the time of signing, ratifying or acceding to this Agreement, declare that it does not consider itself bound by Article 8 of the Agreement. Other Contracting Parties shall not be bound by Article 8 in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.
3. No other reservation to this Agreement or to the Rules annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, declare that it does not propose to apply certain of the Rules or that it does not propose to apply any of them.

Article 10

The text of the Agreement itself and of its Appendices may be amended in accordance with the following procedure:

1. Any Contracting Party may propose one or more amendments to this Agreement and its Appendices. The text of any proposed amendment to the Agreement and its Appendices shall be transmitted to the Secretary-General, who shall transmit it to all Contracting Parties and inform all other countries referred to in paragraph 1 of Article 4 thereof.
2. Any proposed amendment circulated in accordance with paragraph 1 of this Article shall be deemed to be accepted if no Contracting Party expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.
3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatever. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three months after the expiry of the period of six months referred to in paragraph 2 of this Article.

Article 11

In addition to the notification provided for in Articles 2, 3 and 5 of this Agreement, the Secretary-General of the United Nations shall notify the Contracting Parties of:

- a. Signatures, ratifications and accessions in accordance with Article 4;
- b. The dates of entry into force of this Agreement in accordance with Article 5;
- c. Denunciations in accordance with Article 6;
- d. Notifications received in accordance with Article 7;
- e. Declarations and notifications received in accordance with paragraphs 1 and 2 of Article 9;
- f. The entry into force of any amendment in accordance with paragraphs 1 and 2 of Article 3;
- g. The entry into force of any amendment in accordance with paragraph 3 of Article 10.

Article 12

Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of another Contracting Party provided both the Contracting Party where the vehicle is registered and the Contracting Party where the inspections are to take place are in agreement.

Article 13

After 30 June 1998 the original of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the countries mentioned in paragraphs 1 and 2 of Article 4 thereof.

* * *

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Vienna on 13 November 1997 in a single copy in the English, French and Russian languages, each text being equally authentic.

APPENDIX 1

Composition and rules of procedure of the Administrative Committee

Article 1

The members of the Administrative Committee shall be composed of all the Contracting Parties to the Agreement.

Article 2

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with secretariat services.

Article 3

The Committee shall, at its first session each year, elect a Chairman and Vice-Chairman.

Article 4

The Secretary-General of the United Nations shall convene the Committee under the auspices of the Economic Commission for Europe whenever a new Rule or an amendment to a Rule is required to be established.

Article 5

Proposed new Rules shall be put to the vote. Each country, Contracting Party to the Agreement shall have one vote. A quorum consisting of not less than half of the Contracting Parties is required for the purposes of taking decisions. For the determination of the quorum regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organization may deliver the votes of its constituent sovereign countries. New Draft Rules shall be established by a two-thirds majority of those present and voting.

Article 6

Proposed amendments to Rules shall be put to the vote. Each country, Contracting Party to the Agreement applying the Rule shall have one vote. A quorum of not less than half of the Contracting Parties applying the Rule is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organization may deliver the votes of those of its constituent sovereign countries which apply the Regulation. Draft Amendments to Rules shall be established by a two-thirds majority of those present and voting.

APPENDIX 2

International Technical Inspection Certificate

1. Accredited Testing Centres are responsible for conducting the inspection tests, granting the confirmation of compliance with the inspection requirements of the relevant Rule(s) annexed to the 1997 Vienna Agreement, and specifying the latest date of next inspection to be indicated in line No. 12.5 of the International Technical Inspection Certificate, the model of which is reproduced hereafter;
2. The International Technical Inspection Certificate shall contain the information indicated hereafter. It may be a booklet in format A6 (148x105 mm), with a green cover and white inside pages, or a sheet of green or white paper of format A4 (210x197) folded to format A6 in such a way that the section containing the distinguishing sign of the state or of the United Nations forms the top of the folded Certificate.

The certificate may also be in electronic form, provided a certified printout of the certificate is made available when required.
3. Items of the certificate and their content shall be printed in the national language of the issuing Contracting Party by maintaining the numbering.
4. The periodical inspection reports which are in use in the Contracting Parties to the Agreement may be used as an alternative. A sample of them shall be transmitted to the Secretary-General of the United Nations for information to the Contracting Parties.
5. Handwritten, typed or computer generated entries on the International Technical Inspection Certificate to be made exclusively by the competent authorities, shall be in Latin characters.

Content of the International Technical Inspection Certificate

Space for the distinguishing sign of the state or of the UN
..... (Competent authority)
CERTIFICAT INTERNATIONAL DE CONTRÔLE TECHNIQUE ²

1 Title "INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE" in national language.

2 Title in French.

INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

1. Licence plate (Registration) N°.....
2. Vehicle identification N°.....
3. First registration after the manufacture (State, Authority).....³
4. Date of first registration after the manufacturer.....
5. Date of the technical inspection.....
6. Odometer reading in the moment of the last inspection (if available)]

CERTIFICATE OF COMPLIANCE

7. This certificate is issued for the vehicle identified under Nos. 1 and 2 which complies at the date under N° 5 with the Rule(s) annexed to the 1997 Agreement on the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections.
8. The vehicle has to undergo its next technical inspection according to the Rule(s) under N° 6 not later than:
Date: ([day/]month/year)⁴.....
9. Issued by.....
10. At (Place).....
11. Date.....
12. Signature.....

5

³ If available, authority and state where the vehicle was registered for the first time after its manufacture.

⁴ It applies the last day of the month when the day is not stated.

⁵ Seal or stamp of the authority issuing the certificate.

13. Subsequent periodical technical inspection(s)⁶.....
- 13.1. Done by (Testing Centre)⁷
- 13.2.
- Stamp
- 13.3. Date.....
- 13.4. Signature.....
- 13.5. Next inspection due not later than (month/year).....
- 13.6. Odometer reading in the moment of the last inspection (if available).....

⁶ Items 13.1 to 13.5 to be repeated if the Certificate is to be used for subsequent annual periodical technical inspections.

⁷ Name, Address, State of the Testing Centre accredited by the competent Authority.

APPENDIX 3

Conformity of periodical technical inspection process

Each Contracting Party or its competent authority must verify before the authorisation of testing centres the existence of satisfactory arrangements and procedures for ensuring the objectivity and the high quality of the technical inspections, undertaken in accordance with the recommended methods specified in the Rules.

With a view to ensuring that a high quality of testing is maintained over time, Contracting Party should set up a system that covers the processes of authorisation, supervision, withdrawal, suspension or cancellation of authorisation to carry out technical inspections.

The arrangements and procedures shall cover the following minimum requirements. In order to ensure high standards of technical inspections, Contracting Parties are allowed to lay down additional requirements.

1. Testing facilities and equipment

- 1.1. Contracting Parties shall ensure that testing equipment used for carrying out technical inspections comply with the minimum technical requirements laid down in the Rules. This may include, where applicable, the use of mobile test units.
- 1.2. According to the vehicle category technical inspections shall be carried out by using appropriate test facility with adequate space for the evaluation of vehicles which meets the necessary health and safety requirements.
- 1.3. Contracting Parties shall ensure that the testing centres or, if relevant, the competent authority maintain the testing facilities and equipment in accordance with the specifications provided by the manufacturers.
- 1.4. Equipment used for measurements shall be periodically calibrated and verified in accordance with the specifications provided by the Contracting Party concerned or by the manufacturer of the equipment.

2. Testing centres

- 2.1. Testing centres in which inspectors perform technical inspections shall be authorised by a Contracting Party or by its competent authority.
- 2.2. To meet minimum requirements in terms of quality management, testing centres shall comply with the requirements laid down by the authorising Contracting Party. Testing centres shall ensure the objectivity and the high quality of the technical inspections.

3. Inspectors

- 3.1. Before an inspector may carry out periodic technical inspections, it shall be verified that that person has the appropriate knowledge, experience and skills.
- 3.2. Contracting Parties or competent authorities shall ensure that inspectors receive the appropriate initial and refresher training or undergo appropriate examination, including in theoretical and practical elements, to enable them to be authorised to carry out technical inspections.
- 3.3. Inspectors, when carrying out technical inspections, should act independently and their judgement should not be affected by conflicts of interest, including those of an economic or personal nature.
- 3.4. The person presenting the vehicle for testing shall be informed of any deficiencies identified in the vehicle which need to be rectified.
- 3.5. The results of a technical inspection should not be altered for commercial purposes. The results of a technical inspection may only be modified, where appropriate, by the supervising body, or in accordance with the procedure set up by the competent authority, if the findings of the technical inspection are manifestly incorrect.

4. Supervision of testing centres

- 4.1. Contracting Parties shall ensure that testing centres are supervised. Contracting Parties shall specify the rules and procedures covering the organisation, tasks and requirements, including the independence requirements applicable to the personnel of a supervising body.

ANNEX V

List of Non-Governmental Organizations which Regularly Participate in the Activities of the World Forum

AAPC	American Automotive Policy Council - www.americanautocouncil.org/
AECC	Association for Emissions Control by Catalyst - www.aecc.eu/
BIPAVER	Bureau International Permanent des Associations de Vendeurs et Rechaperas de Pneumatiques - bipaver.org/
CAETS	International Council of Academies of Engineering and Technological Science, Inc. - www.caets.org/
CEFIC – ATC	Technical Committee of Petroleum Additive Manufacturers in Europe - www.atc-europe.org/
CEMA	European Committee of Associations of Manufacturers of Agricultural Machinery- www.cema-agri.org/
CI	Consumers International - www.consumersinternational.org/
CITA	International Motor Vehicle Inspection Committee - citainsp.org/
CLCCR	International Association of the Body and Trailer Building Industry - www.clccr.org/
CLEPA	European Association of Automotive Suppliers - clepa.eu/
EGEA	European Garage Equipment Association - www.egea-association.eu/
EIC	Environmental Industries Commission - www.eic-uk.co.uk/
EMA	Truck and Engine Manufacturers Association - www.truckandenginemanufacturers.org/
ETRMA	European Tyre and Rubber Manufacturers' AssociationE- www.etrma.org/
ETRTO	European Tyre and Rim Technical Organization - www.etrto.org/
EUROMOT	European Association of Internal Combustion Engine Manufacturers – www.euromot.eu/
FEM	European Materials Handling Federation - www.fem-eur.com/
FEMFM	Federation of European Manufacturers of Friction Materials - www.femfm.com/
FIA	International Automobile Federation - www.fia.com/
FIA Foundation	Foundation for the Automobile and Society - www.fiafoundation.org/
Global NCAP	Global New Car Assessment Programme - www.globalncap.org/
GTB	International Automotive Lighting and Light-Signalling Expert Group - www.gtb-lighting.org/
ICCT	International Council on Clean Transportation - www.theicct.org/
IEC	International Electrotechnical Commission - www.iec.ch/
IMMA	International Motorcycle Manufacturers Association - www.immamotorcycles.org/
IRU	International Road Transport Union - www.iru.org/
ISO	International Organization for Standardization - www.iso.org/
ITMA	Imported Tyre Manufacturers Association - itma-europe.com/

JAPIA	Japan Auto Parts Industries Association - www.japia.or.jp/
LG Europe	Liquid Gas Europe - www.aegpl.eu/
MEMA	Motor and Equipment Manufacturers Association - www.mema.org/
NGV Global	Natural Gas Vehicle Knowledge Base - www.iangv.org/
NGVA Europe	Natural Gas Vehicle Association Europe - www.ngva.eu/
OICA	International Organization of Motor Vehicle Manufacturers - www.oica.net/
RV	Recreation Vehicle Industry Association - www.rvia.org/
SAE International	Society of Automotive Engineers - www.sae.org/
T&E	Transport & Environment - www.transportenvironment.org/
USTMA	U.S. Tire Manufacturers Association - www.ustires.org/
UTIP	International Association of Public Transport - www.uitp.org/
WBIA	World Bicycle Industry Association – wbia.ch
WBU	World Blind Union - www.worldblindunion.org/

ANNEX VI

International, National and Regional Regulatory Development and Enforcement

SECTION 1 – CANADA

SECTION 2 – CHINA

SECTION 3 – INDIA

SECTION 4 – JAPAN

SECTION 5 – REPUBLIC OF KOREA

SECTION 6 – RUSSIAN FEDERATION

SECTION 7 – UNITED STATES OF AMERICA

SECTION 8 – EUROPEAN UNION

SECTION 1 THE REGULATORY PROCESS IN CANADA

The federal regulatory process in Canada is defined by specific legal requirements set out in the *Statutory Instruments Act* and by policy requirements that are in the *Cabinet Directive on Streamlining Regulation*.

Regulations as a Policy Instrument

In Canada, regulations are made by the Governor in Council, a minister, or an administrative agency, to whom Parliament has delegated its authority in an act. Regulations are a form of law—they have a binding legal effect and usually set out general rules rather than specific ones that are directed toward persons or situations.

The process described herein assumes that officials have evaluated the range of instruments available to them for achieving a given policy objective and have determined that regulation is a necessary part of the instrument mix.

Overview of the Federal Regulatory Development Process

The federal regulatory development process is structured so as to provide a consistent approach to making regulations across government while ensuring that the policy commitments and legal obligations of the Government of Canada are met.

Step 1: Informal Public Consultation

The document provides a non-technical synthesis of information that allows the public to understand the issue that the government is considering to address through regulations. This provides the public with the opportunity to comment on the issues and the regulatory approaches being considered to address those issues. It informs and engages Canadians on the nature and implications of the public policy issue based on available evidence, science, or knowledge. It also includes Canadians in developing policy objectives.

Step 2: The Triage Statement

The first step in the regulatory development process is to assess the level of impact of the regulatory proposal, prepare a Triage Statement, and have the statement approved by Treasury Board Secretariat.

It is also at this stage that the potential impact of a proposal on international trade will be determined. In cases where a regulating organization cannot adequately assess such impact, Treasury Board Secretariat consults with the Global Affairs Canada.

Step 3: Analysis and Development of the Regulatory Impact Analysis Statement

The Cabinet Directive on Streamlining Regulation requires regulatory organizations to conduct detailed analyses and undertake thorough consultations when developing a regulatory proposal. The results of these processes are summarized and presented to decision makers and the public in the Regulatory Impact Analysis Statement. This document provides a cogent, non-technical synthesis of information that allows the various audiences to understand the issue that is being regulated, the reason the issue is being regulated, the government's objectives, and the costs and benefits of the regulation and who will be affected, who was consulted in developing the regulation, and how the government will evaluate and measure the performance of the regulation against its stated objectives.

The regulatory organizations identify parties that may be interested in or affected by a regulatory proposal and provides these parties with opportunities to take part in open consultations at all stages of the regulatory process.

When undertaking consultations regarding the proposed regulatory development, the regulatory organization does the following:

Informs and engage Canadians on the nature and implications of the public policy issue based on available evidence, science, or knowledge;

- Includes Canadians in developing policy objectives;
- Sets out the process and timelines in a clear manner so that affected parties can organize and provide input; and
- Provides timely feedback to Canadians and affected parties on the outcome of the consultations and on the priorities considered in decision-making.

Step 4: Drafting the Regulations

Drafting instructions are prepared in both Canadian official languages (English and French).

Step 5: Examination by the Department of Justice Canada Legislative Counsel and Stamping

The Department of Justice conducts a legal examination of all proposed regulations to ensure that the following:

- The regulation is authorized by the enabling act.
- The regulation does not constitute an unusual or unexpected use of the authority under which it is to be made.
- The regulation does not trespass unduly on existing rights and freedoms and is not inconsistent with the Charter of Rights and Freedoms or with the Constitution Act, 1982.
- The form and drafting of the regulation is in accordance with established standards.

Step 6: Signed Submission Goes to Privy Council Office – Order in Council

Regulatory proposals, once approved for submission by the sponsoring minister, are forwarded to Privy Council Office – Order in Council, which is responsible for putting the proposal before the Treasury Board.

Step 7: Treasury Board Meeting and Decision

Treasury Board Secretariat is responsible for briefing Treasury Board ministers on regulatory proposals. Officials of the regulatory organization are sometimes required to be available during the meeting to provide additional information.

The Treasury Board, as a Cabinet committee, may make any of the following decisions:

- Approve or reject pre-publication of the proposed regulation;
- Approve or reject requests for exemptions from pre-publication;
- Send the item to Cabinet or one of its other committees for consideration;
- Refer the matter back to the responsible minister for further consideration and information; and
- Defer the item to another meeting.

Step 8: Pre-Publication in the Canada Gazette, Part I

If the approval of the Treasury Board is obtained, Privy Council Office – Order in Council forwards the proposed regulation and the accompanying Regulatory Impact Analysis Statement to the Canada Gazette Directorate of Public Works and Government Services Canada.

The proposed regulation and the Regulatory Impact Analysis Statement are then pre-published in the *Canada Gazette*, Part I. It is through publication in Part I that the government includes Canadians in the regulatory process. Pre-publication gives all Canadians a chance to submit their comments about a proposed regulation before it is made.

Seeking Final Approval, Publication, and Registration

Following the pre-publication period, many of the same steps are undertaken again in a modified form to complete the regulatory development process.

Step 9: Post-Pre-Publication Analysis

All comments received during the pre-publication period are given careful consideration to determine whether changes to the text are warranted.

If changes are required to the proposed regulation, the Department of Justice Legislative Counsel will examine them and make those appropriate changes. In addition to public and stakeholder comments, any changes that may have occurred, domestically or internationally, that could affect the wording or intent of the proposed regulation are considered.

Step 10: Examination by the Department of Justice Legislative Counsel and Stamping

The Department of Justice Legislative Counsel performs the same legal examination function at this stage as during the pre-publication stage (see Step 4).

Step 11: Final Regulatory Submission Goes to Privy Council Office – Order in Council

Once the final regulatory proposal has been approved by the responsible minister(s), the relevant documents are sent to the Assistant Clerk of the Privy Council. Unless specified otherwise, all documents are required in both official languages of Canada (English and French).

Step 12: Making of the Regulation by the Governor in Council

The Governor in Council is the Governor General of Canada acting on the advice of Cabinet. Since December 2003, the Treasury Board has provided advice to the Governor General on behalf of the Queen's Privy Council.

Similar to proposals seeking pre-publication, Treasury Board Secretariat briefs Treasury Board ministers on submissions seeking final approval. The ministers consider the results of pre-publication along with other information in the regulatory submission and decide whether to recommend that the Governor General make the regulations as presented in their final form.

Step 13: Registering, Coming into Force, Publishing in Canada Gazette, Part II**Registration**

Although it is required that a regulation be transmitted to the Clerk for registration within seven days, the registration is usually done within 48 hours of the Treasury Board meeting at which the regulation is considered. The regulation is assigned a number, preceded by the acronym SOR, which stands for statutory orders and regulations, or SI, which stands for statutory instruments.

Coming into Force

Regulations that must be registered generally come into force at midnight on the date of registration or on a day after registration that is specified in the regulations.

Publication

Regulations are published in the *Canada Gazette*, Part II, within 23 days of their registration (Part II is published every second Wednesday).

SECTION 2 THE ADMINISTRATION OF THE AUTOMOTIVE INDUSTRY AND THE STANDARDS AND REGULATIONS IN CHINA

I. Administration System of Automotive Industry in China

The Administration of the automotive industry in China is mainly involved in investment project management, manufacturing enterprises and products market access, new vehicle registration, insurance, vehicle annual inspection, import and export trade, market supervision and recall, scrapped vehicle recycling and disassembling as a whole process with the corresponding competent authorities including National Development and Reform Commission (NDRC), The Ministry of Industry and Information Technology (MIIT), The Ministry of Ecology and Environment (MEE), The Ministry of Public Security (MPS), The Ministry of Transport (MOT), The Ministry of Commerce (MOFCOM), the State Administration for Market Regulation (SAMR), etc.

From the basis of automotive industry administration, the involved laws and regulations mainly include:

- Road Traffic Safety Law of the People's Republic of China
- Highway Law of the People's Republic of China
- Law of the People's Republic of China on Energy Conservation
- Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution
- Law of the People's Republic of China on the Prevention and Control of Environmental Noise Pollution
- Standardization Law of the People's Republic of China
- Law of the People's Republic of China on Product Quality
- Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers
- Regulations of the People's Republic of China on Certification and Accreditation
- Regulations of the People's Republic of China on Road Transportation

II. China Automotive Standards and Regulations System

(a) China Automotive Standards and Regulations System

Since the publication of the "Standardization Law of the People's Republic of China" in September, 1988, China national standards are divided into mandatory standards and recommended standards following international practice. In terms of auto products, mandatory standards refer to those in safety, environment protection, energy saving, anti-theft system field, which are equivalent to the international technical regulations. While recommended standards refer to the basic ones like general test method, interchangeability, connection dimension, general materials, and a few of standards related to product technical condition, which are not mandatory. China auto mandatory standard system is established on the basis of researching and analysing global typical vehicle technical regulation system and specific content, and with ECE Regulation (renamed as UN Regulation) issued by Economic Commission for Europe, United Nations as the main reference at the beginning. Over the years, China has carried out effective administration and control on the performance of vehicle safety, environment protection and energy saving and has continuously upgraded the auto product technology and quality through the establishment and improvement of auto mandatory standard system.

