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CLARIFICATION OF THE 1997 AGREEMENT REGARDING  
THE INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

Transmitted by the representative of Hungary

Note: The document reproduced below is submitted by Hungary to WP.29 requesting clarification regarding the issuing and completion of the International Technical Inspection Certificate. The document is based on informal document No. WP.29-135-3 (TRANS/WP.29/1039, para. 75).

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In the application of the 1997 Agreement some dispute among the Contracting Parties arose regarding the "International Technical Inspection Certificate". The question was, whether the vehicles under age of one year should need the "International Technical Inspection Certificate" while in international traffic or not.

The "International Technical Inspection Certificate" is regulated by three international laws, which are the following:

- A.) European Agreement Supplementing the Convention on Road Traffic opened for Signature at Vienna on 8 November 1968 done at Geneva on 1 May 1971 Amendment 2 (E/ECE/813-E/ECE/TRANS/567/Amend.2)
- B.) 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 (the Vienna Agreement of 1997 (ECE/RCTE/CONF./4)
- C.) 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, Addendum 1 - Rule No. 1: Uniform Provisions for Periodical Technical Inspection of Wheeled Vehicles with Regard of the Protection of the Environment (ECE/RCTE/CONF/4/Add.1).

Relevant parts of paragraph 26 bis of the Annex of the above Law A.) are reproduced below:

"4. (a) *Motor vehicles in international traffic whose permissible maximum mass exceeds 3,500 kg, except those used for the carriage of persons and having not more than eight seats in addition to the driver's seat, shall satisfy specific requirements with regard to noise and pollutant emissions. In this respect:*

*(i) Such motor vehicles shall have met as a minimum the technical requirements and limits of the series of amendments to the relevant ECE Regulations in force for the purpose of the 1958 Geneva Agreement at the date of their first registration after the manufacture;*

*(ii) Such motor vehicles shall meet the minimum inspection requirements specified in the relevant ECE Rule(s); the compliance with the said requirements shall be checked during periodic technical inspections referred to in paragraph 2 of this Article."*

.....  
"5. (a) *The driver of a motor vehicle referred to in subparagraph 4 (a) above shall, in proof of its passing a periodic technical inspection, referred to in the aforesaid subparagraph as well as of its being in good working order, carry a valid, duly completed international technical inspection certificate."*

According to the above paragraphs, motor vehicles in international traffic must meet two requirements:

- those of certain ECE Regulations (subparagraph (i) ) and
- certain minimum inspection requirements (subparagraph (ii) ).

The "International Technical Inspection Certificate" should prove the compliance with these two provisions. It is true, that the above para. 5. (a) refers only to requirements.

- "its passing a periodic technical inspection, referred to in the aforesaid subparagraph (this technical inspection as well as its periodicity are regulated in the above Law C.) and
- its being in good working order".

But, if it is not included in the latter requirement, that the vehicle must meet "as a minimum the technical requirements and limits of the series of amendments to the relevant ECE Regulations in force for the purpose of the 1958 Geneva Agreement at the date of their first registration after the manufacture" (subparagraph (i)), then meeting of this requirement could be proved in practice (during a control) by the driver only one year after its first registration.

The meeting of this requirement can be proved during a control only by the "International Technical Inspection Certificate", not even by the licence of the vehicle. Namely, outside the EU there is neither no international law that stipulates a type-approval system for the countries, or such a type-approval system, which is based on ECE Regulations or EC directives, nor is the existence of such a type-approval system the condition of the accession to the Law B.) above. So in the frame of the above Laws, every country may implement theoretically an optional registration system.

That is why a newly registered (under age of one year) vehicle does yet not meet unconditionally the requirement of subparagraph (i) above. If the "International Technical Inspection Certificate" is completed for the first time (that is the meeting of requirement of subparagraph (i) above would be controlled) only 1 year after its registration, then in principle, a new, but not environment-friendly vehicle (see requirement of subparagraph (i)) could take part for one year in the international traffic, which is contrary to the above Laws.

That is why the "International Technical Inspection Certificate" must be completed at the first registration. Hungary prepared its national regulation according to this principle. In Hungary the "International Technical Inspection Certificate" is completed at the first registration of vehicles, which are under the scope of the Laws, and meet the requirements above.

Hungary has initiated negotiations with the Contracting Parties of the Vienna Agreement of 1997 (Law B.) at experts' level. In order to avoid more difficulties, Hungary suspended temporarily, on 10 December 2004, until further notice, the execution of its decree regarding the "International Technical Inspection Certificate" in the case of foreign vehicles under the age of one year.

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