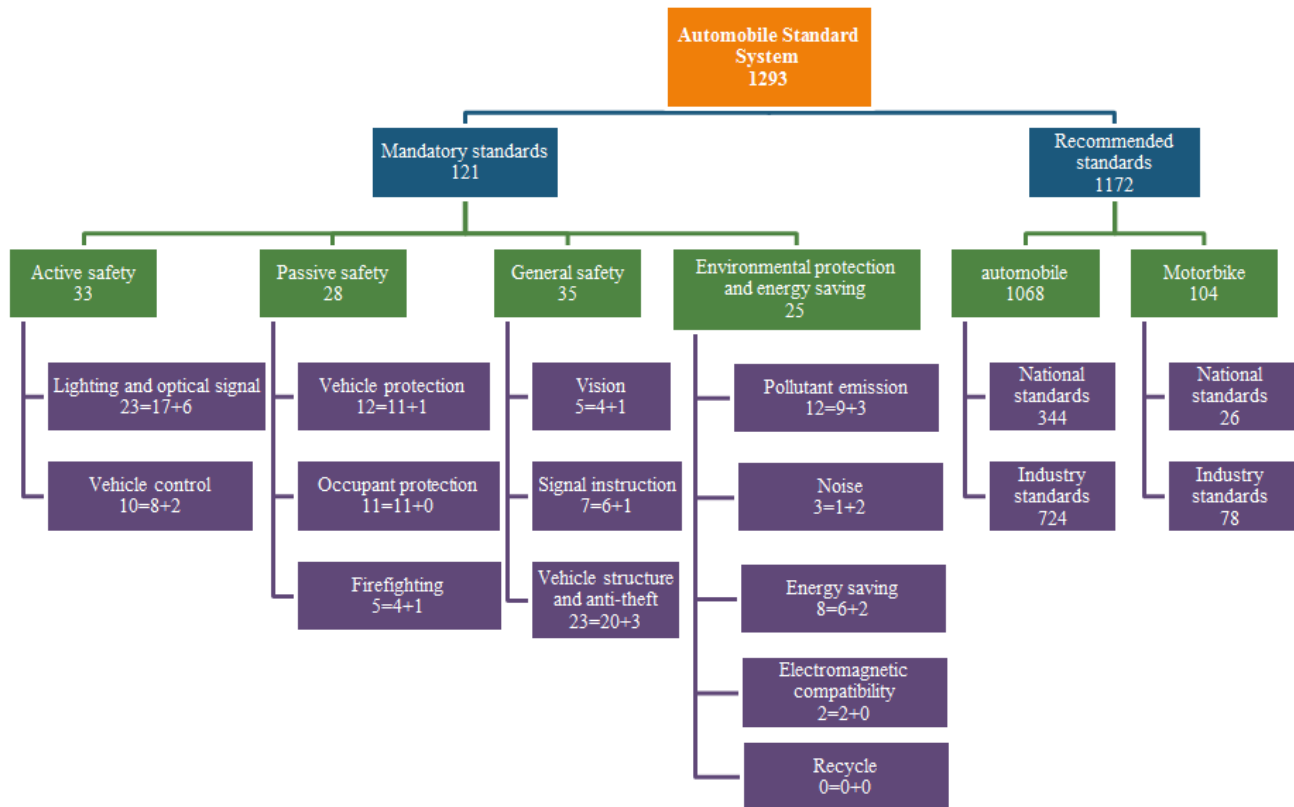
Up to July of 2018, a complete auto standard system framework composed of mandatory standards, recommended standards and industrial standards has been established in China, including the published standards as follows:

- Mandatory standards (GB): 121 items, including 99 items for motor vehicle, 22 items for motorcycle;
- Recommended standards (GB/T): 370 items, including 344 items for motor vehicle, remaining items for motorcycle;
- Industrial standards (QC/T): 802 items, including 724 items for motor vehicle, remaining items for motorcycle;

Figure 1 is the present China's auto standard system and quantity in classification (The plus sign means the standard quantity of motor vehicle plus that of motorcycle).

FIGURE 1

China Auto Standard System Classification and Quantity



(b) The Procedure of Auto Standard Formulation and Revision in China

The procedure of auto standard formulation in China generally includes: project establishment, project approval, drafting, opinions soliciting, draft review, submission for approval, approval and publication, periodic review.

Take the mandatory standard for example, which is equivalent to the international technical regulation. The period from project approval to the standard approval and publication shall be not more than 36 months. The project can be delayed by application in special circumstances. The period of each delay shall be no more than one year. For every standard, a maximum of two delays can be applied.

Project establishment and approval: National Technical Committee of Auto Standardization (NTCAS) and corresponding subcommittees will assess on the collected projects. With the agreement of MIIT and the approval of SAC, the standard formulation and revision plan can be issued.

Drafting: According to the national mandatory standard formulation and revision plan, NTCAS will set up the Standard Drafting Working Group composed of representatives and experts from the government departments, associations, enterprises, institutions, inspection agencies, certification and accreditation bodies, and consumers, and carry out drafting based on the standard compilation rules.

Opinion soliciting: After sufficient discussion on the draft, the working group shall reach consensus and form the Draft for Comments, submit to the relevant subcommittee for formal examination and opinion, and solicit public opinions for a period of one month.

Draft review: The corresponding subcommittee and the working group are responsible to deal with the opinions from all sides and to amend the Draft for Comments forming the Draft for Review. After the agreement of MIIT, the Draft text will be reviewed through the meeting.

Submission for approval: After the review meeting, the Draft for Approval will be formed. The technical committee will recheck and submit to MIIT and SAC for approval.

Approval and publication: Only by the examination of SAC Committee Meeting can the mandatory standard be approved, and will be published by SAC.

Periodic review: After the implementation of the mandatory standard, the standard periodic review is necessary based on the science and technology improvement as well as the need of economic and social development. The period of reviewing is usually less than 5 years.

Figure 2 below is the flow chart of auto standard formulation and revision in China. Figure 3 shows the organization chart of NTCAS and its 30 subcommittees responsible for the standards formulation and revision in respective field.

FIGURE 2

The Flow Chart of Auto Standard Formulation and Revision in China

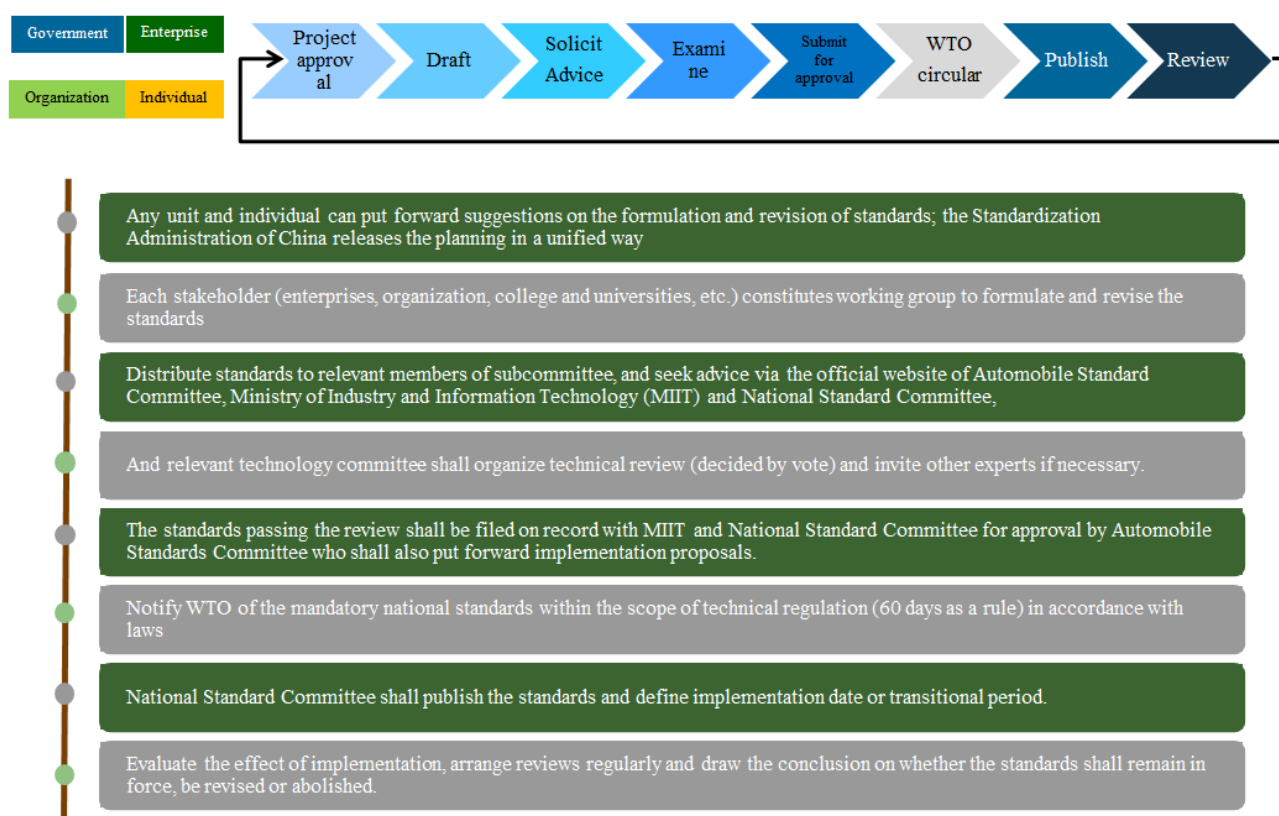
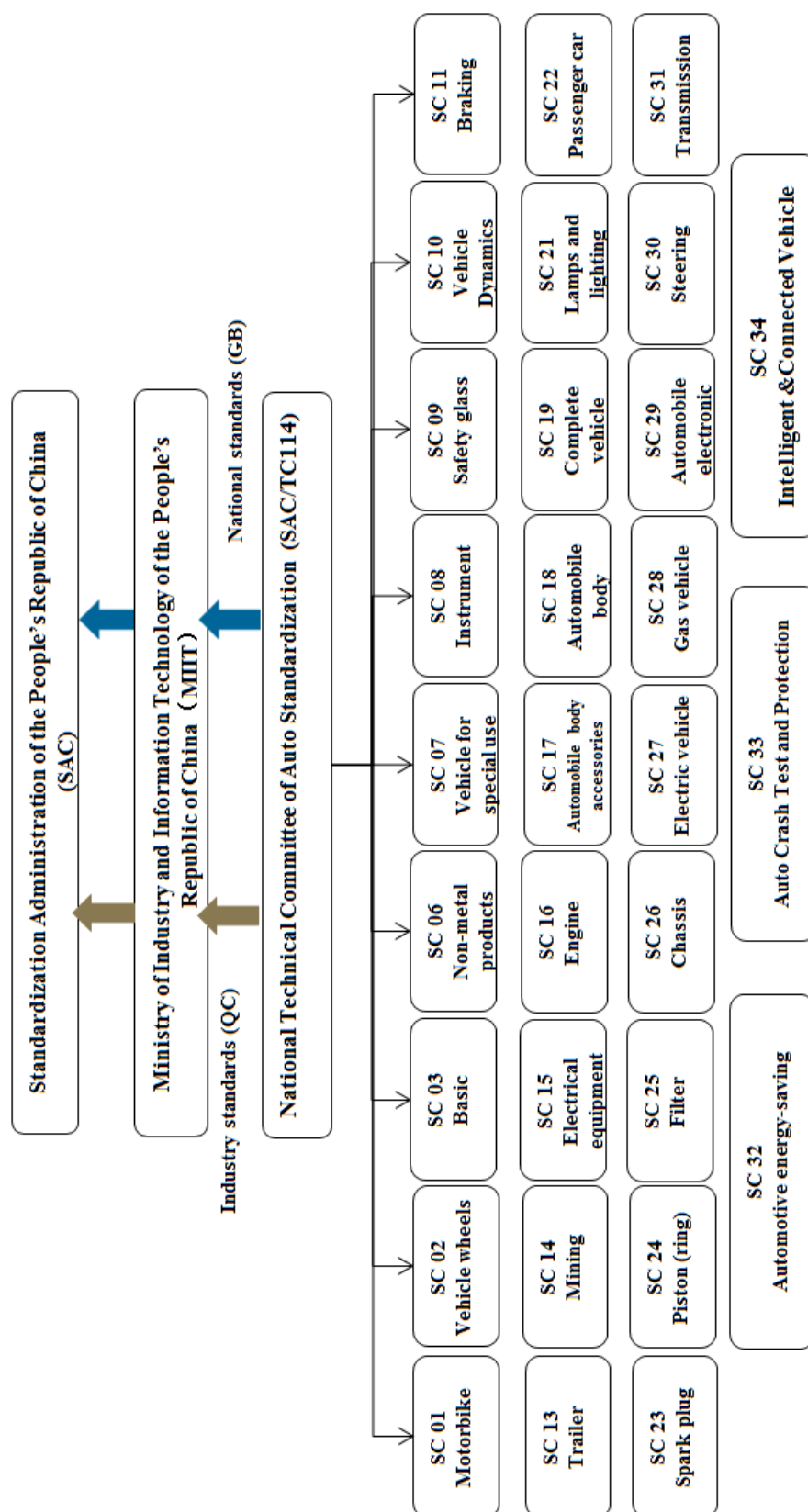


FIGURE 3

The Organization Chart of NTCAS and its 30 Subcommittees

Secretariat of National Technical Committee of Auto Standardization (SAC/TC 114, founded in 1988)

-----the largest specialized technology committee under the National Standard Committee, consisting of 29 specialized sub-committees



SECTION 3 THE AUTOMOBILE SECTOR AND THE REGULATORY REGIME IN INDIA

I. Motor Vehicles Act and its history

The first enactment of law relating to motor vehicle was the Indian Motor Vehicles Motor Act, 1914. It was subsequently replaced by the Motor Vehicles Act, 1939 and later by Motor Vehicle Act 1988 (MVA). The technical requirements of construction and maintenance of the vehicle are covered by the MVA. Under this Act, specific mandatory requirements in the form of Rules are framed by the Ministry of Road Transport and Highways (MoRTH) from time to time. These Rules are issued as notification and are titled as Central Motor Vehicle Rules (CMVR), 1989.

II. Government Policies and Intentions and Progress of Automotive Sector

Transportation sector plays a major role in the development of the vast and diverse country like India. The Indian economy is growing at a rate of over 7 per cent per annum, and with the progressive policies by the Government spurring investment and growth, India aspires to reach double digit figures. The estimated contribution of the automotive sector in our GDP is nearly 7 to 8 per cent.

Government of India has adopted the policies for establishing adequate and safe road infrastructure and safe, consumer and environmentally friendly, technology driven vehicles. These policies are reviewed continuously to meet India's aspirations and realizing the potential of the auto sector.

With Auto Fuel Policy finalized in the year 2002 and Automotive Mission Plan in the year 2006, India made significant progress in the area of emission and safety norms, improvement in fuel quality, promotions of new technologies, promotion of public transport, infrastructure development etc.

- **Automotive Mission Plan (AMP) 2016-2026**

India has now finalized the Automotive Mission Plan (AMP) for the next ten years - 2016-2026. Growth is expected in all sectors viz., passenger cars, commercial vehicles, two and three wheelers, and agriculture tractors. India envisages significant progress in green technologies with focus on e-mobility, hybrids and even biofuels considering environment concerns. India will focus on sustainable development, and enhancement of road and vehicular safety.

- **Make in India Campaign**

This program is designed for transforming India into a vibrant economy and global manufacturing hub. Twenty five sectors are identified as priority areas, including Automobile. This programme includes major new initiatives designed to facilitate investment, foster innovation, protect intellectual property and build best in class Manufacturing Infrastructure.

- **Infrastructure Development**

To meet rapid growth in automotive sector and mixed traffic plying on roads, development of required infrastructure, highways are in progress to ensure safe transport. Intelligent Transport System (ITS) suitable to Indian situation is under discussion.

- **Use of Alternate Fuels/Technology**

Government of India has introduced FAME (Faster Adoption and Manufacturing of Electric and Hybrid Electric Vehicles) scheme under National Mission for Electric Mobility. This scheme envisaged introduction of 6-7 million electric and hybrid electric vehicles in the country by 2020. Recently MoRTH has notified use of Liquefied Natural Gas (LNG), Ethanol, Bio-Compressed Natural Gas (Bio-CNG), Bio-diesel etc. Further, Methanol, Di-Methyl Ether (DME), dual-fuel (diesel-CNG, diesel-LNG), hydrogen enriched CNG (HCNG), and Hydrogen are under discussion for their use as alternate automotive fuels.

Towards the measures for fuel efficient vehicles, Government has implemented fuel efficiency norms for M1 category vehicles norms from 1st April 2017 and Constant Speed Fuel Consumption norms for diesel vehicles of category M3 and N3 with Gross Vehicle Weight (GVW) greater than 12 ton from 1st April 2018.

- **Inspection and Certification (I&C) of in-use vehicles**

Improvement in maintenance culture leading to reduction in Fuel Consumption, Road Accidents, and Atmospheric pollutions from vehicles is envisaged. Setting up automated I&C centres at identified places is in progress under MoRTH initiative.

- **End of Life Vehicles**

India has formulated national standards specifying requirements for end of life vehicles. The standard covers requirements for the dismantling centres as well as the vehicle manufacturers. To supplement the end of life vehicle regime Government is also working on fleet modernization scheme for disposing old vehicles.

- **Vehicle Recall Code**

Although the subject is relatively new in India, voluntary vehicle recall instances over last few years exhibit quite encouraging trends and there is an increased awareness and initiatives coming from vehicle manufacturers to perform recall when necessary. At the same time, some recalls need to be closely monitored and supervised by the Government or the agency nominated by the Government as Nodal Agency.

- **New Test Facilities under NATRiP**

India's homologation testing, research and development infrastructure is witnessing large investments in sync with the anticipated growth of the auto sector. This national level project covers test facilities for the following at various test centres: ARAI (Pune), ICAT (Manesar), VRDE (Ahmednagar), GARC (Chennai), NATRAX (Indore), NIAIMT (Silchar), NCVRS (Raebareilly). Most of these facilities are completed and ready for use.

- **Automotive Standards**

Standards related to testing and approval of vehicles / components and subsystems, are prepared by the technical expert committees. UN Regulations and UN GTRs, which are formulated under WP.29, form strong basis of automotive regulatory development in India.

III. Emission and Safety Regulations in India

- **Standing Committee on Implementation of Emission Legislation (SCOE)**

Realizing the need for a permanent body to coordinate the emission regulations and their implementation Ministry of Road Transport and Highways (MoRTH), in 1991, appointed this committee with Jt. Secretary MoRTH as chairman to advise the Government in the matters related to emission regulations.

Development of IDC (Indian Driving Cycle) was carried out by Automotive Research Association of India (ARAI) in the year 1985. The mass emission norms were based on this driving cycle and they were notified under CMVR in 1989. The first mass emission norms for vehicles were enforced from 1st April 1991 for Petrol vehicles and from 1st April 1992 for Diesel vehicles. Since then, progressively emission norms have been tightened.

India has notified migration to Bharat Stage VI (BS VI) emissions norms for 2, 3 and 4 wheeled vehicles from 1st April 2020. For Agricultural Tractors, Construction Equipment Vehicles and Combine Harvesters (vehicles having power exceeding 37 kW) next stage emission norms Bharat Stage (CEV/TREM) – IV) are notified from 1 October 2020 and Bharat Stage (CEV/TREM) – V) from 1st April 2024.

- **CMVR - Technical Standing Committee (CMVR-TSC)**

A permanent Committee was constituted by government in year 1997. This Committee advises Ministry on various technical aspects related to CMVR. This Committee has representatives from various stakeholder organizations. The Committee has played a major role in development of the Safety Regulations for vehicles and auto components in India. The Committee is chaired by Joint Secretary (Transport), Ministry of Road Transport and Highways, Government of India.

- **Automotive Industry Standards Committee (AISC)**

CMVR-TSC is assisted in preparing the technical standards related to Safety by the Automotive Industry Standards Committee (AISC). The Committee is chaired by Director, ARAI. Additionally to address subjects related to vehicles with more than 3.5 ton GVW another Committee has been constituted, under chairmanship of Director, CIRT. More than 150 AIS standards have been published by AISC so far.

- **Bureau of Indian Standards**

The Bureau of Indian Standards (BIS) as the National Standards Body of India has been successfully promoting and nurturing the standardization movement in the country since 1947. Amongst the umbrella of varied activities, formulation of Indian Standards (IS) for various disciplines such as Transport Engineering, Mechanical Engineering, Electro technical, Food and Agriculture etc. is major function of BIS. The standards, which are related to automotive

sector, are dealt by Transport Engineering Division Council of BIS. Presently Director, ARAI is the chairperson of this Council.

Safety Standards (AIS) that are formulated under AISC, as stated earlier, are adopted by BIS as per their approval procedure.

- **National Level Standing Committee on Harmonization of Regulation under WP.29**

Recognizing the importance of harmonization of regulations at international level in October 2002, Union cabinet approved India's joining of UNECE WP.29 as an observer country. Also, Government constituted a National Level Standing Committee under the Chairmanship of Joint Secretary, MoRTH. The Secretarial service is provided by Automotive Research Association of India (ARAI). Various stakeholders such as concerned ministries, test agencies and industry are members of the standing committee. India joined 1998 Agreement with effect from April 2006.

- **Implementation of Safety Standards**

Central Motor Vehicles Rules, 1989 were introduced in the country to enhance safe transport through implementing General and Active Safety norms. Over last 25 years phase wise implementation of several safety norms for vehicle, vehicle systems and components was done for various categories of vehicles. Some of the key notifications recently notified are as follows:

- Revised Crash norms: Head-on Collision, Offset Frontal Collision and Lateral Collision for M₁ and N₁ category vehicles.
- Protection of Pedestrian and other Vulnerable Road Users in the event of a collision with a Motor Vehicle ((M₁ and N₁) < 2.5 Ton GVW).
- Additional safety features requirements viz. speed alert system to alert driver in case of over speeds, seat belt reminder, manual override for central locking system for doors, airbag for driver etc. for M₁ category vehicles and vehicle reverse parking alert for all M and N category vehicles.
- Phase wise implementation of Testing and Approval of Buses (Code of practice for Bus Body Design and Approval) and Truck Body Code.
- Testing and approval of Sleeper Coaches, Double Decked Buses, Automotive Trailers, Special Purpose Vehicles namely Motor Caravan and Road Ambulance.
- Anti-theft Devices, Vehicle Alarm Systems (VAS) and Immobilizers for 4 wheeled vehicles.
- Automatic Headlamp ON (AHO) function or Daytime Running Lamp (DRL) on two wheeled vehicles to improve the conspicuity.
- Introduction of Vehicle Location Tracking Device and Alert Button in passenger transport vehicles.
- ABS (Anti-lock braking system) for new models M₁ and M₂.
- ABS (Anti-lock braking system) and CBS (Combined braking system) 2 wheeled vehicles.

IV. Overview of Current Regulatory Structure in India

As outlined above, the Regulatory Structure for Automotive Sector in India has emerged over the decades. Mandatory norms and test procedures for approval of motor vehicles are notified by Ministry of Road Transport and Highways under CMVR.

- **Legal Procedure for notifying new standard**

Technical requirements and test procedures are established in the form of a new standard by the technical committees. The concerned ministry (MORTH) issues draft notification, inviting comments from the stakeholders. After the stakeholder consultation, the ministry issues notification under Motor Vehicle Act and CMVR.

- **Enforcement of Law**

Ministry of Road Transport and Highways is the nodal agency for enforcement of the Motor Vehicle Act and CMVR. Registration of vehicles is under the purview of State Ministries.

- **Certification System**

India has adopted 3rd party type approval system. Under CMVR, various test agencies are authorized to carry out testing and grant approvals on behalf of Government of India. Vehicle manufacturer is responsible to ensure compliance to safety, emission and other requirements as notified under CMVR from time to time.

Type approval certificate is mandatory for any new model, approval for any engineering changes in running models or for compliance to any newly notified requirement.

Continued compliance to the mandatory requirements (Conformity of Production) is verified by carrying out testing/verification of the randomly selected vehicle/engine and component (as the case may be).

Exchange of Reports

India is not a Contracting Party to the 1958 Agreement hence it is under no obligation to accept Type Approvals issued by authorities other than Indian.

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SECTION 4 REGULATORY DEVELOPMENT AND THE ENFORCEMENT PROCESS IN JAPAN

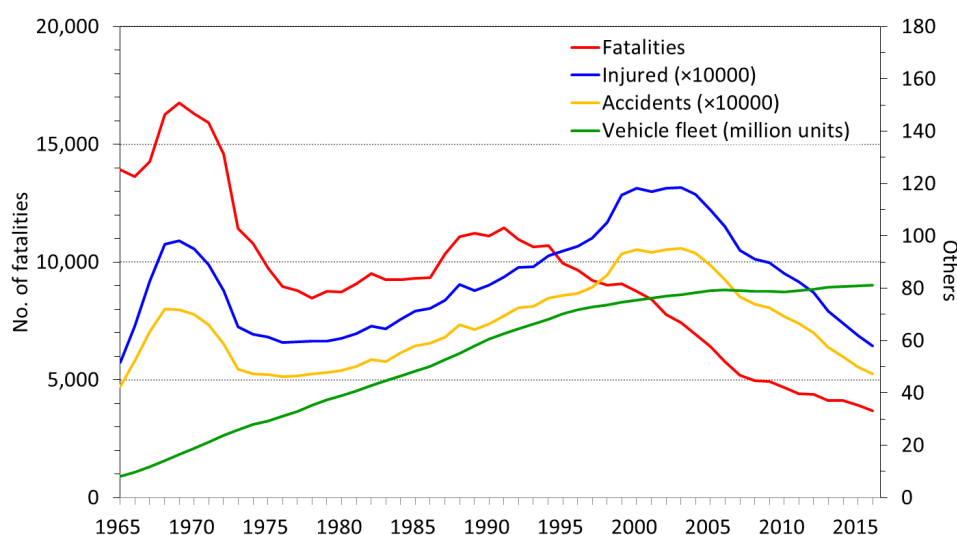
1. Safety Regulations

1.1. Trends in Road Traffic Accidents

The number of fatalities (those who died within 24 hours) resulting from traffic accidents in 2017 was 3,694. The number of fatalities has been on a declining trend in recent years. The number for 2017 is less than one-fourth of the 16,765 fatalities in 1970, which was the year when traffic fatalities reached a peak. In addition, the number of traffic accidents resulting in injury or death and the number of injured persons has decreased for the thirteenth consecutive year since 2004, when the numbers were at their worst.

FIGURE 1

Trends in road traffic accidents in Japan



1.2. Policy on Traffic Safety

Japan has a low rate of road traffic fatalities per 100,000 population, which was 2.9 in 2017, but as a further step, two ambitious targets were established in the Tenth Fundamental Traffic Safety Program for 2016 -2020: to reduce the number of fatalities to below 2,500 and the number of injuries and fatalities to below 500,000 by 2020 in order to achieve the world's safest road traffic. Based on this Program, the national government is promoting road traffic safety measures in three aspects: humans, roads, and vehicles. This Program seeks to implement measures that actively utilize advanced technology in order to respond to a new era, while expanding and reinforcing conventional measures.

Meanwhile, the road transport environment is changing greatly due to the advancement of the aging society and the introduction of new technologies including the automated driving technology.

Based on these factors and a report compiled by the Council for Transport Policy, the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) is working on a target to reduce the number of fatalities by 1,000 by 2020 from the number for 2011 by implementing vehicle safety measures and leading to the spread of advanced safety technologies such as automated driving, and evaluating their effect, etc.

The pillars of the measures include the following:

- (1) Response to traffic accidents involving children and senior citizens
- (2) Safety measures for pedestrians and bicycle riders

- (3) Response to serious accidents involving large-sized vehicles
- (4) Response to new technologies such as automated driving"

1.3. Effective Vehicle Safety Measures

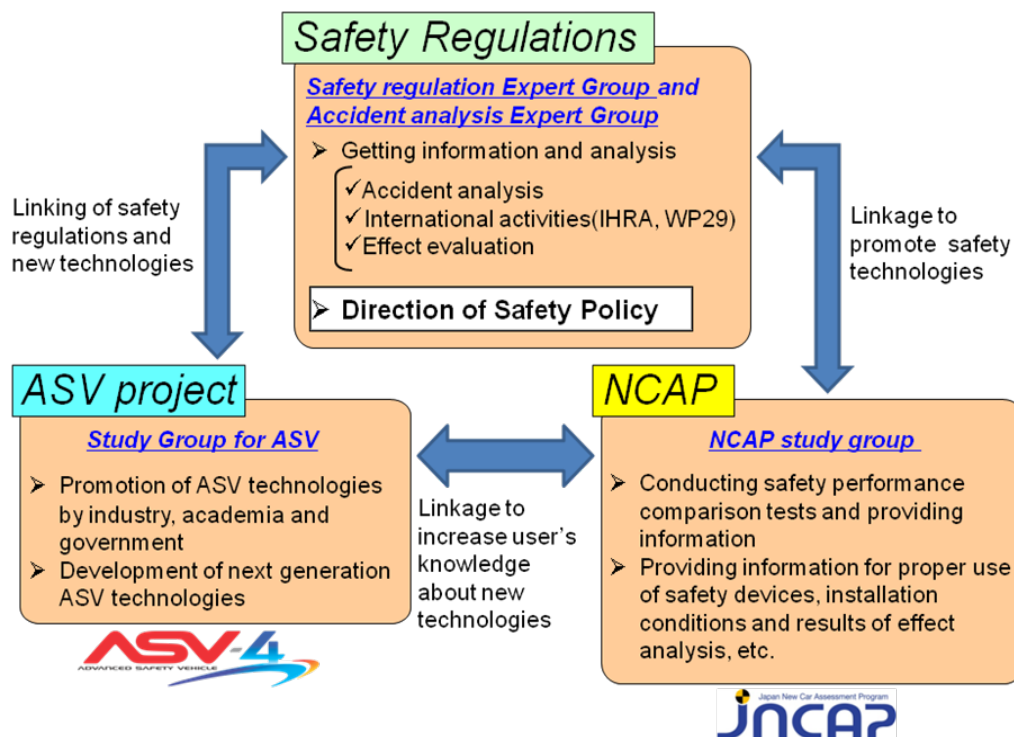
To spread active safety and other safety technologies and to enhance development, it is necessary not only to establish safety regulations, but also to implement various rational measures. These should be based on quantitative assessment of the effects and performance as well as the required costs.

Therefore, the MLIT is promoting vehicle safety measures through organic linkage between the safety regulations, the Advanced Safety Vehicle (ASV) project and the New Car Assessment Program (NCAP).

- (I) Development of vehicle assessment based on the current trends in safety regulations and dissemination schemes
- (II) Linkage with NCAP in view of the dissemination of ASV technology
- (III) Establishment of safety regulations and dissemination schemes based on practical application and dissemination trends in ASV technology

FIGURE 2

Linkage of safety measures

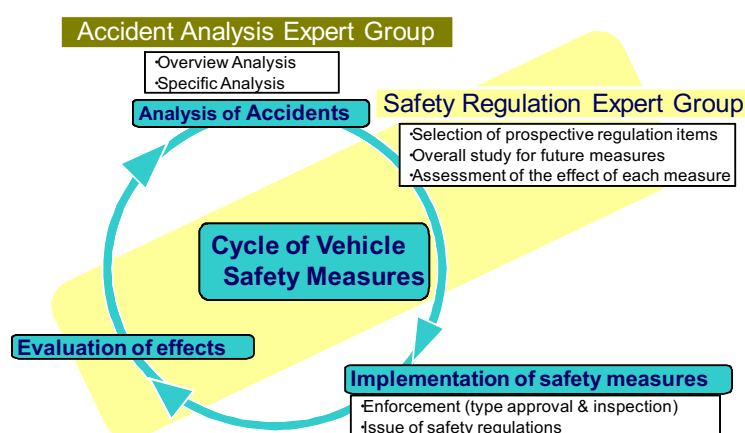


1.4. Enhancement of Safety Regulations

Safety regulations are being tightened, reflecting the work of two study groups of academic experts and other specialists from various stakeholders and ensuring transparency: the Accident Analysis Expert Group is analysing the conditions of traffic accidents, and the Safety Regulation Expert Group is studying the enhancement of safety regulations, taking into consideration both importance and technological maturity, and also assessing their effects. Based on their results, the MLIT selects items to be introduced into the safety regulations after conducting research in cooperation with research institutes. When the safety regulations are introduced, the objective of international harmonization is also thoroughly considered. Accordingly, the MLIT is actively contributing to the development of UN Regulations and UN GTRs within WP.29 at the United Nations.

FIGURE 3

Safety regulation enhancement process before and after rulemaking



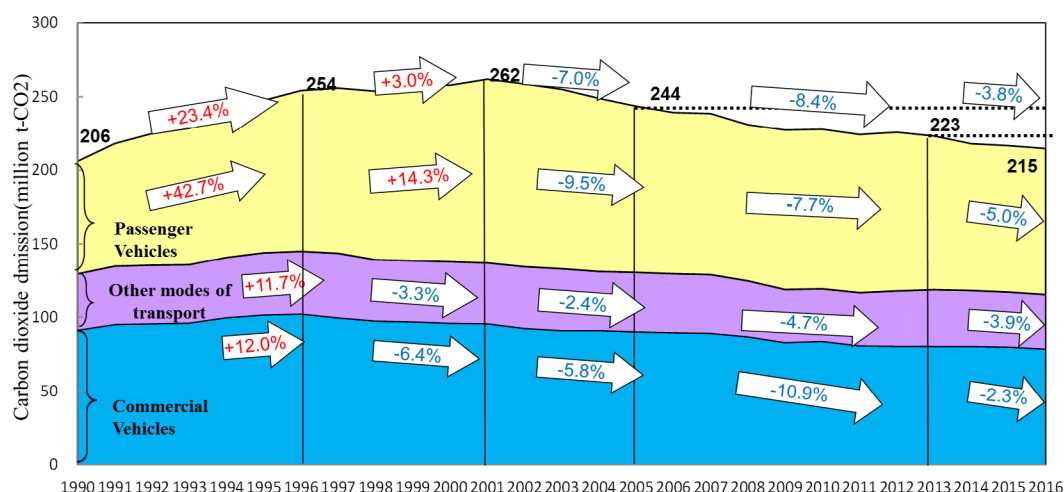
2. Environmental Regulations

2.1. Trends in Emissions from the Transport Sector

CO₂ emissions from the transportation sector for 2016 were approximately 220 million tons (accounting for about 18 per cent of Japan's total). Steady measures for further reduction of emissions are being implemented in accordance with the Paris Agreement.

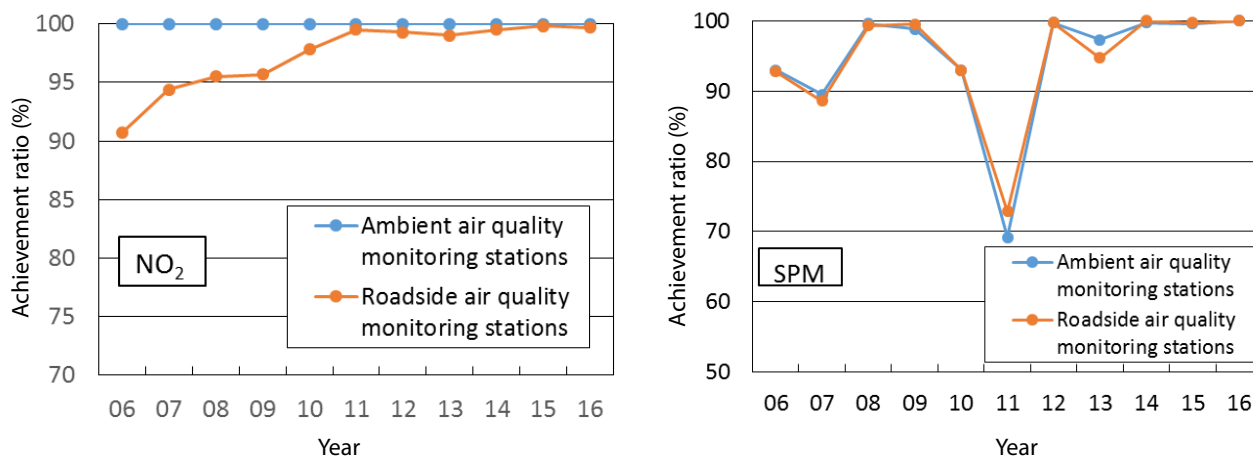
FIGURE 4

CO₂ emissions from the transport sector



Based on the Air Pollution Control Act, air pollution is constantly monitored by prefectural governments and other institutions. The rates for meeting environmental quality standards for nitrogen dioxide (NO₂) and suspended particulate matters (SPM) have been at high levels, or nearly 100 per cent. That for meeting the standards for fine particulate matters (PM_{2.5}) is improving, which was 88.3 per cent for 2016 as measured at automobile exhaust gas measuring stations.

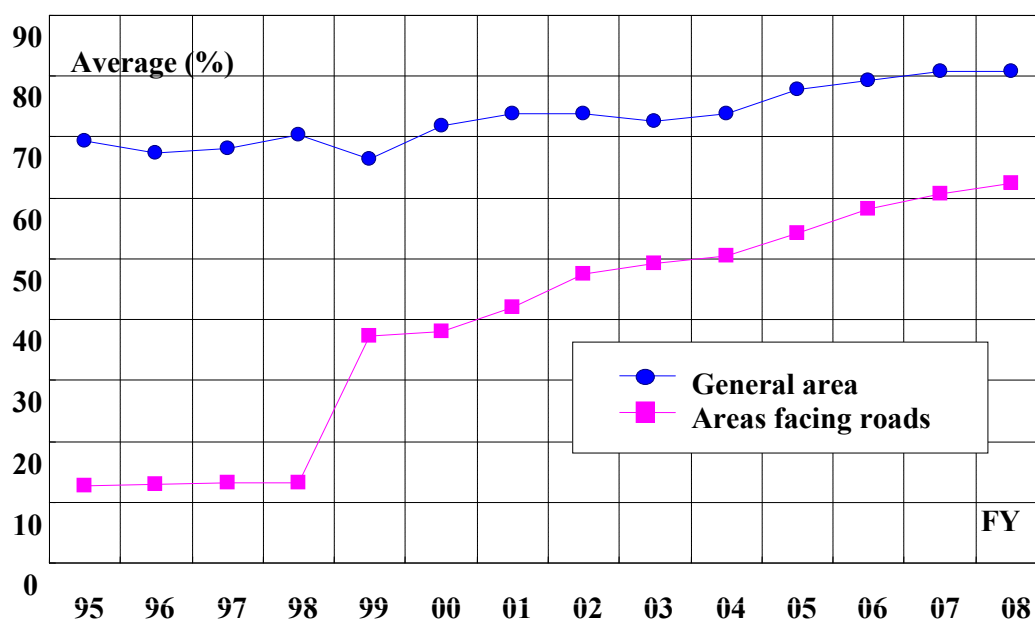
FIGURE 5

Achievement ratio of NO₂ and SPM regulations (2006–2016)

In addition, based on the Noise Regulation Law, noise pollution is also monitored by prefectural governments, municipalities, and other institutions. The rate for meeting the environmental standards has been gradually improving in recent years.

FIGURE 6

Achievement ratio of noise regulations (2006–2016)



2.2. Policy on Vehicle Environment

2.2.1. Global Warming Policies

In 2015, the United Nations Framework Convention on Climate Change 21st Conference of the Parties (COP21) adopted the Paris Agreement. Before this COP21, Japan decided that its greenhouse gas (GHG) emission reduction target was at the level of a reduction of 26.0 per cent by 2030 from 2013 (25.4 per cent reduction from 2005) under its Intended Nationally Determined Contributions (INDC).

The Climate Change Policy Plan developed based on this INDC and the Paris Agreement prescribes target values for the transportation sector and measures such as the improvement of vehicle fuel efficiency.

Japan's fuel efficiency regulations are determined based on vehicles with the optimum performance ("top-runner vehicles") in the national market and other factors such as the fuel efficiency improvement technology in the future. The average fuel efficiency of gasoline passenger vehicles sold in 2012 is 21.9 km/l, already achieving the fuel efficiency regulatory limits for 2020. In 2018, consideration on new fuel efficiency regulations for passenger vehicles began. In the same year, new fuel efficiency regulations for heavy vehicles were established for the first time in the world with 2025 as the target year.

2.2.2. Air Pollution and Noise Policies

Exhaust emission regulations have been gradually tightened for NOx, PM and other pollutants from trucks, buses, and passenger vehicles. In 2016, the Worldwide Harmonized Heavy-Duty test Cycle (WHDC) was introduced to the regulations for trucks and buses, and in 2018, the Worldwide harmonized Light vehicles Test Procedure (WLTP) will be introduced to those for passenger vehicles.

As noise control, Japan introduced the UN Regulation on noise for two-wheeled vehicles (UN Regulation No. 41) in 2013, the UN Regulation that stipulates noise limits for four-wheeled vehicles (UN Regulation No. 51) in 2016, and the UN Regulation that stipulates noise limits for tyres only (UN Regulation No. 117) in 2015.

2.3. Implementation of Effective Vehicle Environmental Measures

Vehicles that produce lower emissions than the newest regulation can obtain certification as low emission vehicles depending on the level of reduction. In addition, the MLIT evaluates and publishes each vehicle's fuel efficiency levels in order to enable consumers to identify and select fuel efficient vehicles easily.

The tax rate has also been lowered for vehicles that have excellent fuel efficiency and reduced exhaust emissions, and the rate has been raised for vehicles that are over a certain age.

2.4. Enhancement of Environmental Regulations

The expert meeting consisting of academic experts and others considers the enhancement of the environmental regulations based on the current environmental situation and other factors, ensuring transparency. Based on the consideration of the meeting, the national government collaborates with related government ministries and agencies to tighten the regulations. Before introducing any new regulations, thorough consideration is also made on international harmonization, which is one of the purposes. Therefore, Japan is making an active contribution to the development of UN Regulations and UN GTRs at WP.29.

3. Vehicle Registration and Inspection System

A motor vehicle is not allowed on the road until it has passed the motor vehicle inspection conducted by the MLIT and obtained a valid motor vehicle inspection certificate.

The MLIT mainly conducts the following types of inspection. The technical vehicle inspections are handled by the National Agency for Automobile and Land Transport Technology (NALTEC). For light motor vehicles, the Light Motor Vehicle Inspection Organization (LMVIO) conducts inspections and related business on behalf of the MLIT.

(1) Initial inspection

New motor vehicles are subject to this inspection, and used vehicles that have been off the road for a certain period are also subject to this inspection. (As for type-designated motor vehicles, the technical inspection conducted by the NALTEC or LMVIO can be exempted.)

(2) Periodic inspection

Motor vehicles are subject to this inspection when they are to be operated continually after the motor vehicle inspection certificate has expired. (Regarding motor vehicles for which conformity with regulations is certified at a designated maintenance service shop, the technical inspection conducted by the NALTEC or LMVIO can be exempted.)

(3) Modification inspection

This inspection is required for motor vehicles that have been modified, i.e., change in length, width, height, maximum loading capacity and so forth.

4. Certification Systems

4.1. Type Designation System

The Type Designation system is applied to cases where a large number of identical model vehicles and other vehicles are produced or imported for sale in Japan. Under this system, sample vehicles having the same structure, equipment, and performance as those of the vehicles intended for sale are examined for compliance with the safety and environmental regulations by the National Traffic Safety and Environment Laboratory (NTSEL), National Agency for Automobile and Land Transport Technology (NALTEC); in addition, the uniformity of the structure of vehicles, equipment, and performance is examined by the MLIT through an inspection of the applied documents. A vehicle type is designated to identical model vehicles that comply with the regulations. After the approval of the vehicle type designation, in order to confirm the conformity of production of the vehicles, the MLIT regularly audits manufacturers' plants where vehicle type designation holders conduct completion inspections.

When a completion inspection certificate is submitted by the vehicle manufacturer, individual type-designated vehicles are exempted from the technical part of the initial inspection conducted by the NALTEC or LMVIO.

4.2. Type Notification System

The Type Notification system is widely used for heavy-duty vehicles such as trucks and buses in which many different specifications are required. Under this system, examination of compliance with the safety and environmental regulations for common systems and devices of the base vehicles (sample vehicles) is conducted by the NTSEL. Consequently, the initial inspection for individual motor vehicles can be effectively performed by NALTEC or LMVIO based on the obtained test results. Thus, this system has been provided to rationalize the initial inspection.

The main difference from the vehicle type designation system is that this system does not require conformity of vehicle products (i.e., quality control system) or the completion inspection conducted by the manufacturer system. Therefore, each motor vehicle under this system must pass the initial technical part of the vehicle inspection conducted by the NALTEC or LMVIO. It is advisable to streamline the initial inspection by utilizing the Equipment Type Designation system described below along with this system.

This system will be abolished in March 2021 and integrated into the type designation system for common structures (multi-specification vehicles), which will be discussed later.

4.3. Preferential Handling Procedure (PHP)

The PHP has been provided to promote the import of motor vehicles. This system applies to imported vehicles that will be sold in small numbers in Japan.

Examinations will be carried out by the MLIT solely using the documents on conformity with Safety Regulations by the NTSEL and on the appropriateness of the quality control system.

In this system, the documents to be included with the application have been greatly simplified, and the time required for examination has also been reduced. Furthermore, there is no need to present the motor vehicle itself for examination. Therefore, this system is advantageous for motor vehicles sold in small quantity. Nevertheless, each motor vehicle under the PHP must pass the initial technical inspection conducted by the NALTEC or the LMVIO.

This system applies to motor vehicles to be sold in Japan up to 5000 units per year per type.

4.4. Mutual Recognition, Equipment Type Designation System and Common Structure Type Designation Systems

Japan has participated in WP.29 as an observer since 1977 and has contributed to the global harmonization of brake and lighting regulations. In November 1998, Japan became the first Contracting Party outside Europe to accede to the UNECE 1958 Agreement, thus moving toward the globalization of certification systems. As a result, certain equipment that have received certification by other Contracting Party are now exempt from certification in Japan.

Concurrently with the accession to the UNECE 1958 Agreement, Japan introduced the equipment type designation system in response to the increased use of the same equipment in multiple vehicle models. Certain equipment that has received equipment type designation is entitled to mutual recognition by all Contracting Parties to the Agreement. In Japan, equipment that has received equipment type designation is exempt from the examination for vehicle type designation process.

The government of Japan proposes amendments to the UN Regulations when necessary in order to ensure vehicle safety and environmental conservation. Based on these amendments, Japan intends to increase the number of adoption of the UN Regulations.

In response to the International Whole Vehicle Type Approval (IWVTA), which was initially proposed by Japan and continually discussed under the chairmanship of Japan, and which expands the mutual recognition of approval on vehicles from “on the basis of equipment” to “on the basis of whole vehicle,” Japan introduced a Common Structure Type Designation System. Type designated common structures are entitled to mutual approval by all the Contracting Parties of the 1958 Agreement, the same as equipment. In Japan, the inspection of equipment that has obtained a common structure type designation is waived during examinations in the vehicle type designation process.

In addition, for heavy-duty vehicles widely used for large-sized vehicles such as trucks and buses for which many different specifications are required, the Common Structure (multi-specification vehicles) Type Designation System began in June 2016 with the same concept about common structures, and the system transition is taking place toward March 2021, when the Type Notification System will be abolished.

Under this system, the common structures and equipment of base vehicles (sample vehicles) are examined for compliance with the safety and environmental regulations by NTSEL. Consequently, the initial inspection for individual motor vehicles can be effectively performed based on the obtained test results. In addition, the uniformity of the construction of common structures (multi-specification vehicles), equipment, and performance is examined by the MLIT through an inspection of the applied documents. After designation, in order to confirm the conformity of production of the common structures (multi-specification vehicles), the MLIT regularly audits manufacturers’ plants where they conduct shipment inspections of the common structures.

After shipment inspection by manufacturers, the common structures (multi-specification vehicles) will be completed as trucks and buses through the bodywork process. They should pass the technical part of the initial vehicle inspection for bodywork performed after shipment, which is conducted by NALTEC or LMVIO based on the manufacturer’s certificate of shipment inspection.

5. Recall System

The motor vehicle recall system was established in 1969 to prevent accidents and pollution caused by malfunctions attributable to vehicle design or manufacturing process. Motor vehicle manufacturers or importers who manufacture or import motor vehicles must notify the MLIT when conditions will likely not comply with the safety or environmental regulations or conditions are not presently complying with those regulations, and when precautionary measures are to be taken to comply with those regulations for certain types of motor vehicle.

Furthermore, in 2004, a recall system was expanded for replacement equipment such as tyres and child restraint systems.

In 2015, equipment manufacturers were also added to the subject of the collection of report and on-the-spot inspection which are necessary for recall.

SECTION 5 MOTOR VEHICLE SAFETY STANDARDS ENACTMENT/REVISION PROCEDURE FOR THE AUTOMOBILE MANAGEMENT ACT AND SELF-CERTIFICATION SYSTEM IN THE REPUBLIC OF KOREA

1. Overview

Korean 'Automobile Management Act' specifies the new, change, transfer and attachment registration of vehicles, assignment of registration number and license plate, markings of vehicle identification number, safety standards and self-certification, correction of manufacturing deficits, operation restriction and enforcement, vehicle inspection and automobile management business for the purpose of improving public welfare through the security of performance and safety of vehicles as well as efficient management of vehicles.

The automobile management act consists of 88 articles over 10 chapters and supplementary provisions including general rules, vehicle registration, safety standards and self-certification of vehicles, examination and maintenance of vehicles, vehicle inspection, management of motorcycle, automobile management business, supplementary provision, penalty and special cases for violation of law. (refer to Figure 1)

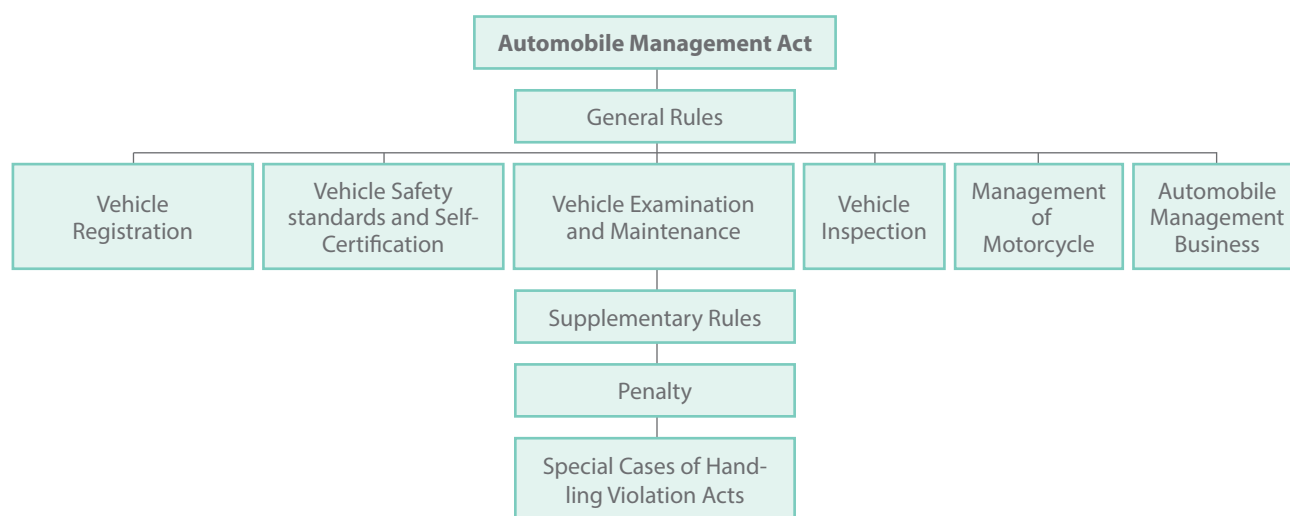
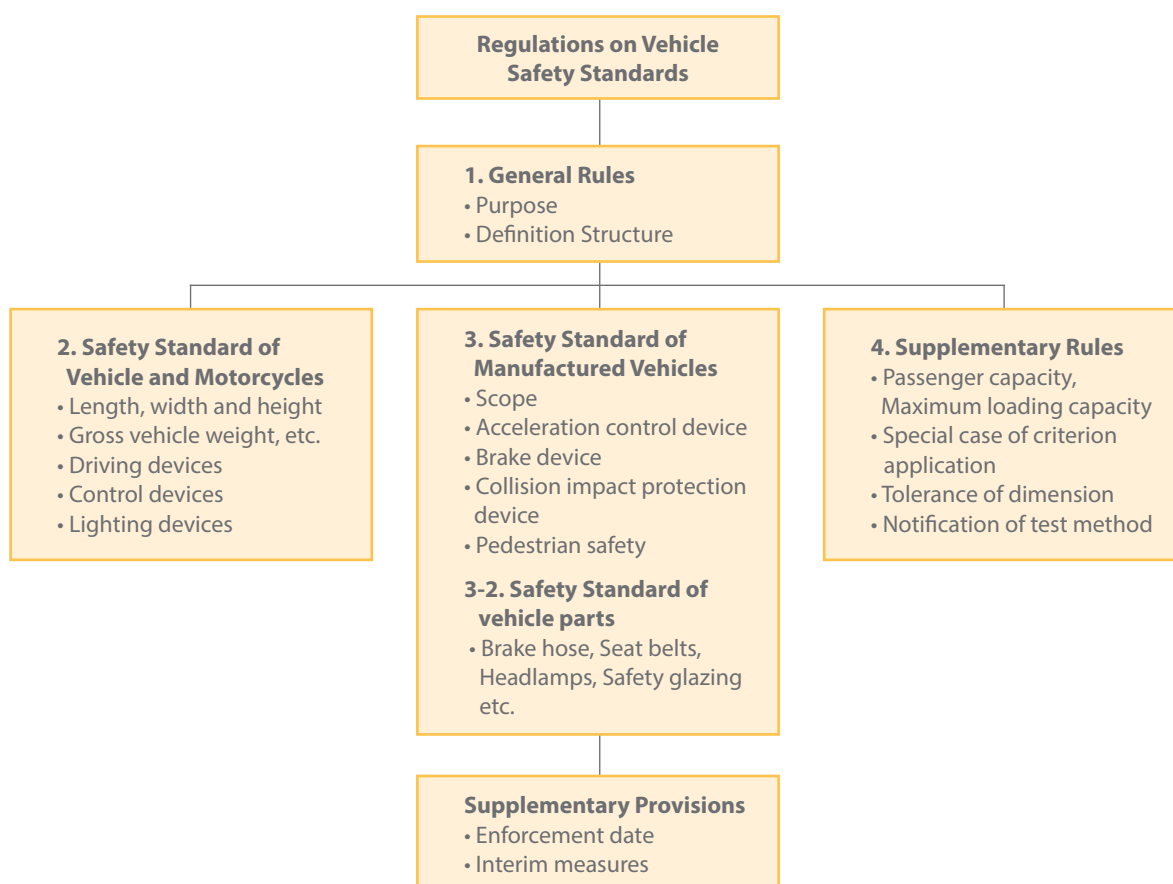
The Korea Motor Vehicle Safety Standards (KMOVSS) consists of total four chapters, where chapter 1 is general rules, chapter 2 is safety standards for vehicles and motorcycles, chapter 3 is safety standards for manufactured vehicles, chapter 3-2 is safety standards for vehicle parts and chapter 4 contains supplementary provisions.

Chapter 1 contains 3 Articles including purpose, definition and security of structure and equipment safety, chapter 2 contains 104 Articles including safety standards for vehicles and motorcycles, chapter 3 contains 38 Articles about safety criteria for manufactured vehicles, chapter 3-2 contains 12 Articles for vehicle parts and chapter 4 contains 4 Articles including the notifications on passenger capacity, maximum loading capacity, special rules on rule application and tolerance and test methods of specification. (refer to Figure 2)

Korea has adopted self-certification system since 2003 in relation to the follow-up service. Under the self-certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify themselves whether the manufactured vehicles meet the safety standards internally and sell them. And government conducts self-certification compliance test later and orders recall if there is an item that does not meet the safety standards.

2. Automobile Management Act

The 'Road Traffic Act' was modified and 'Automobile Management Act' was established as of December 31, 1986 for the purpose of improving public welfare through the regulations on the registration of vehicles, safety standards, self-certification, correction of manufacturing defects, examination, maintenance, inspection and automobile management business (sales, maintenance and scrapping business) as a law for securing the performance and safety and systematic maintenance of vehicles.

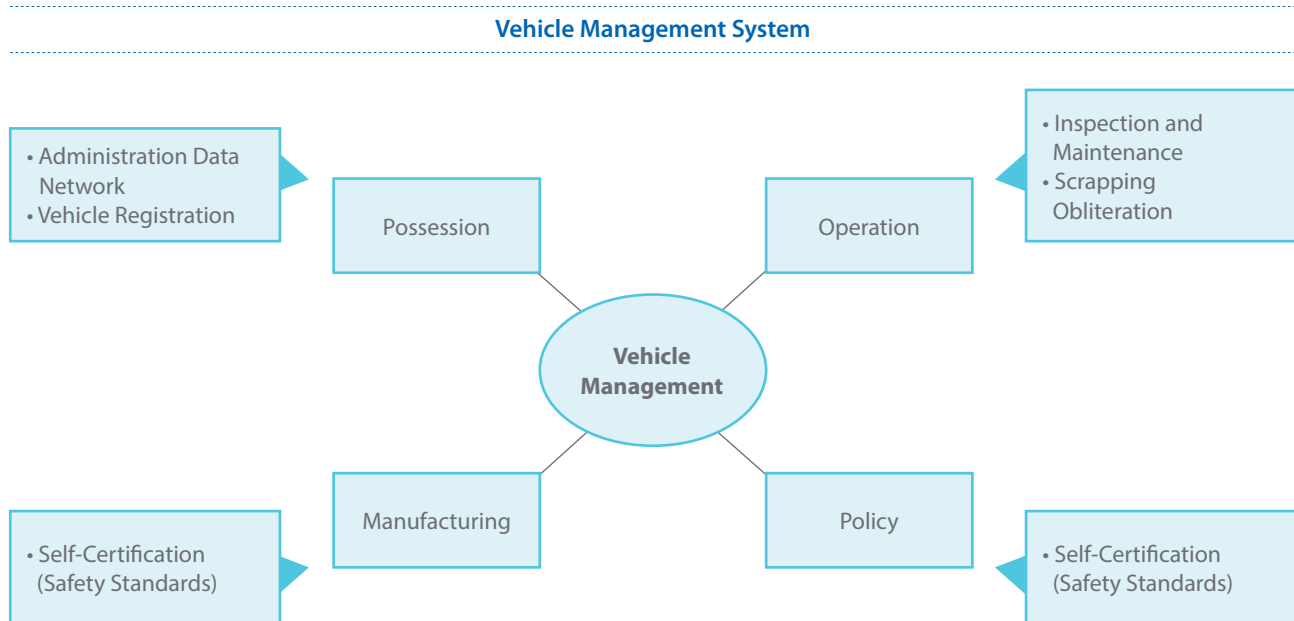
FIGURE 1**Configuration of Automobile Management Acts****FIGURE 2****Configuration of Korea Motor Vehicle Safety Standards**

Korea has operated the automatic management system as shown in Figure 3 and Automobile Management Act is configured as followings for this purpose.

There are several lower level regulations under the Automobile Management Act including “Enforcement Decree of the Automobile Management Act” as Presidential decree, “Automobile Management Enforcement Regulations” and “Rules on Vehicles Safety Standards” as Enforcement Ordinance of the Ministry of Land, Infrastructure and Transport (MOLIT), and “Regulations for Execution of Automobile Safety Standards”, “Automobile Self-Certification Procedure” and “Automobile Safety Evaluation Procedure” as notifications of the MOLIT.

Certification during manufacturing stages and management system during operation stages are governed by these regulations. Self-certification system, a safety standards certification system, is applicable to newly manufactured vehicles for securing the safety, while scheduled inspection, computerized management and vehicle management system are in operation for the safety of existing vehicles.

FIGURE 3



3. Safety Standards Enactment and Revision Procedure

The procedure for enactment and/or revision of Korea Motor Vehicle Safety Standards (KMVSS) is as shown in the Table 1 and the details are described in paragraphs 3.1. to 3.10. below.

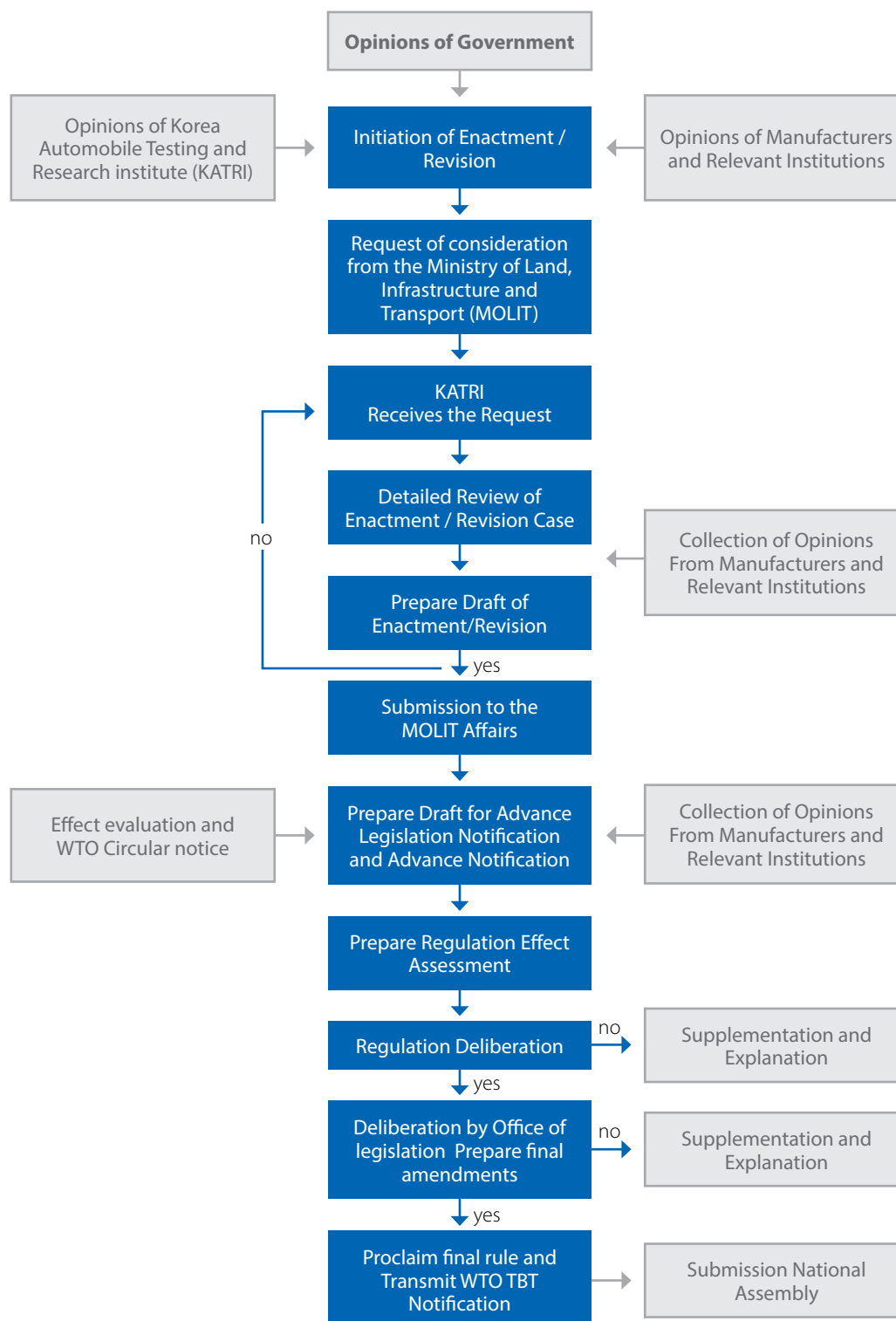
3.1. Consideration of enactment and/or revision

Items of enactment and/or revision of safety standards are received through various channels and main sources are as followings. In case of improvement of the regulations, items are evaluated and actions are taken.

- Government policies on system improvement: social issues, improvement, etc.
- Opinions from the Korea Automobile Testing and Research Institute (KATRI): Safety standards improvement plan, other supplemental measures in the operation of safety standards.
- Request of system improvement from manufacturers and end users: Mitigation of standards, applications of new technologies, etc.
- Accommodation of changes in environment including technology development.
- Improvement requests by international agreements or trade negotiation.
- Other improvement needed in the operation of regulations.

TABLE 1

Enactment and Revision Procedure



3.2. Government Proposal

When there is an enactment and/or revision of vehicle safety standards involving the Automobile Management Act, MOLIT provides a proposal to KATRI.

MOLIT handles the case internally for policy decision or other matters that do not require technical consideration.

3.3. Receives and processes the request

KATRI receives and processes the work order from the MOLIT, and makes assessment for submission due date and evaluation strategy through the discussion on the background and the importance of the case with the MOLIT in advance.

The strategy will be determined through the meeting of the committee if the case is critical or overall consideration by KATRI is required.

3.4. Detailed consideration (Investigation/Research)

After assigning the execution department and contact person, a technical evaluation will be conducted, and the evaluation should include the following items at least. Opinions from manufacturers and relevant institutions should be collected and reflected through the discussion with them, if necessary.

- Current status of the system and operation conditions for the case
- Issues
- Examples of other countries
- Provide improvement plan
- Include reference

3.5. Preparation and consideration of draft standard enactment/revision

Prepare the draft standard enactment/revision draft with sufficient considerations for the stance of government, end users and manufacturers. Secure sufficient explanation reference and data along with the comparison table between old and new articles for the enactment and/or revised statement when submitting the draft to the MOLIT.

3.6. Preparation and execution of advance legislation notification

When the final advance legislation notification details are determined through the discussion with the MOLIT, opinions on the advance legislation notification should be collected, evaluation result and explanation materials should be prepared for the collected opinions, and the decision should be made about whether to reflect the advance legislation notification through the discussion with the MOLIT, and the documents should be prepared in accordance with the form of advance legislation notification and submitted to the MOLIT.

3.7. Preparation of documents of the assessment of the effects of the draft

Assessment of the effects of the draft should be conducted for the items with reinforced safety standard by the establishment/revision and it should be prepared in accordance with the form of effects assessment results and submitted to the MOLIT. This assessment should be conducted at almost same point as the advance legislation notification.

Upon receiving the request of meeting attendance or supplementary data from the MOLIT during this evaluation, they should be handled promptly and submitted.

3.8. Preparation and deliberation of draft for the office of legislation

When the assessment of draft effects is completed, the MOLIT will be subject to the deliberation by the officers in the Office of Legislation for detailed and interpretative assessment about the revised statements for the final safety standards establishment/revision draft.

Deliberation of the office of legislation demands highly accurate and clear description as it is about the statements that will be included in the law eventually.

3.9. Proclamation of safety standards enactment/revision

When the final draft is ready through the deliberation of the Office of Legislation, it should be proclaimed within few days. KATRI directly notifies the information to the relevant contact people inside KATRI, circulate the information to all employees and establish the plan for future works.

3.10. TBT notification transmission

Since the established/revised safety standards will become part of the non-tariff barrier, TBT notification should be prepared and sent according to the agreement with WTO member countries.

4. Self-certification compliance test

4.1. Definition

Korean government has adopted self-certification system for securing the safety of vehicles. Under the self-certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify whether the manufactured vehicles meet the safety criteria internally and sell them. And government conducts self-certification compliance test later and orders recall if there is an item that does not meet the safety standards.

4.2. Execution procedure

Procedure of manufacturer self-certification is as shown in Figure 4.

4.2.1. Manufacturer registration

Personal details of the president of the manufacturer and the safety test facilities should be registered to the MOLIT in order to enforce the responsibility of follow-up service including recall to the companies conducting self-certification, and the decision to grant self-certification will be made based on the contents of the registration submission material.

In case of imported vehicles, if the Korea representative of the foreign manufacturer is designated, the corresponding manufacturer is assumed to have the self-certification capability.

4.2.2. Self-certification marking

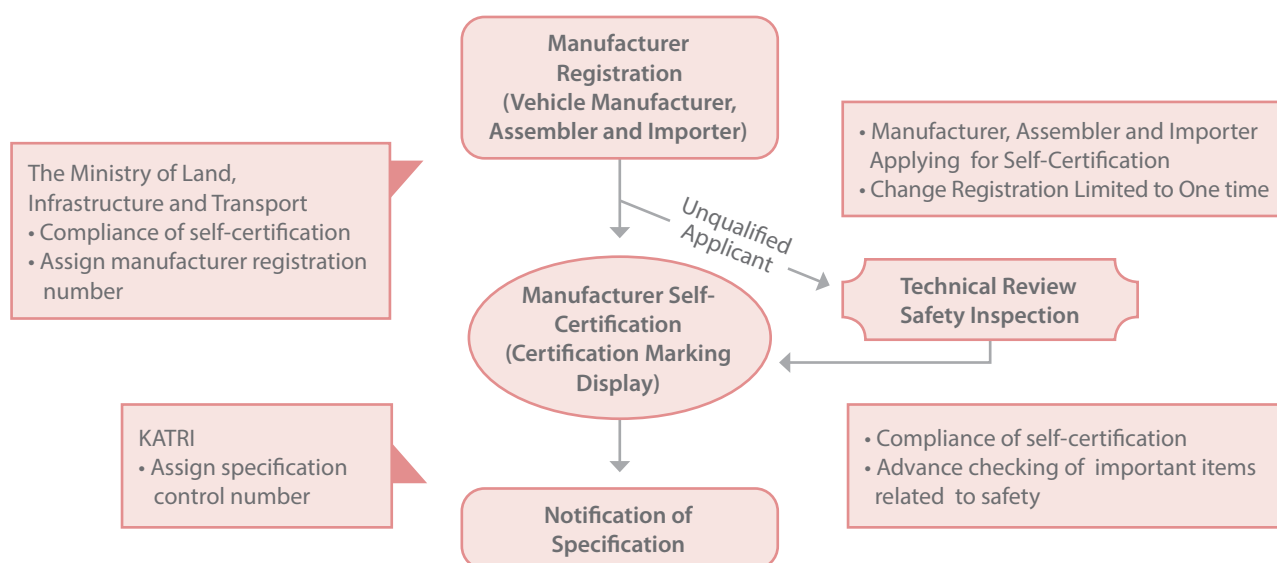
The evidence of certification should be displayed in the vehicle if the self-certification is completed by the manufacturer.

4.2.3. Notification of specification

Upon the completion of the self-certification by manufacturer, the specification of the vehicle to be on the market should be managed by the automotive management computer system so that it can be notified to KATRI. In the automotive management computer system, the original registration is used in order for proving the ownership of the vehicle, inspection, structural equipment change, tax imposition and checking criminal acts.

FIGURE 4

Procedure of manufacturer self-certification



5. Recall of manufacturing defect of vehicles

This is a system for correcting the defects free of charge when the vehicles sold by manufacturer has a defect that the manufacturer is accounted for, which does not meet the safety standards or affects the safe operation, and the government conducts the test to verify whether the vehicle complies with the automotive safety standards and whether safe operation is compromised due to defect.

A series of tests are conducted by KATRI and the procedure is as shown in Figure 5.

5.1. Summary of investigation procedure

5.1.1. Investigation Institute

Performance test agent (Korea Automobile Testing and Research Institute, Korea Transportation Safety Authority)

- Whether false or other illegal methods are involved in self-certification
- Whether there was a violation of self-certification procedure such as the violation of automobile safety standards
- Whether there was a violation in the execution of recall order
- Whether vehicle manufactured in different way from the details of self-certification was sold.

5.1.2. Investigation method

The MOLIT establishes an annual plan including the target vehicle types and test items and orders investigation to the performance test agent.

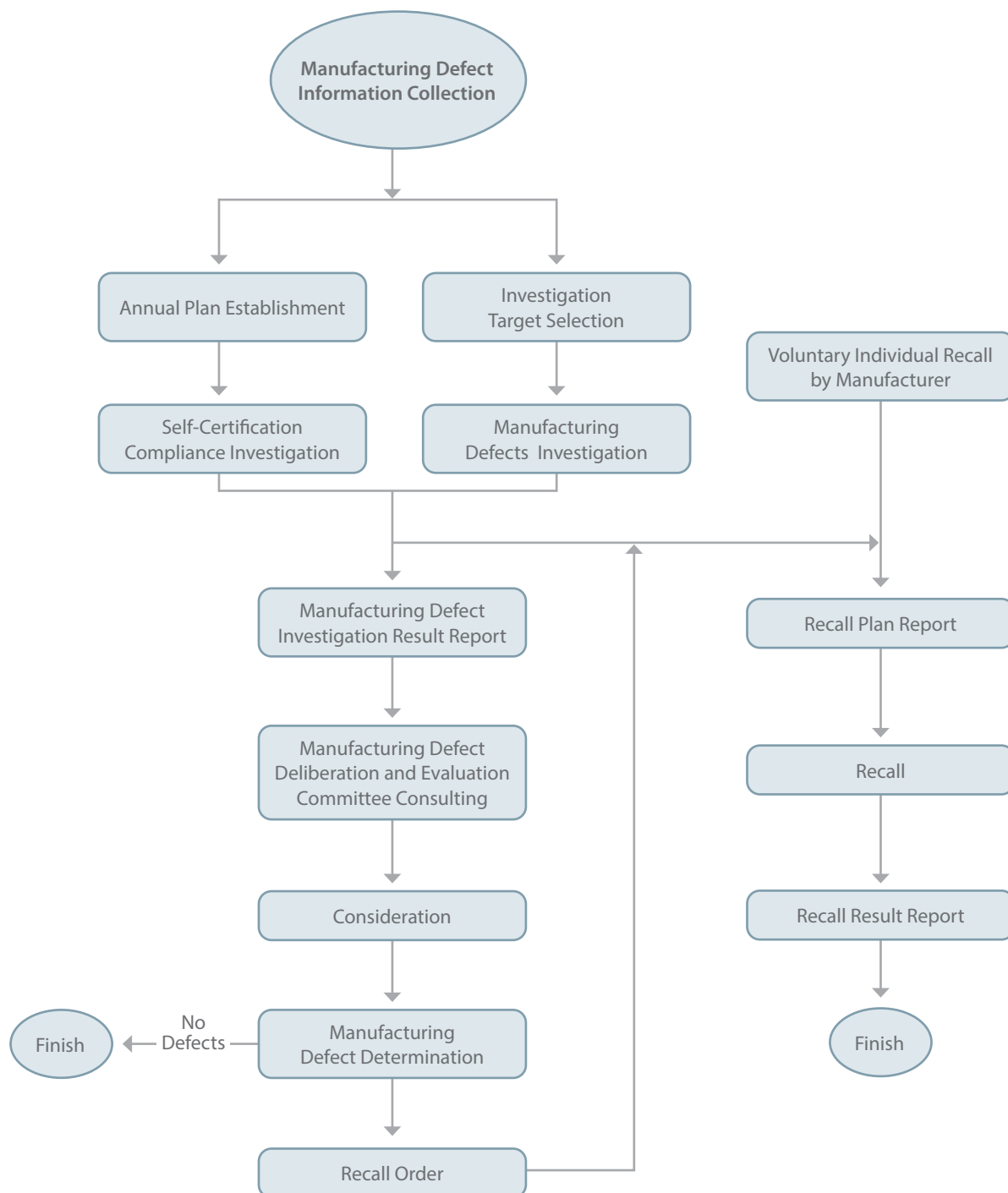
Performance test agent (KATRI) establishes the investigation plan, reports it to the MOLIT, conducts the investigation and reports the results to the MOLIT.

When the manufacturer voluntarily accepts the defects during the self-certification compliance test and reports the recall plan, the MOLIT evaluates the compliance and finishes the investigation.

When the result of the investigation shows incompliance to the safety standards, penalty will be imposed and recall will be ordered.

FIGURE 5

Recall procedure



SECTION 6 REGULATORY DEVELOPMENT AND ENFORCEMENT OF COMPLEX VEHICLE SAFETY IN THE RUSSIAN FEDERATION

1. Participation of the Russian Federation in the Agreements administered by the World Forum WP.29

The Soviet Union became the full participant of the 1958 Geneva Agreement from 17 February 1987. Subsequently in 1992 the Russian Federation Government has declared, that the Russian Federation is the state-continuer of the USSR on realization of the rights and fulfilment of the obligations following from agreements signed by the USSR, including the 1958 Geneva Agreement.

The Russian Federation was among the first which signed the 1997 Vienna Agreement on 13 November 1997.

The Russian Federation became the eighth country which signed the 1998 Global Agreement on 25 August 2000. After that it entered into force and became open for accession by other Contracting Parties.

One of the main consequences of participation of the USSR and, further, the Russian Federation in activities of the World Forum WP.29 was the development of the national certification system for the mechanical vehicles with the base of requirements contained from the UN Regulations.

As regards to the UN GTRs, the Russian Federation mainly introduces them to its legislation by applying the equivalent UN Regulations.

2. Technical regulating with regard to automotive vehicles

The Federal Law of 27 December 2002 No. 184-ФЗ « On Technical Regulating» established a new legal mechanism concerning development, adoption, application and execution of obligatory requirements (technical regulations) and voluntary rules (standards) concerning products on all phases of their life cycle.

The legal basis of the technical regulating concerning automotive industry products includes the international agreements with participation of the Russian Federation, in particular, the 1958 Geneva Agreement, the 1998 Global Agreement, the 1997 Vienna Agreement, the 1968 Convention on Road Traffic and the 1971 European Agreement supplementing the said Convention, the 1957 ADR Agreement and the 1970 ATP Agreement, and also the Russian federal legislation, in particular, the Federal Laws “On Road Traffic Safety”, “On Preservation of the Environment”, “On Protection of Atmospheric Air”, “On Sanitary and Epidemiologic Well-Being of the Population”, “On Protection of the Consumers’ Rights”, “On protection of rights of legal entities and individual entrepreneurs at implementation of the state inspection (surveillance) and municipal inspection” and “On standardization in the Russian Federation”.

Basing on the approved concept of technical regulating the development of the Technical Regulations “On Requirements to Emissions of Harmful (Polluting) Substances by the Automotive Vehicles Released for Circulation in the Territory of the Russian Federation”, adopted by the Russian Federation Governmental Decree of 12 October 2005 No. 609, which was the first in Russia, and “On Wheeled Vehicles Safety”, adopted by the Russian Federation Governmental Decree of 10 September 2009 No. 720, was carried out.

On 18 November 2010, the Agreement on Common Principles and Rules of Technical Regulating in the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, which formed the Customs Union, was concluded, and the issues of technical regulating were brought to its level. The agreement provided, inter alia, for the introduction of uniform technical regulations of the Customs Union.

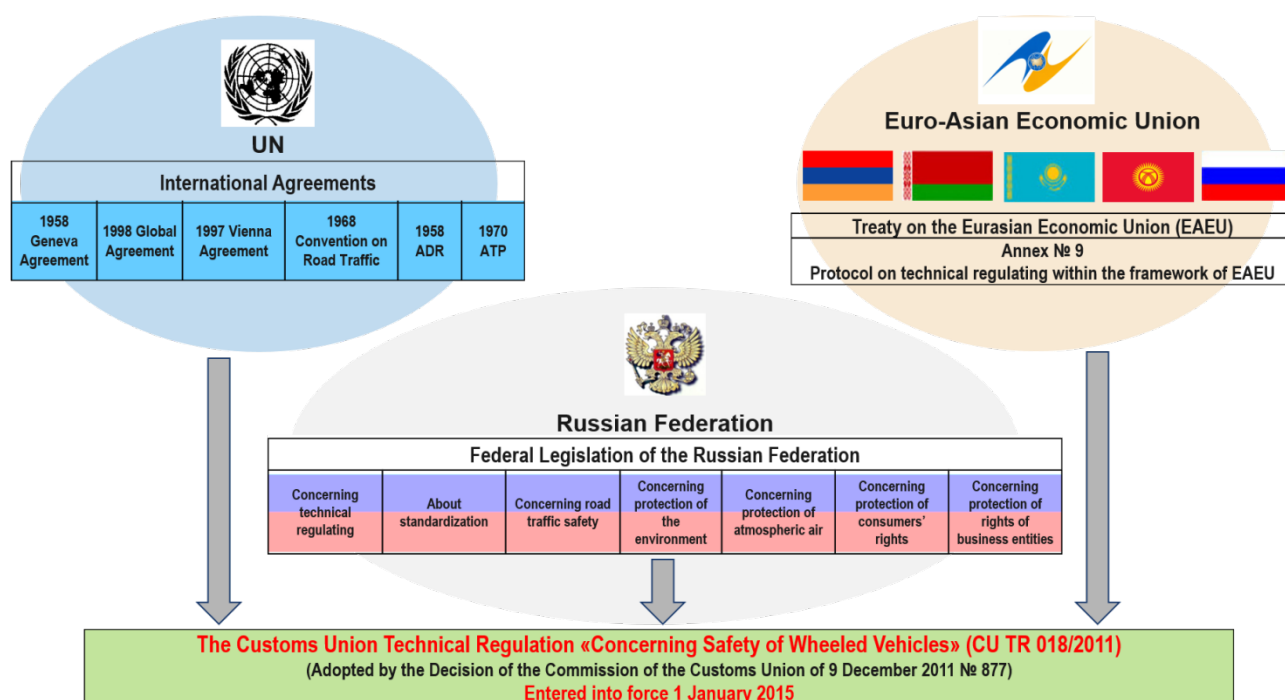
The procedure for the development of a technical regulation provides for public discussion of the draft for at least two months and internal approval at the state level, during which an assessment of the regulatory impact is conducted, taking into account the positions of the federal authorities, scientific organizations, self-regulatory organizations, public associations of entrepreneurs and consumers.

On the basis of the said Agreement the Customs Union Technical Regulation “On Wheeled Vehicles Safety” (CU TR 018/2011) was developed. It was adopted by the Decision of the Commission of the Customs Union of 9 December 2011 No. 877. It combined the provisions of the two above-mentioned national technical regulations. CU TR 018/2011 entered into force on 1 January 2015 and the national technical regulations expired from that time.

On 29 May 2014, the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation signed the Treaty on the Eurasian Economic Union (EAEU), to which, further the Republic of Armenia and the Republic of Kyrgyzstan joined. Since that time, the technical regulatory activities were delegated to the EAEU, and CU TR 018/2011 became applied in the framework of the EAEU. The legal basis for technical regulating in the EAEU is shown on figure 1.

FIGURE 1

The legal basis for technical regulation in the Euro-Asian Economic Union



3. The Customs Union Technical Regulation “On Wheeled Vehicles Safety” (CU TR 018/2011)

CU TR 018/2011 is the basic legislative act containing mandatory safety requirements applicable to wheeled vehicles and their components. It establishes that technical regulating is carried out in order to ensure the socially acceptable level of safety, as well as the implementation by the Member States of the Customs Union of their obligations arising from participation in the international agreements in the field of wheeled vehicle safety.

The scope of the Technical Regulation covers the road vehicles, which are released for circulation and being in operation, including, cases of their design modifications affecting safety, and also the vehicle components affecting vehicle safety (figure 2).

CU TR 018/2011 establishes the requirements by means of direct references to 112 UN Regulations and 2 UN GTRs. Besides that, the national requirements, which fulfilment is connected with maintenance of vehicle safety under operating conditions typical for the Russian Federation and the other EAEU countries, are included in CU TR 018/2011 in the form of text.

Taking into consideration the principle of conformity of technical requirements to the national economy level of development, a number of the requirements included into the mandatory list, has different levels of stringency, and the target dates of gradual transition to application of the higher-level requirements are provided.

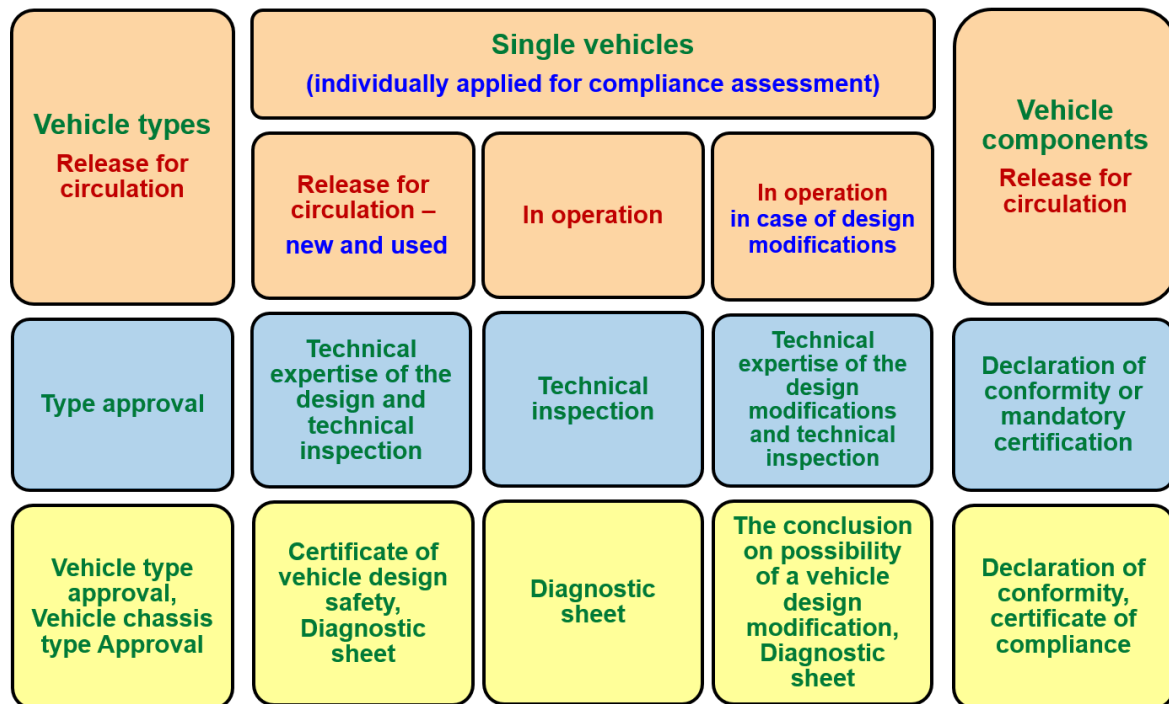
The Russian Federation is a pioneer in introducing requirements for emergency call systems using vehicle location information received from global navigation satellite systems.

Vehicles are divided into ecological classes depending on the level of emissions of harmful substances. For each ecological class the technical specifications for emissions are established according to the provisions of the UN Regulations Nos. 24, 49, 83 and 96, to which there are direct references in CU TR 018/2011. The terms of enforcement of the technical specifications are established as well. For the time being CU TR 018/2011 mandates the emission level of the ecological class 5 (Euro-5).

Besides vehicle types, CU TR 018/2011 establishes the necessity of the individual assessment for an individual vehicle released for circulation, when it is:

FIGURE 2

**The CU TR 018/2011 objects of technical regulating
and the forms of compliance assessment**



(1) a result of an individual technical creativity;

(2) imported in the EAEU state by a physical person for own needs;

(3) imported in the EAEU state after admission to participation in traffic abroad, i.e., had the state registration plates of other country.

With respect to such vehicles the base requirements of design safety which do not vary during vehicle operation, shall be checked, in particular, to equipment preventing unauthorized use, heating systems, lighting devices, visibility through rear-view mirrors, seat belts and their anchorages, seats and their anchorages, external projections and interior fittings, rear and lateral underrun protection devices, prevention of fire risk. Such requirements were derived from the corresponding UN Regulations. The special attention was given to the safety of vehicle categories M_2 and M_3 (buses). The extended requirements of the technical regulation are based on the requirements of UN Regulation No. 107.

CU TR 018/2011 also includes in the form of a separate annex the operational safety requirements developed on the basis of the Russian national standards and requirements of the 1997 Vienna Agreement. Most of these requirements are subject to mandatory inspection under the technical inspection procedures using technical diagnostics. The positive results of inspection are the basis for registration of the policy of compulsory insurance of civil liability of a vehicle owner, which is a necessary condition for the admission of a vehicle to participation in traffic in the Russian Federation.

The organizational structure of the compliance assessment system of automotive products (figure 3) includes:

- Ministry of Industry and Trade of the Russian Federation as the Federal Authority for technical regulating;
- The Federal Agency for Technical Regulating and Metrology (Rosstandard) as the Administrative Body of the Russian Federation in the 1958 Geneva Agreement authorized for the approval of vehicle and component types pursuant to UN Regulations and the regional whole vehicle type approvals in the framework of CU TR 018/2011, and also as the

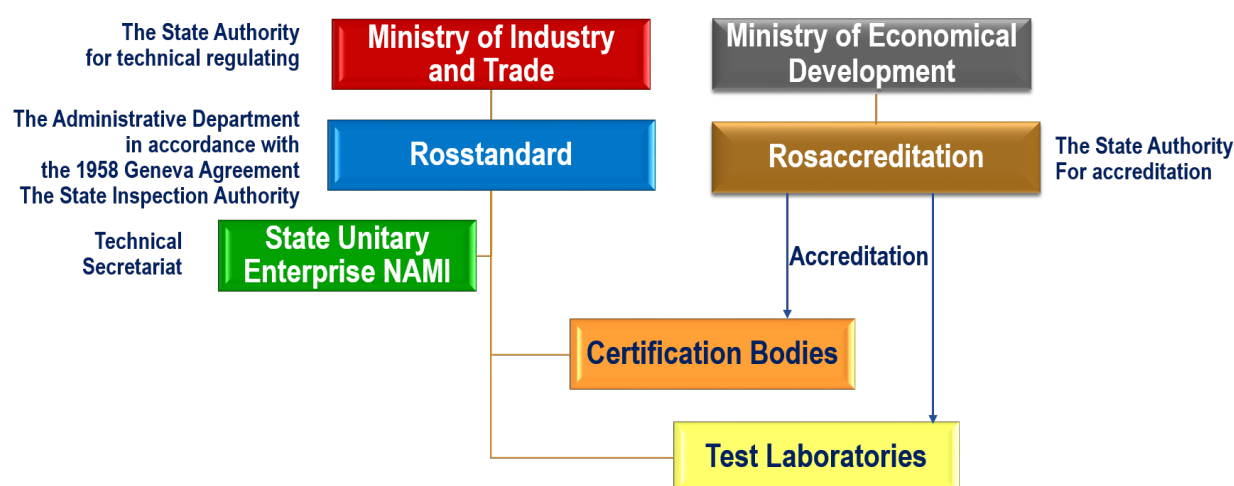
authority of the state inspection (surveillance) of automotive industry product compliance to the requirements of CU TR 018/2011;

- The Federal State Unitary Enterprise "NAMI" performing functions of the technical secretariat, to which, according to provisions of the CU TR 018/2011, it is entrusted to verify correctness and justification of issuance of the regional whole vehicle type approvals;
- Accredited certification bodies;
- Accredited testing laboratories.

The accreditation of the certification bodies and testing laboratories is carried out by the independent Federal Accreditation Service, which is a part of the Ministry of Economic Development of the Russian Federation.

FIGURE 3

The organizational structure of the compliance assessment system of automotive products in the Russian Federation



4. State inspection (surveillance)

The state inspection (surveillance) over compliance with the mandatory requirements of technical regulations and national standards is conducted within the framework of the Federal Law of 27 December 2002 No. 184-Φ3 "On Technical Regulating" with regard to the products and product-related processes of design, production, construction, installation, operation, storage, transportation, sale and disposal solely in terms of compliance with the requirements of relevant technical regulations and national standards.

Actions for the state inspection (surveillance) are performed according to the provisions of the Federal Law of 26 December 2008 No. 294-Φ3 "On protection of rights of legal entities and individual entrepreneurs at implementation of the state inspection (surveillance) and municipal inspection". The scheduled inspections may be carried out not more than one time every three years in accordance with the plans of inspection for the corresponding calendar year agreed with the prosecution authorities. Unscheduled inspections are carried out in case of receipt of appeals on the facts of threats of harm to the life and health of citizens or infliction of harm.

According to the Russian Federation Governmental Decree of 16 October 2015 No. 1108, the Federal Agency for Technical Regulating and Metrology (Rosstand) is authorized for the state inspection (surveillance) over compliance with the CU TR 018/2011 requirements with regard to the wheeled vehicles and their components released for circulation in the territory of the Russian Federation (before start of their operation).

During its activity in the field of the state inspection (surveillance) Rosstand agreed 141 vehicle voluntary recalls of in order to prevent possible harm associated with their usage. The total number of withdrawn vehicles amounted to more than 1.5 million units.

In 2017, Rosstandart inspected 158 business entities, and in 39 (24 per cent) of them violations of the established requirements were revealed. The relevant actions were taken in accordance with the Code of administrative offences of the Russian Federation.

Summary

The Russian Federation, as well as the EAEU in whole, with respect to automotive vehicles, pursues a policy of implementation of the technical provisions agreed at the international level as the national technical requirements, which is purposeful on elimination of the barriers interfering international trade, with simultaneous maintenance of compliance to modern safety requirements. The direct application of the UN Regulations included in the list of regional technical requirements of CU TR 018/2011 is established in EAEU.

SECTION 7 RULEMAKING IN THE UNITED STATES OF AMERICA

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I. Introduction

Described here is the rulemaking system used in the United States of America by the Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) to establish regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.¹ The description focuses primarily on the informal rulemaking process set forth in the Administrative Procedure Act, 5 U.S.C. "551, *et seq.* (APA). This focus is appropriate since rules establishing regulations for these products are generally subject to the APA and are adopted by EPA and NHTSA using, for the most part, the informal rulemaking process. As well as describing the rulemaking system used in the United States of America (U.S.A.) by EPA and NHTSA to establish regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, this section also briefly discusses the compliance and enforcement system used in the U.S. by EPA and NHTSA to assure manufacturers' compliance with the safety and emission standards contained within the regulations established through the informal rulemaking process.

II. Federal Rulemaking

A. Congressional authorization

While Congress could establish the details of individual product regulations legislatively, instead it usually delegates authority to U.S. Federal regulatory agencies to establish such regulations administratively pursuant to congressional guidance. The degree of

¹ Given its relative brevity, this section makes general statements about the requirements applicable to the development, issuance and review of product regulations. It is important to note that the statutes authorizing the issuance of some types of product standards create exceptions to those generalizations. This section does not attempt to identify or catalogue those exceptions, although it does note some of them.

specificity in the guidance varies from statute to statute. At one end of the spectrum, Congress may specify some of the details of a particular standard. At the other, Congress may provide general direction concerning factors to be considered and policy goals to be achieved. The latter is, by far, the more common practice.

When Congress enacts legislation creating a regulatory agency, or giving new authority to an existing regulatory agency, it typically includes provisions that implicitly or explicitly delegate its rulemaking authority to the agency with respect to a specified policy goal. “Rulemaking” is agency action that regulates the future conduct of governmental agencies and persons², through formulation and issuance of an agency statement designed to implement, interpret or prescribe law or policy. The legislation containing the authority granted by Congress to an agency is known as the agency’s “enabling” legislation.

While the enabling legislation specifies the general purposes for which rulemaking may be conducted, it normally does not identify the individual rules to be adopted to achieve those purposes. The legislation often enumerates the factors that an agency must consider in its rulemaking and may specify criteria that the resulting rules must meet. Those factors and criteria often include practicability (often both economic and technological) and address the role, if any, that the cost of compliance is to play in the agency’s rulemaking.

Occasionally, Congress supplements an agency’s enabling legislation by enacting legislation directing the agency to use its general rulemaking authority in a specific way. In these instances, Congress normally leaves the technical details of the rule to be issued to the discretion of the issuing agency. Congress rarely dictates any of the specific performance requirements to be adopted for products. Further, it does not typically specify any details about regulatory approach, level of stringency or test procedures (although it may impose certain restrictions or define certain parameters).

In addition to enabling legislation, there are various other sources of requirements that govern the development and issuance by Federal agencies of rules regulating products. These sources include other statutes and Presidential Executive Orders that impose procedural requirements which are intended to ensure reasoned and fair decision-making. Except to the extent inconsistent with an agency’s enabling legislation or other source of rulemaking authority, these other statutes and Executive Orders require that the agencies adopt these rules only after thoroughly analysing their potential impact. This analysis typically, but not always, includes an assessment and comparison of either the benefits and costs or the cost-effectiveness of alternative regulatory approaches or levels of stringency. They also require an open and transparent U.S. regulatory process that seeks to afford all participants the opportunity to participate and to understand what the regulatory agencies are doing and why.

B. Agency action

1. Initiation of Rulemaking

Most rulemaking proceedings by U.S. Federal agencies are initiated in one of the following three circumstances. First, the agencies may begin a rulemaking proceeding on their own initiative within the limits of their existing enabling legislation or other legislation granting them authority to engage in rulemaking. Second, Federal agencies may also initiate rulemaking within the limits of their existing authority in response to a request by the public. The APA provides that each Federal agency shall give interested persons the right to petition for the issuance, amendment, or repeal of a rule. Agencies must respond to such a petition. If the petition is meritorious and consistent with the agency’s priorities and available resources, the agency will grant the petition and begin a rulemaking proceeding. The granting of such a petition and the commencement of a rulemaking proceeding do not necessarily mean that the requested rule will be issued. Further, the first step may not be the issuance of any notice, but the conducting of research to determine if appropriate performance criteria or test procedures can be developed. The decision ultimately whether to issue a rule is made later in accordance with statutory criteria and on the basis of all available information developed or received in the course of the rulemaking proceeding. Third, an agency may be statutorily directed by Congress to begin a specific rulemaking proceeding.

2. Information about Rulemaking Plans, Activities and Documents

The official U.S. Government document for publishing regulatory notices is the Federal Register. The Federal Register, which is published each business day, includes all proposed rules, final rules, and notices issued by Federal agencies and organizations, as well as Executive Orders and other Presidential Documents. It is available online (www.access.gpo.gov/nara/#cfr) without charge.

The Office of Management and Budget (OMB) publishes the Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) in the Federal Register each April and October. The Agenda can be viewed on-line by going to <http://reginfo.gov/>.

² “Persons” are defined broadly in the APA as “an individual, partnership, corporation, association, or public or private organization other than [a U.S. Federal] agency.” “Persons” include persons located outside the United States.

This document contains a brief description of and schedule for each new rule that each agency is likely to issue in proposed or final form within the next twelve months. It also lists each existing regulation that each agency is likely to review during that same period. By reading the Agenda, persons can learn whether any of the new rules being developed by the agencies are classified as significant under Executive Order 12866, Regulatory Planning and Review, and thus subject to review by OMB. (See below the section on Inter-agency and Inter-governmental Participation and the section on Other Rulemaking Requirements for fuller discussions of the Executive Order. The definition of “significant regulatory actions” appears in a footnote to the former section.) Persons wishing to find out more about a particular rulemaking may contact the individual listed in the Agenda for that rulemaking.

After the publication of a Final Rule in the Federal Register, the rule is codified, along with all existing regulations, in the Code of Federal Regulations (CFR). The CFR is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is further divided into chapters, which usually bear the name of the issuing agency. The CFR is updated annually. It is available free of charge on the Internet at www.access.gpo.gov/nara/cfr.

The documents that an agency relies upon or considers in issuing a Final Rule are placed by the agency in a public docket where they are available for public inspection and comment. Each docket is identified by a docket number. These documents include studies generated by the agency to support its position as well as comments submitted in response to the agencies documents (except documents that have been submitted confidentially).³ While some agencies accept and rely upon confidential information in their rulemakings, others do not.

Federal agencies make extensive use of the Internet to provide information related to their regulatory activities and enhance the transparency of their regulatory process. Many agencies either have established or in the process of establishing an electronic docket system. For example, the Department of Transportation has established a system that permits a person anywhere in the world to view and download documents that have been submitted to any of their rulemaking dockets (<http://dms.dot.gov/>). The Department of Transportation system also permits people to file comments electronically. Some agencies, like the Environmental Protection Agency, provide links to electronic versions of all of their recently issued rulemaking documents (see www.epa.gov/epahome/rules.html#proposed). In addition, agencies are posting a wide variety of information relating to their rulemakings, such as research reports and analyses so that they can be examined online and downloaded without charge (see, e.g. www.nhtsa.dot.gov/).

Federal agencies are required by the Freedom of Information Act (FOIA) (5 U.S.C. § 552) to make records in their possession available upon receipt of a request that reasonably describes the records desired by the requestor. The purpose of this Act is to expand the areas of public access to information beyond those originally set forth in the APA. The Act gives any person the right to request records from agencies. Upon receipt of a request, an agency must search for records responsive to the request. The agency must then make available copies of all responsive records located in the search, unless the records are protected from disclosure under one of nine statutory exemptions in the FOIA.⁴ Public access to government information was broadened in 1996 by the enactment of the Electronic Freedom of Information Act Amendments (E-FOIA).

The E-FOIA requires agencies to make more material available electronically. In addition, the FOIA was supplemented by Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information (1987), which gives private parties, especially business firms (including foreign firms), a right to prior notice before an agency releases information about or received from the firm.

3. *Inter-agency and Inter-governmental Coordination*

Federal agencies have various means for monitoring and coordinating with each other's regulatory activities. Agencies often directly consult on their own initiative with each other, formally and informally, on rulemaking issues of mutual interest, regardless of whether they are significant under Executive Order 12866. Typically, the consultation occurs initially on a working level among technical staff and later, as the agency's development of approaches to addressing the issues progresses, on a policy level as well.

³ “Trade secrets and confidential business information” mean records or data submitted to the government that arguably contains material exempt from release under exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm to the entity submitting the information. Persons submitting documents confidentially must assert their claim to confidential treatment at the time the documents are submitted. The agency then makes a determination as to whether exemption 4 applies. This exemption applies during all stages of the rulemaking process. As noted above, not all agencies accept documents containing trade secrets or confidential business information in their rulemakings.

⁴ In addition to the exemption noted above for trade secrets and confidential business information, exemptions are also provided for other matters such as inter-agency or intra-agency memorandums or letters, and records or information compiled for law enforcement purposes. (5 U.S.C. § 552(b)(5) and (7)).

There are also inter-agency working groups, such as the Interagency Council on Standards Policy, that meet on an ongoing basis to discuss issues of mutual interest and to share information on their agency's activities.

Executive Order 12866 provides that each regulatory agency should avoid issuing rules that are inconsistent, incompatible, or duplicative with those of other Federal agencies. OMB is charged, under the Order, with coordinating inter-agency review of significant proposed or final rules prior to their issuance and publication in the *Federal Register*.⁵ If the proposed or final rule of one agency would create a serious inconsistency, or otherwise interfere with an action taken or planned by another agency, that rule is treated as a significant rule under the Order, and thus is subject to OMB review. OMB provides a copy of the rule to other interested agencies for comment during the review process.

4. *The Administrative Procedure Act*

The primary mechanism for ensuring transparent and open rulemaking in the U.S. is a standardized system of consultations with the public as rules are developed and revised. The APA specifies requirements for rulemaking, i.e. the process by which Federal agencies formulate, propose, establish, amend, or repeal a regulation. Substantive rules issued by an agency under the APA have the force and effect of law.

If an agency's enabling legislation authorizes it to conduct rulemaking, the legislation typically specifies that either formal or informal procedures are to be followed:

- Informal rulemaking procedures require, with certain limited exceptions, that the agency provide prior notice and an opportunity to comment by submitting written data or arguments in response to the publication of a proposed rule. Any person, regardless of geographical location, may submit comments. This includes, for example, individuals, businesses and government agencies of other countries. These procedures require also that the data and arguments be considered by the agency and that, in issuing any Final Rules, the agency include a statement of the rule's basis and purpose and address the comments. A fuller discussion of informal rulemaking procedures is provided later in the text.
- Formal rulemaking procedures require an agency to conduct a complete oral, evidentiary hearing. The agency must offer persons who wish to participate an opportunity to appear and present oral and documentary evidence and views and to cross-examine other participants in the hearing. The hearings are generally presided over by an Administrative Law Judge. The record consists of the transcripts of the testimony and exhibits presented at the hearing, together with all documents filed in the proceeding.

Informal rulemaking procedures are required for most rulemakings, including most rulemaking involving the establishment of product requirements. Formal rulemaking has been, and continues to be, the exception. An agency must use formal rulemaking procedures if it is rulemaking under a statute requiring that rulemaking be conducted "on the record."

Some statutes require the use of "hybrid" rulemaking procedures, in which informal written comments are supplemented with oral presentations of some kind. In addition, agencies subject to informal rulemaking procedures may, at their discretion, decide to use "hybrid" procedures. For example, they may decide to hold public meetings when they believe that it would be beneficial to have a face-to-face exchange of views and information between the agency and the public. As with formal rulemaking, hybrid rulemaking represents a very small portion of rulemaking government-wide.

Agencies can add to, but never subtract from, procedures required by the APA or other statutes. As mentioned earlier, agencies engaged in informal rulemaking sometimes voluntarily decide to hold public meetings. The additional procedures used by an agency must not violate the procedural requirements in the APA or other statutes, such as the rules concerning consideration of written comments during a rulemaking.

Informal rulemaking proceedings proceed in the manner set forth below. Not all steps, e.g. preliminary notices, must be used in all rulemakings. The vast majority of rulemakings involve only three steps: issuance of an notice of proposed rulemaking soliciting public comment, agency consideration of all relevant information including public comments, and the issuance of a Final Rule after consideration of the relevant information. Since a greater range of steps is particularly likely to be used in some of the more significant rulemakings, the full potential range of steps is outlined below. It should be noted that the duration of rulemaking can vary from a few months to several years depending on the complexity, controversiality and nature of the action.

⁵ Section 3(f) of the Executive Order defines "significant regulatory action" as "any regulatory action" that is likely to result in a rule that may have any of certain enumerated impacts, including having an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; creating a serious inconsistency or otherwise interfere with an action taken or planned by another agency; and raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

a. Preliminary Notices

Although the APA does not require or even address the issue of preliminary notices, they are issued by some regulatory agencies. An agency contemplating rulemaking may decide that it wants to obtain additional information before developing and publishing a specific proposal for addressing a problem. In such cases, to obtain more information about the nature and extent of a possible problem or to obtain public views on which regulatory approach would be most effective and desirable, the agency may publish a preliminary notice seeking public comments.

The most common type of preliminary notice is the Advance Notice of Proposed Rulemaking (ANPRM). It provides an opportunity for public comment very early in the rulemaking process. It describes the general area that may be the subject of a proposed rule and usually asks for public comment on the issues and regulatory options being considered. It invites the public to identify any additional relevant issues.

The ANPRM specifies a certain period of time within which the public may submit comments. Comments may be submitted by any person. Some agencies place all comments on the ANPRM in a docket where they are available to the public, while others docket only those comments that support a subsequent Notice of Proposed Rulemaking. In both cases, trade secrets and confidential business information are not revealed. The comment period is usually 60 days, but it can be longer or shorter, depending on the circumstances.

b. Notice of Proposed Rulemaking

In most cases, the initial step in the rulemaking process is to develop and then publish a proposed rule. The proposal is called a Notice of Proposed Rulemaking (NPRM). The purpose of the NPRM is to inform the public about the proposal and request public comment on it. The NPRM typically consists of two parts: a preamble, which is a narrative discussion, and proposed regulatory text. Some, however, do not include regulatory text. The amount of detail in preambles varies. The more detailed preambles identify the problem addressed by the proposal, discuss and analyse information regarding the existence, nature and extent of the problem, explain how the proposal will ameliorate that problem, and analyse the benefits and costs of the proposal. If the NPRM was preceded by the issuance of a preliminary notice, the NPRM may summarize and respond to the public comments on the preliminary notice. To the extent that the NPRM does not set forth and explain the factual assumptions, analyses and methodologies underlying the proposal, the agency places documents containing those matters in a public docket so that the public has an opportunity to comment on them.

The NPRM specifies a certain period of time within which any person who wishes to do so may submit comments. Executive Order 12866 recommends a comment period of 60 days, although the period can be longer or shorter, depending on circumstances. The agency places all comments in a public docket, except that trade secrets and confidential business information are not revealed. This public comment process serves a number of purposes, including giving persons the opportunity to:

- Provide the agency with information that will enhance the agency's knowledge about matters related to the proposal; and
- Challenge the factual assumptions, analyses, and tentative conclusions underlying the agency's proposal and show in what respect they are in error.

If, after the comment period, the agency obtains new information or analysis that is not simply cumulative and has a potentially significant bearing on the substance of the Final Rule, the agency must make it available so that the public may comment. If the agency has an established practice of considering late comments and other new material and will consider any late comments on the new information or analysis, it may not need to re-open the comment period on the NPRM. If, in addition to being non-cumulative, the new information or analysis will lead to significant and unexpected changes in the final rule, the agency must publish a notice in the Federal Register to ensure public awareness that the material has become available.

In response to the comments on the NPRM or developments (e.g. new research results) after the NPRM is issued, the agency generally changes certain aspects of the proposal. In most cases, the changes are within the range of regulatory approaches discussed in the NPRM, and no further opportunity for public comment is required. However, if any of the changes desired by the agency involve matters neither discussed in the NPRM nor a logical outgrowth of those matters, the agency must give the public a chance to comment on a revised proposal before issuing a Final Rule. To provide that chance, the agency issues a Supplemental Notice of Proposed Rulemaking.

c. Supplemental Notice of Proposed Rulemaking

The SNPRM identifies significant changes to the proposed rule that could not have been not reasonably anticipated from reading the NPRM. It also may identify significant new factual information that was not included in the record of the rulemaking at

the NPRM stage, and that the agency wishes to rely upon in the Final Rule. The SNPRM explains the reasons for the changed regulatory language and seeks public comment on it. SNPRMs are issued significantly less frequently than ANPRMs.

d. Final Rule

After considering the comments received during the rulemaking, the agency decides whether to issue a Final Rule. Final Rules include a preamble and regulatory text. If the agency issues a Final Rule, the preamble includes a detailed statement of the basis and purpose of the rule, explains why the agency agrees or disagrees with the substantive comments it received and describes the changes, if any, it made to the rule in response to the comments with which it agrees. If the agency allows petitions for reconsideration, it must state that petitions for reconsideration may be submitted and may specify a deadline for doing so. The Final Rule also specifies a date on which the rule will become effective. An interval (known as lead time) between the final rule and the effective date of 1 to 3 years is not unusual, particularly in the case of significant rules or rules governing new technologies or products. If the agency decides not to issue a Final Rule, it may issue a Notice of Withdrawal of the proposal, explaining the reasons for that action.

Normally, the APA requires that a Final Rule be published at least 30 days before it takes effect. However, compliance with the 30-day requirement is not necessary if the rule makes an exemption or relaxes existing requirements, or if the agency makes and publishes a finding that an earlier effective date is required “for good cause.”

e. Response to Petitions for Reconsideration

Even after a Final Rule is issued, the public may have a final chance to request the agency to make changes to the rule. Any person can do this by submitting a Petition for Reconsideration. The submission of a Petition for Reconsideration generally does not delay the effective date of the rule.

Some agencies respond to Petitions for Reconsideration by making changes to the Final Rule without first soliciting public comment, if those changes are either within the scope of the NPRM or are a reasonable outgrowth of the NPRM. Other agencies may issue a new NPRM before making any changes in response to Petitions for Reconsideration, regardless of whether the changes are within the scope of the NPRM.

The requirement for prior notice and an opportunity for public comment may be waived in cases in which the agency finds “good cause” that such procedures would be “impracticable, unnecessary, or contrary to the public interest.” (5 U.S.C. § 553(b)(3)(B)). Courts have interpreted this language to allow an agency to waive the notice and comment procedures and issue rules when the agency can show it is confronting one or more of the following “emergency” situations: (1) where the agency was subject to a short, statutorily-imposed deadline; (2) where an immediate rule is required to address a serious risk to public health and safety; (3) where advance notice would thwart the purpose of the rule; or (4) where immediate clarification of existing rules and regulations is needed to alleviate confusion. It is important to note that the “good cause” exception is construed narrowly. Further, agencies may not automatically waive informal rulemaking procedures whenever one of these four situations arises or in the agency’s judgment an emergency situation exists. Instead, an agency must clearly demonstrate that the waiver is proper in a particular circumstance.

5. Other Opportunities for Public Participation

Private citizens, industry, and organizations can participate in an agency’s rulemaking activities in variety of ways. In addition to submitting comments and petitions as discussed above in the section on the APA, persons can directly contact the agencies in accordance with the agencies’ own particular procedural requirements, participate in advisory committees formed by the agencies, or participate in negotiated rulemakings.

While the APA limits ex parte oral communications in formal rulemakings, it does not do so in informal rulemakings.⁶ However, the various Federal agencies have adopted their own policies about such communications during informal rulemakings. These policies vary. Some agencies discourage, but do not prohibit, ex parte oral communication during all stages of a rulemaking proceeding, even before an NPRM is issued. Other agencies discourage ex parte oral communications only after an NPRM has been issued. Still others permit them at any time during a rulemaking proceeding. In all cases, however, to the extent that an agency wishes to rely in its Final Rule on information or data received in ex parte oral communications, it must document the substance of the communications in a memorandum that is made publicly available. Such documentation is necessary to ensure that the public and the courts (in the event of a lawsuit) are aware of the communications.

⁶ “Ex parte communication” is defined in the APA as meaning “an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding.” (5 U.S.C. § 551(14)).

Federal agencies may meet with committees or groups of persons to augment the opportunity for dialogue and public input in their rulemakings. Some of these committees or groups may be advisory committees within the meaning of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (FACA). Under the Act, an advisory committee is any committee or group containing at least one member who is not a full-time Federal employee, that is established or utilized (i.e., managed or controlled) by a Federal agency, in the interest of obtaining advice or recommendations. Advisory committees may be established under the FACA after public notice is given and a determination is made that the formation is in the public interest. The committees must be chartered by the General Accounting Office and have a clearly defined purpose. Membership must be fairly balanced in terms of the points of view represented and functions performed. Meetings of the advisory committees must be announced in the *Federal Register* and generally open to the public. Minutes of the meetings and all related documents must be made public.

The Negotiated Rulemaking Act of 1990 (NRA) establishes a framework for conducting a negotiated rulemaking and encourages agencies to use negotiated rulemaking to enhance the informal rulemaking process. 5 U.S.C. §§ 561, *et seq.* The premise underlying negotiated rulemaking is that bringing together representatives of an agency and the various affected interest groups to negotiate, and reach consensus on, a proposed rule will lessen the likelihood of litigation when a Final Rule is issued. Under the NRA, an agency forms an advisory committee consisting of representatives of the affected interests and representatives of the agency for the purpose of reaching consensus on a rule to be issued in a notice of proposed rulemaking. The committee is subject to the FACA, and thus generally must hold its meetings in public. The negotiations within the committee are generally assisted by a neutral facilitator. The goal of the committee is to reach consensus within the limits of the agency's legal authority and policy objectives for the rulemaking. If consensus is reached, the agency uses the product of the consensus as the basis of its Notice of Proposed Rulemaking. As in the case of rulemaking proceedings that do not involve negotiated rulemaking, the agency must consider the public comments on that notice before issuing a Final Rule.

6. Other Rulemaking Requirements

In addition to the requirements in their enabling legislation, regulatory agencies are subject to other statutory requirements for analysing various impacts of their proposed and final rules. Among these are requirements to analyse the impacts of any rule on small business (the Regulatory Flexibility Act) or the environment (the National Environmental Policy Act). If the rule will require subfederal governments or the private sector to spend more than \$100 million in any one year, its impacts must be analysed (the Unfunded Mandates Act). Further, the impact of the information collection requirements in any rule must be analysed (the Paperwork Reduction Act). These analyses, like the other required analyses, must be made public.

In addition, other requirements are established by the Executive Branch through the issuance of Executive Orders. The most significant of them is Executive Order 12866. The Order, which was issued on 30 September 1993, sets out an overarching regulatory philosophy and principles to guide agencies in developing effective and efficient rules. It provides that agencies should, to the extent permitted by law, assess both costs and benefits (quantitative and qualitative) of an intended rule and propose or adopt a rule only upon making a reasoned determination that the benefits of the intended rule justify its costs.⁷ The Order states that, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize benefits. One of the principal objectives of the Order is to make regulatory processes more accessible and open to the public. The Order requires that before regulatory agencies issue proposed and final "significant" rules, they submit them to OMB for review. Significant rules must be accompanied by an extensive regulatory impact analysis. The analysis is placed in the public docket to facilitate public comment on it. The Order can be found at <http://reginfo.gov/eo12866.htm>.

The National Technology Transfer and Advancement Act (NTTAA) of 1995 directs Federal agencies to use voluntary consensus standards, both domestic and international, in lieu of government-developed regulations, as a means to carry out policy objectives or activities determined by the agencies, except when doing so would be inconsistent with law or otherwise impractical. (Public Law 104-113) (15 U.S.C. § 272 note). The Act further directs the agencies to participate in voluntary consensus standards development activities "when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources." Such participation is aimed at contributing to the development of voluntary standards that will minimize the need to develop and maintain separate government regulations.

Federal agencies are also required, in developing their regulations, to take into consideration relevant international standards and, if appropriate, base their regulations on those international standards. Title IV of the Trade Agreements Act of 1979 (Public Law 96-39), as amended in 1994 (Public Law 103-465) and 1996 (Public Law 104-295) (19 U.S.C. § 2532(2)). The Act expressly

⁷ Some statutes authorizing the issuance of product regulations limit the extent to which the issuing agency can consider cost in selecting those regulations. Some even provide that the regulations are to be selected and issued without regard to cost.

provides that the reasons for which it may not be appropriate to base a regulation on an international standard include, but are not limited to, the protection of human health or safety, animal or plant life or health, or the environment.

C. Congressional review

Most product regulations issued by agencies as Final Rules must be submitted to Congress for review under the Congressional Review Act, 5 U.S.C. §§ 801, *et seq.* (CRA) and to Congressional oversight.⁸ The CRA establishes a special procedure through which Congress may vote to disapprove any such agency rule. The effect of a disapproving vote is to nullify the rule. A rule is rejected if both houses of Congress adopt a joint resolution by majority vote and if the President then signs the resolution. A rule is also rejected if both houses of Congress adopt such a resolution and then override a Presidential veto of the resolution. While Congress can adopt a resolution rejecting a rule in its entirety, Congress cannot adopt a resolution under the CRA either amending a rule or directing that a rule be amended. When acting under the CRA, Congress can either take no action or adopt a disapproving resolution.

When acting outside the CRA, i.e., under its normal legislative procedures, Congress may, in effect, nullify an agency's rule by enacting new legislation that prohibits the agency from using appropriated funds to enforce the rule. Alternatively, Congress may enact legislation identifying the regulatory provisions to which it objects and specifying that the agency cannot maintain an existing rule, or issue a new rule, containing those provisions.

D. Judicial review

All Final Rules establishing, amending or revoking regulations may be judicially reviewed pursuant to either an agency's enabling legislation, the APA or particular agency-specific statutes. In addition, other final actions are judicially reviewable, including denials of petitions for rulemaking, denials of petitions for reconsideration, and decisions to terminate rulemaking after the issuance of an NPRM. Although the percentage of rules issued through informal rulemaking and then judicially reviewed may be relatively small, there is a steady and significant number of cases involving procedural and/or substantive challenges. Further, given the precedential effect of court decisions, judicial review can have a significant and long-lasting effect on agency rulemaking.

Under the APA, any person may seek to have a Final Rule or other final agency action overturned in the Federal courts if he has "standing" to do so. To have standing, a person must first show that the final agency action actually injured him and that it is likely that the injury will be redressed by a favourable decision by the court.

The person must then demonstrate that his injury is within the "zone of interests" which Congress sought to protect in enacting the statute under which the final agency action was taken. Generally, any person directly subject to a product regulation or any person who purchases or uses the products subject to the regulation can demonstrate that his injury is within the zone of interests protected by the statute under which the regulation was issued. An organization which has not itself suffered such an injury may nevertheless have standing if it can demonstrate that its members would otherwise have standing on their own to sue, the interests it seeks to protect are germane to the organization's purpose and neither the claim asserted nor the relief sought requires the participation of individual members in the suit.

Under the APA, a person may seek to have a final agency action overturned on a variety of grounds, including the ground that the action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Suits challenging agency rules typically allege both procedural and substantive grounds for overturning those rules. Among the procedural grounds are lack of adequate notice. Persons alleging lack of adequate notice often argue that the difference between the proposed and final regulatory text was so great that commenters could not reasonably have anticipated, and thus could not comment on, some important part of the Final Rule. Another common argument is that, in order to support the Final Rule, the agency relied on data or analysis that was not made known to commenters in time for them to offer comments before the Final Rule.

To avoid having a rule overturned or remanded as arbitrary or capricious, an agency should: state the factual predicates for its rule; support the factual predicates by linking them to evidence in the rulemaking record; explain how it reasoned from factual predicates to the expected effects of the rule; relate factual predicates and expected effects to each of the relevant statutory goals, purposes or criteria that is made relevant by its statute; avoid basing any aspect of its Final Rule on factors which Congress did not intend to be considered; explain its reasons for agreeing or disagreeing with major comments and for resolving issues raised by commenters as it did; and give reasons for rejecting plausible alternatives to the rule it adopted, especially those that arguably would better promote the goals of the statute under which the rule was issued.

⁸ Some statutes authorizing the issuance of product regulations limit the extent to which the issuing agency can consider cost in selecting those regulations. Some even provide that the regulations are to be selected and issued without regard to cost.

A reviewing court generally will not substitute its judgment for that of the agency or overturn factual conclusions as long as the agency's conclusions have a substantial basis in the administrative record. (See discussion of administrative records below.) This is particularly true when the subject matter is technical, concerns a newly developing technology, or involves exercise of the agency's expertise.

A Final Rule revoking a regulation is subject to the same degree of judicial scrutiny as a Final Rule establishing or amending a regulation. There is a presumption that a settled course of agency behaviour represents that agency's informed judgment that, by pursuing that course, it will carry out the policies committed to it by Congress. Thus, if the agency departed from past agency practices or positions in adopting a new rule, the agency must explain in some detail why it did so.

The court's review is based on the administrative record. The administrative record is compiled by the agency and consists of the Final Rule, and all the information the agency had before it at the time of its issuance of the Final Rule, including the NPRM, all comments on the NPRM, and research results and reports.

If the court overturns a Final Rule, it will return the rule to the agency for further consideration. The court may either vacate the rule, in which case, it has no legal effect; or the court may simply remand the rule, requiring the agency to reconsider its position, but leaving all or part of the rule in effect during that period of reconsideration.

III. United States Process for Assuring Compliance with Safety and Emission Standards

In the United States, the Federal government maintains a set of objective (e.g., numerical), practicable safety and environmental requirements that all vehicles, equipment and parts must meet. These requirements are embodied in the Federal motor vehicle safety standards (FMVSS) and the Federal emission standards. The standards are stated in performance terms. Compliance with the standards can normally be achieved using a variety of different designs, which leaves manufacturers with a great deal of flexibility in designing their vehicles, equipment and parts.

The following discussion outlines the Federal Government's compliance and enforcement system as it relates to safety and environmental requirements for wheeled vehicles, equipment and parts.

A. NHTSA and self-certification

The National Highway Traffic Safety Administration (NHTSA) is authorized to issue FMVSSs that specify performance requirements for new motor vehicles and items of motor vehicle equipment. U.S. Federal law prohibits any person from manufacturing, introducing into interstate commerce, selling, or importing any new motor vehicle or item of motor vehicle equipment unless the vehicle or equipment item conforms to all applicable safety standards.

Unlike agencies that enforce standards through a type approval system, NHTSA does not approve motor vehicles or motor vehicle equipment items, nor does the agency endorse any commercial products or their vendors. Manufacturers are required by statute to self-certify that their products conform to NHTSA's safety standards before they can be offered for sale.⁹ Evidence of that certification must be displayed in the form of a label as required by 49 CFR Parts 567 and 568 which specify the label's size, location and text. A motor vehicle manufacturer must also submit certain identifying information to NHTSA pursuant to 49 CFR Part 566 not later than 30 days after it begins to manufacture vehicles.

1. How Manufacturers Self-Certify

Each of the safety standards specifies the test conditions and procedures that NHTSA will use to evaluate whether a vehicle or equipment item conforms to the standard's performance requirements. Dynamic tests are prescribed in some of the standards, such as FMVSS No. 208, "Occupant Crash Protection", and FMVSS No. 301, "Fuel System Integrity", and the agency may conduct performance testing in accordance with those tests to determine whether compliance exists. However, the agency does not require a manufacturer to crash test vehicles or to evaluate its products only in the manner specified in the safety standards. A manufacturer may choose any means of evaluating a vehicle or equipment item to determine whether it complies with the requirements of an applicable standard, provided that the manufacturer chooses a means that provides reasonable assurance that the vehicle or equipment item will comply with the standard when tested by NHTSA. Most manufacturers certify compliance through testing in accordance with the FMVSS. On rare occasions, certification is based on studies or analyses, rather than testing.

⁹ The motor vehicle safety statutes, found in Chapter 301 of Title 49, U.S. Code, establish a self-certification process under which each manufacturer must certify that its products meet all applicable safety standards. (See 49 U.S.C. § 30115; 49 CFR Parts 567, 568) The FMVSSs are contained in 49 CFR Part 571. In addition to the FMVSSs, certain vehicles must be certified as complying with the Bumper Standard at 49 CFR Part 581, and the Theft Prevention Standard at 49 CFR Part 541.

In addition to the initial certification, a manufacturer is also expected to monitor continued compliance of vehicles and/or items of motor vehicle equipment throughout the entire production run. To accomplish this, an effective quality control programme should be established to periodically inspect and test vehicles and/or items of motor vehicle equipment to ensure that the original, certified performance is achieved by all other units.

Unlike a type approval system, NHTSA's self-certification system provides manufacturers with greater flexibility to make and introduce changes in their products.

2. *How NHTSA Ensures/Monitors Compliance*

NHTSA conducts compliance testing to monitor compliance. NHTSA's annual compliance programme tests an average of 30 of the 44 testable FMVSSs (30 vehicle standards and 14 equipment standards). The government randomly selects (purchases) vehicles and items of equipment from the marketplace and tests them to determine if they comply with the safety standards. If NHTSA's compliance test were to show an apparent non-compliance of a vehicle or equipment item with an applicable standard, the agency would notify the manufacturer promptly. Often, the manufacturer will then promptly conduct a recall, a procedure in which the manufacturer notifies owners of the non-compliance and provides them with a free remedy. If the manufacturer does not do this, the government will initiate an investigation to determine whether the manufacturer failed to comply with the standard. At the conclusion of the investigation, the government can order the manufacturer to recall all the non-complying vehicles and items of equipment. In addition, the agency can seek civil penalties for violations of 49 U.S.C. § 30112(a), which provides that a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard takes effect, unless the vehicle or equipment complies with the standard and is covered by a certification issued under 49 U.S.C. § 30115.¹⁰

Safety defects that do not result in non-compliance with a FMVSS can also result in a recall. NHTSA typically opens defect investigations on the basis of consumer complaints called into NHTSA's Hotline, or received from other sources. In addition, members of the public can submit petitions seeking a defect investigation.

While a recall can be a significant and costly step for a manufacturer, its purpose is to eliminate the safety risk posed by non-compliant or defective vehicles or equipment. A recall requires the manufacturer to notify all purchasers, urging them to bring their vehicles or items of equipment into their dealer to have the non-compliance or defect remedied at no cost to the purchaser. The manufacturer has the option to repair or replace the vehicle or item of equipment, or refund the purchase price. Most decisions to recall are made by a manufacturer prior to a formal decision by NHTSA that a safety defect or a non-compliance exists, without a formal order from the agency. If a manufacturer refuses to comply with a NHTSA recall order, the government may seek to enforce the order in Federal court.

B. EPA enforcement and compliance provisions

EPA's procedures for enforcing emission standards are similar in many ways to NHTSA's provisions; nevertheless, there are some significant differences. While EPA also requires certification of vehicles, equipment and parts (engines, in particular), its statutes do not allow self-certification. Instead, manufacturers must apply for certification from EPA. Manufacturer applications must contain specified information, including emissions testing information, needed for EPA to determine whether the vehicle, equipment or part meets the emission standards. EPA may perform confirmatory testing, or require that the manufacturer perform such testing. If EPA determines that the vehicle, equipment or part meets its standards and other requirements, EPA issues a certificate of conformity. As with safety standards, manufacturers must affix a permanent certification label on all production models of certified vehicles, equipment and engines.

Manufacturers may not sell or otherwise introduce into commerce any regulated vehicle, equipment or part without a certificate of conformity. If a manufacturer violates this provision (e.g. by introducing into commerce vehicles that are materially different from vehicles described in the applications for certification), the manufacturer can be subject to substantial monetary penalties.

¹⁰ Section 30112 (b)(2)(A) provides that a non-compliant vehicle or item of equipment is not a violation of law if the manufacturer used "reasonable care." NHTSA has long said that it is unable to judge what efforts would constitute "reasonable care" in advance of the actual circumstances in which a non-compliance occurs. What constitutes "reasonable care" in a particular case depends on many factors including the limitations of current technology, the availability of test equipment, the size of the manufacturer, and above all, the diligence exercised by the manufacturer. It is important to note that, while the exercise of "reasonable care" may relieve a manufacturer of liability for civil penalties in connection with the manufacture and sale of non-complying vehicles or equipment, it does not relieve the manufacturer of the responsibility to provide purchasers of the non-complying vehicles or equipment with notification of the non-compliance, and to remedy the non-compliance without charge. Similarly, Section 30115 provides that a person may not certify a vehicle as complying with all applicable safety standards "if, in exercising reasonable care, the person had reason to know the certificate is false or misleading in a material respect."

EPA also selectively tests, or requires that manufacturers test, vehicles, equipment or parts after they are manufactured and assembled. If a set of vehicles, equipment or parts does not meet EPA emission standards, EPA may order a recall. EPA's recalls are similar to NHTSA's recalls. Manufacturers may challenge a recall order in an agency administrative proceeding or, if unsuccessful within the agency, in court. In addition, if EPA determines that assembly line vehicles, engines or parts are materially different from their certified configurations, EPA may assess monetary penalties for introducing uncertified configurations into commerce.

Similarly, since the emission standards apply for the useful life of a vehicle or engine, EPA tests vehicles and engines after they have been placed into operation for a substantial period of time to ensure that they continue to meet the emission standards. EPA's authority for recall and monetary penalties under its in-use testing provisions is similar to its authority under the assembly line testing provisions discussed above.

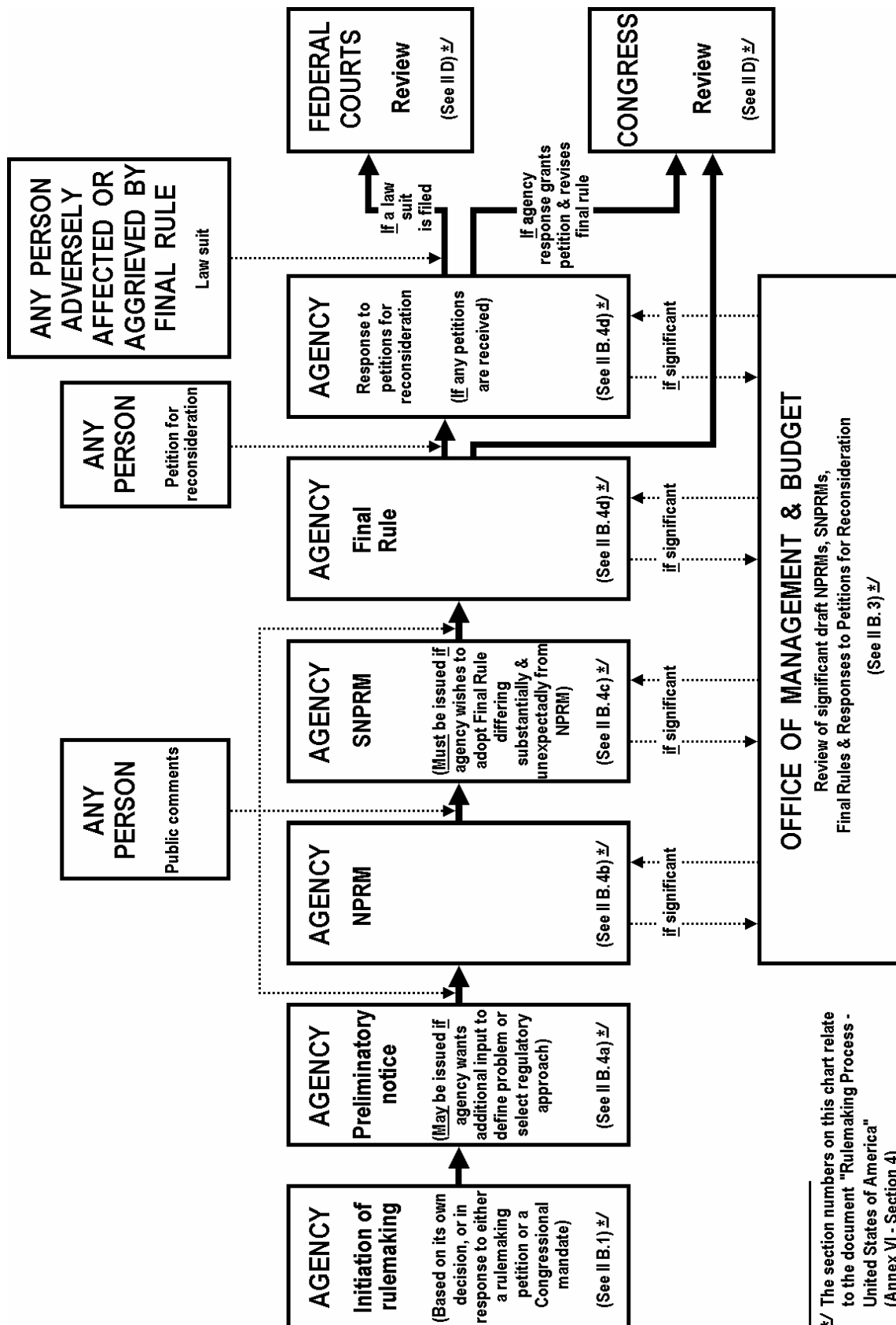
IV. Glossary of Acronyms

ANPRM	Advance Notice of Proposed Rulemaking
APA	Administrative Procedures Act
CFR	Code of Federal Regulations
CRA	Congressional Review Act
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
FR	Federal Register
NIST	National Institute of Standards and Technology
NPRM	Notice of Proposed Rulemaking
NRA	Negotiated Rulemaking Act
NTTAA	National Technology Transfer and Advancement Act
OMB	Office of Management and Budget
RISC	Regulatory Information Service Center
SNPRM	Supplemental Notice of Proposed Rulemaking
USC	United States Code

V. For Further Information, Contact

NHTSA	International Policy Division U.S. National Highway Traffic Safety Administration (NHTSA) 1200 New Jersey Avenue SE Washington, D.C. 20590, United States of America
EPA	Office of Air and Radiation, Transportation and Climate Division U.S. Environmental Protection Agency (EPA) 1200 Pennsylvania Avenue, NW William Jefferson Clinton North, M/C 6401A 20005 Washington, DC 20460, United States of America

The Rulemaking Process in the United States of America



±/ The section numbers on this chart relate to the document "Rulemaking Process - United States of America" (Annex VI - Section 4)

SECTION 8 THE EUROPEAN UNION

I. The European Automotive Industry and the legal Framework of Approval

The automotive industry has long been key to the creation of jobs across Europe. Approximately 12 million Europeans work in the automotive or mobility sector in the European Union.¹¹ The automotive sector provides jobs and supports livelihoods across Europe, and continues to do so in otherwise declining industrial regions: small and medium-sized (SME) suppliers are essential element of automotive chain. The success of SMEs often brings valuable investment and revenues to communities. In 2016 alone, fiscal income from motor vehicles in fourteen European Union member States accounted for €395.7 billion.¹² As an essential component of the European Union's trade agenda it accounts for extra-exports of €135.4 billion in 2016 - a positive trade balance of €89.7 billion.¹³ Furthermore it is central to the mobility of citizens and the provision of services. The industry plays a vital role not only in personal mobility but in the services sector such as public transport, emergency services and distribution of goods in the private sector. And this is growing: from 2010 to 2050, it is estimated that passenger transport will grow by about 42 per cent and freight transport by 60 per cent.¹⁴

'Given the vehicle industry's societal role and economic importance, it interacts with many key areas of European Union policy. Apart from the obvious link to competitiveness and industrial policy, the automotive sector and mobility more widely, are essential parts of the European Commission's agenda in a number of areas including the European Union's Energy Union, the move to a Circular and Low Carbon Economy, the Investment Plan for Europe and the Digital Single Market, as spelled out in the "GEAR 2030" Report.¹⁵

In an effort to regularly monitor and evaluate developments in relation to the car industry and also to set up a realistic vision for this industry in the 2030-2040 perspective, the European Commission launched the "GEAR 2030" stakeholder consultation process. Through this process, representatives from the automotive industry, trade unions, non-governmental organizations, users, relevant Ministries of the European Union member States, the European Commission and other European Union institutions can elaborate recommendations on policy actions needed to maintain competitiveness and sustainability of the European Union automotive industry. Those recommendations enable the European Commission to come up with tailor-made sectorial industrial policy.

A dedicated sectorial industrial policy comprises also trade aspects where the issue of international technical harmonization is of key importance. The stakeholder consultation process has, since its creation with CARS 21 and recently with GEAR 2030, been a strong advocate of international harmonization, stressing *"the importance of global technical harmonisation under the United Nations Economic Commission for Europe (UNECE) framework as a key factor in strengthening global competitiveness, reducing redundant development and testing costs and avoiding duplication of administrative procedures."* The European Commission (EC) therefore continuously increases its involvement in the UNECE technical legislative process, in particular by its work within the WP.29 and its subsidiary bodies, realising that international harmonization through UN Regulations and UN GTRs concerning the construction and functioning of motor vehicles is an essential factor in reducing the regulatory costs for all manufacturers and enhancing competitiveness. The efforts undertaken by the European Commission gradually allow for an alignment of European Union legislation to the internationally adopted UN Regulations and UN GTRs. The European Union goes even a step further by making a more direct link in its own legislation to UN Regulations (see in this respect Regulation (EC) No 661/2009 on the "General Safety of Motor vehicles"). This facilitates international trade and offers at least an equally high level of safety and environmental protection to European citizens and consumers world-wide.

II. The European Whole Vehicle Type Approval System (EU WVTA)

When UNECE had already begun the harmonization process for vehicle regulations, European Union members States still had their own national legislations and type-approval systems for motor vehicles. This resulted in significant differences in requirements

11 According to the ACEA Pocket Guide 2017-2018 based on Eurostat figures, around 3,3 million people work in the manufacturing of motor vehicles and components, more than 4,3 million people are employed in the wider 'Automobile Use' (dealers, repairers and aftermarket service providers), and more than 5 million are mobility jobs related through transport and road construction activities. Furthermore, according to European Motorcycles Manufacturers Association (ACEM) Industry Report (2015) the L-category industry is estimated to support about 22600 jobs in manufacturing in the European Union. The upstream and downstream L-category sectors account for about 133700 jobs.

12 ACEA (2017) The Automobile Industry Pocket Guide

13 Ibid.

14 European Commission Communication: Europe on the Move – COM (2017) 283

15 <https://ec.europa.eu/docsroom/documents/26081>

between countries, unilateral accessions to international regulations and diverging implementation dates for new requirements. Several decades were necessary to reach the current state of legal harmonization for motor vehicle requirements.

Technical harmonization for motor vehicles and their trailers, implemented at European Union level pursuant to Article 114 of the Treaty on the Functioning of the European Union, is based on the European Union Whole Vehicle Type-Approval system (EU WVTA). Under this system, exclusively applicable for new vehicles, manufacturers can obtain approval for a new vehicle type in one European Union Member State if it meets the European Union technical requirements, and then market it European Union wide with no need for further approval tests or checks in other Member States. This approval is granted by a national authority in charge of type-approval. Issuing of a certificate of conformity (CoC) results as the completion of a type-approval examination: the CoC is in effect a statement by the manufacturer that the vehicle conforms to the relevant legal requirements as stipulated by the EU WVTA legislation. Registration of a vehicle must be granted on simple presentation of a certificate of conformity.

III. The three pillars of the European Union motor vehicle type approval legislation

The European Union motor vehicle legislation covers three essential areas with regard to whole vehicle type approval:

Motor Vehicles



“Motor Vehicle” means any power-driven vehicle which is moved by its own means, having at least four wheels, being complete, completed or incomplete, with a maximum design speed exceeding 25 km/h.

Examples > passenger cars, buses, light duty trucks, heavy duty trucks, trailers

Agricultural and Forestry Vehicles (Tractors)



“Tractor” means any motorised, wheeled or tracked agricultural or forestry vehicle having at least two axles and a maximum design speed of not less than 6 km/h, the main function of which lies in its tractive power and which has been especially designed to pull, push, carry and actuate certain interchangeable equipment designed to perform agricultural or forestry work, or to tow agricultural or forestry trailers or equipment; it may be adapted to carry a load in the context of agricultural or forestry work and/or may be equipped with one or more passenger seats.

Examples > agricultural and forestry tractors, their trailers, interchangeable towed equipment

2- and 3-wheel vehicles + Quadricycles



“L-category vehicles” cover a wide range of different “Light” vehicle types with two, three or four wheels, e.g. two- and three-wheel mopeds, two- and three-wheel motorcycles and motorcycles with side-cars. Examples of four-wheel vehicles, also referred to as quadricycles, are quads and mini-cars.

Examples > motorcycles, scooters, mopeds, tricycles, minicars etc.

IV. Interaction European Union type approval legislation and the UNECE regulatory system

The European Commission disposes of a mandate in order to negotiate new UN Regulations and UN GTRs in the name of all 28 member States. The legal texts of the European Union read that draft UN Regulations and UN GTRs will receive a favourable vote of the Union if the Council of the European Union approves the draft by a qualified majority. An interesting fact to be pointed out is that in some technical areas where a UNECE requirement co-exists with European Union legislation, a manufacturer can choose which one to apply. In other areas, UN Regulations/UN GTRs are applicable on a compulsory basis as the corresponding European Union rules have been repealed.

Reliance on international regulations, as indicated, not only represents a clear commitment of the European Union policy in support of the competitiveness of the automotive industrial sector, but it is also seen as a key element in support of the development and deployment of new technologies.

V. Conclusion/Perspectives

Even though cleaner internal combustion engine will have an important role in the ongoing transformation of the sector, alternative fuels and propulsion technologies will be increasingly important in the future. Low and zero emission vehicles will have very low environmental impacts throughout their lifecycle, provided they use low-carbon energy sources, have very low

air pollutant and noise emissions and can be easily recycled. In its effort to create an economy based on smart and sustainable growth, the European Union strongly promotes low and zero emission technologies by encouraging research, setting common UNECE regulations and developing the international regulatory environment needed to support the shift towards a resource efficient and low-carbon economy.

VI. Links

1. Website of the Automotive Industry Unit of the European Commission
> https://ec.europa.eu/growth/sectors/automotive_en
2. Legislative Documents regarding the European Automotive Industry sector
> https://ec.europa.eu/growth/sectors/automotive/legislation_en

ANNEX VII

The World Forum Resolutions

M.R.1 Mutual Resolution No. 1 (M.R.1) of the 1958 and the 1998 Agreements

M.R.1 contains descriptions and performance requirements that define test tools and devices necessary for the assessment of compliance of wheeled vehicles, equipment and parts according to the technical prescriptions specified in UN Regulations and UN GTRs in the framework of the 1958 or 1998 Agreements, respectively. It can be used by Contracting Parties and manufacturers as guidance in establishing the suitability of the test tools and devices that they use for the assessment of compliance with the prescriptions of UN Regulations or UN GTRs. This Resolution is designed to permit the addition of discrete addenda for each and any test tool or device, as appropriate to either Agreement. The essential elements of any addenda are the engineering drawings that define the tool/device and the associated user manual that is comprised of details on its parts, assembly and disassembly. Additional tools or devices, and their elements, may be included in the Resolution, subject to the agreement of AC.1 and/or of AC.3, and as appropriate to the needs of the respective Agreements.

M.R.2 Mutual Resolution No. 2 (M.R.2) of the 1958 and the 1998 Agreements

M.R.2 contains terms, definitions and classifications of vehicle propulsion system definitions, namely those related to powertrain system types, energy storage systems, energy converters, auxiliary devices and vehicle definitions related to powertrain configuration. It builds a framework that ensures consistency for all definitions used in UN Regulations or UN GTRs by providing a general and basic system, which enables the addition of future technologies at later stages. The level of descriptive classification aims to support the regulatory process within WP.29, without going into unnecessary details of components which are beyond the scope of regulations developed as part of the work of the World Forum.

M.R.3 Mutual Resolution No. 3 (M.R.3) of the 1958 and the 1998 Agreements concerning Vehicle Interior Air Quality (VIAQ)

A variety of materials are being used for the construction of the interiors of vehicles. The materials used in the manufacturing of the vehicle include plastics, adhesives, cleaning products, plasticizers, paint, sealers, lubrication compounds, and many others. The amount of chemical substances emitted from interior materials may be particularly high, especially during the early stages of vehicle life. M.R.3 supports the effort to insure that levels of these chemical substances are measured under real exposure conditions. It outlines the provisions and harmonized test procedure for the measurement of interior emissions, taking into account existing standards. It will encourage the reduced use of materials, and chemicals that can be harmful to humans. It also encourages the increased use of emission-friendly materials, improving the air quality inside the passenger cabin.

S.R.1 Special Resolution No. 1 concerning the common definitions of vehicle categories, masses and dimensions (S.R.1)

Due to distinct philosophy differences in vehicle definitions among the regulations of the European Union, Japan and the United States of America, S.R.1 was developed to establish a set of common, harmonized, definitions of vehicle categories, masses and dimensions to be used in the development of UN GTRs. It applies to all wheeled vehicles, equipment and parts falling within the scope of the 1998 Agreement. Harmonized definitions of categories, masses and dimensions of vehicles help in establishing UN GTRs that internationally improve the safety and environmental protection features of automobiles, and that reduce development and manufacturing costs as well as the cost to consumers.

S.R.2 Special Resolution No. 2 concerning the improvement in the implementation of the 1998 Global Agreement (S.R.2)

The purpose of S.R.2 is to provide a framework with which the representatives of WP.29 and other interested stakeholders can work to improve the implementation of the 1998 Global Agreement. The framework consists of a set of recommendations for stakeholders in each of the three key areas that were identified as critical for the process of developing UN GTRs and in which participants in the process agreed that there was room for improvement. Those are 1. Project selection strategy for the Programme of Work, 2. Management of the UN GTR development process, and 3. Adoption process of UN GTRs at the national/regional level.

R.E.3 Consolidated Resolution on the Construction of Vehicles (R.E.3)

The aim of R.E.3 is to facilitate harmonization and to support the development of UN Regulations. It is a comprehensive document that contains a catalogue of terminology and definitions required to understand the UN regulatory environment for wheeled vehicles, and it provides guidance on the purpose and scope of UN Regulations under the 1958 Agreement. The text contains general definitions of vehicles and the classification of power-driven vehicles and their trailers. It elaborates on the scope of the UN Regulations in terms of their bearing on defined vehicle categories. It lists the main requirements (active safety, passive safety, general safety, environmental considerations) for the construction of vehicles, cross-referencing them with relevant UN Regulations and recommendations, and with the standard annexes to UN Regulations (reproduced in annexes to this Resolution). In addition, the Resolution contains, in respective annexes, recommendations on market fuel quality, design principles for control systems of Advanced Driver Assistance Systems (ADAS), and guidelines on cybersecurity and data protection.

R.E.5 Resolution on the common specification of light source categories (R.E.5)

R.E.5 contains general definitions of basic terminology relevant for Regulations for light sources, specifications of light source in the form of light source category sheets, and information on which light source categories are applicable or excluded from use in particular lamps. R.E.5 is intended for reference from and approval of light sources according to Regulation No. 37 – “Filament light sources”, Regulation No. 99 – “Gas-discharge light sources”, and Regulation No. 128 – “LED light sources”, and it may serve as a reference for other Regulations or standards.

R.E.6 Resolution on the administrative and technical provisions required for carrying out the technical inspections according to the technical prescriptions specified in Rules annexed to the 1997 Agreement (R.E.6)

R.E.6 was established in recognition of the need to comprehensively define the essential characteristics and performance of administrative and technical provisions for the periodic technical inspection regime, and their preparation for use in the regulatory context. It recommends minimum requirements concerning technical inspection facilities and test equipment, minimum requirements concerning the competence, training and certification of inspectors as well as requirements for the supervision of test centres. Contracting Parties can refer to this Resolution when establishing the suitability of their technical inspection regime to assess compliance of wheeled vehicles with the prescriptions of Rules in the framework of the 1997 Agreement. The Resolution has been designed to permit the addition of distinct addenda for each and any administrative and technical arrangement, as appropriate to the Agreement, while further elements may also be included according to the nature of the specific provisions they may relate to.

The resolutions listed above are available at: <https://unece.org/transport/standards/transport/vehicle-regulations-wp29/resolutions>

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

How it works - How to join it

Revised Fourth Edition

The UNECE World Forum for Harmonization of Vehicle Regulations (WP.29) is a unique worldwide regulatory forum working within the institutional framework of the UNECE Inland Transport Committee (ITC) as its subsidiary body.

Three UN Agreements that WP.29 services, adopted in 1958, 1997 and 1998, provide the legal framework allowing Contracting Parties (member countries) attending the WP.29 sessions to establish regulatory instruments concerning wheeled vehicles and their equipment:

UN Regulations annexed to the **1958 Agreement** contain provisions for vehicles, their systems, parts and equipment, related to safety and environmental performance. They include performance-oriented test requirements, as well as administrative procedures for type approval, conformity of production and the mutual recognition of the type approvals granted by Contracting Parties.

UN GTRs associated with the 1998 Agreement contain globally harmonized performance-related requirements and test procedures. They provide a predictable regulatory framework for the global automotive industry, consumers and their associations.

UN Rules annexed to the 1997 Agreement concern periodical technical inspections of vehicles in use. Contracting Parties reciprocally recognize the international inspection certificates granted according to the UN Rules.

Overall, the regulatory framework developed by the World Forum WP.29 allows the market introduction of innovative vehicle technologies. It continuously improves global vehicle safety, environmental performance, energy consumption, as well as their anti-theft capabilities.

WP.29 established six permanent Working Parties (GRs), its subsidiary bodies, that perform specialized tasks, and which are attended by delegates with a specific expertise:

- Noise and Tyres (GRBP)
- Lighting and Light-Signalling (GRE)
- Pollution and Energy (GRPE)
- General Safety Provisions (GRSG)
- Passive Safety (GRSP)
- Automated and Connected Vehicles (GRVA)

Within its work, WP.29 also establishes Informal Working Groups (IWGs) with a time-limited mandate to address specific technical issues. These groups report their work to the respective GR or directly to WP.29. This wider WP.29 creates a network of more than 4,000 experts from governments, private sector, NGOs and academia from all regions of the world contributing to the technical discussions.

Proposals to WP.29 for new regulatory instruments or for amending existing ones, such as UN Regulations, UN GTRs and UN Rules, are submitted by the Contracting Parties to one of the UN Agreements administered by WP.29, through the informal working groups (and their subgroups). They are subsequently discussed by the bodies that the informal working groups report to, the GRs, during one of their sessions, and sometimes by WP.29 directly. Finally, the proposals are considered during WP.29 sessions for their final approval.

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