

**Position of the Russian Federation
in Regards to the Items Relating to the Quality Assurance of Type Approval
Raised by the EU in the Document IWVTA-02-08**

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none">- whether the provisions of the 1958 Agreement in relation to the criteria for establishing of new Regulations are sufficiently clear and detailed or whether there would be a need for addressing these in the review of the 1958 Agreement to provide further detail and precision.¹- whether, as a matter of principle and for the sake of ensuring and promoting mutual recognition, it would be appropriate to maintain in these criteria the possibility of including alternatives in the technical requirements.	<ol style="list-style-type: none">1. The provisions of the 1958 Agreement are clear enough and do not need to be detailed more for explaining and considering the objectives of proposed new regulations.2. However it is considered appropriate to add into the justification part of a draft new regulation the explanation of technical and economic feasibility.3. Instead of having the possibility of including alternatives in the technical requirements, it is considered appropriate to allow application of previous versions of the UNECE Regulations with issuance by the Administrative Department of the Contracting Party of a document equivalent to the communication on type approval. Such a document can be accepted by the Contracting Party mandating the previous versions of the UNECE Regulations in its territory.
<p>Similar to the considerations with regard to the criteria for establishing new Regulations, the informal group is invited to consider:</p> <ul style="list-style-type: none">- whether the provisions of the 1958 Agreement in relation to the criteria for amending existing Regulations are sufficiently clear and detailed or whether there would be a need for addressing these in the review of the 1958 Agreement to provide further detail and precision.- whether, as a matter of principle and for the sake of ensuring and promoting mutual recognition, it is appropriate to maintain in	<ol style="list-style-type: none">1. Similar to the considerations with regard to the criteria for establishing new Regulations the provisions of the 1958 Agreement are clear enough and do not need to be detailed more for explaining and considering the objectives of proposed amendments to the regulations.2. Perhaps it would be reasonable to clarify the possibility of application of the previous version of the Regulation in question and issuance of a document concerning compliance to that previous version within the framework of the 1958 Agreement.

¹ In this context reference could be made to the more explicit provisions in the 1998 Agreement with regard to the criteria for technical regulations (article 4) and the establishment of new global technical regulations (article 6.3), addressing issues such as explaining and considering the objectives of a proposed new regulation, consideration of technical and economic feasibility, identification of any known existing relevant international voluntary standards, the need for establishing high levels of safety, environmental protection, energy efficiency, the need for recommending a minimum period of lead time, etc.

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>these criteria the possibility of including the existing requirements as an alternative.</p> <ul style="list-style-type: none"> - associated questions such as: <ul style="list-style-type: none"> ◦ the need for stocktaking / consolidation / codification of existing Regulations, amendments and corrections ? ◦ the possible need for splitting existing Regulations covering a multitude of different topics into separate Regulations? ◦ clarification on how to deal with amendments / corrections to existing Regulations for type approvals issued based on the existing Regulation? 	<ol style="list-style-type: none"> 3. The stocktaking / consolidation / codification of existing Regulations, amendments and corrections is well performed by the UNECE secretariat. 4. The Russian Federation has already raised the issue of the need for splitting existing Regulations covering a multitude of different topics into separate Regulations. This activity shall be included into the WP.29 workplan. 5. The clarification on how to deal with amendments / corrections to existing Regulations for type approvals issued based on the existing Regulation shall be described in the Regulation in question, whether the existing type approvals will remain valid or have to be renewed. That depends on the content of the technical provisions. It should be taken into consideration that the Contracting Parties may keep applying the previous version of the Regulation in question.
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether the provisions of the 1958 Agreement in relation to the procedure for the adoption of new Regulations and amendments to existing Regulations are sufficient or whether there would be any issue with regard to the procedure for voting, notification, objection and entry into force that needs to be improved and addressed in the review of the 1958 Agreement. - in particular, whether, as a matter of principle and for the sake of ensuring mutual recognition based on the IWVTA concept, it would be appropriate to maintain in these provisions the possibility for a Contracting Party to object or to disagree with an adopted new Regulation or adopted amendment to an existing Regulation and as a consequence this adopted Regulation or amendment would not enter into force for such Contracting Party. - whether there would be a need to cover in the 1958 Agreement a special, accelerated adoption procedure in case an urgent regulatory need would arise. 	<ol style="list-style-type: none"> 1. It is proposed to shorten the period between adoption and entry into force of new Regulations and amendments to existing Regulations, which, however, shall include introductory / transitional provisions stipulating the delay of application of the newly adopted Regulations or their amendments. 2. There is no actual need for the Contracting Party to have a possibility to object or to disagree with an adopted new Regulation or adopted amendment to an existing Regulation within the framework of the 1958 Agreement. Instead of that the Contracting Party may or may not require in its territory the mandatory application of the new Regulation / amendment to the existing Regulation. 3. The Russian Federation does not see any reason for the need for a special, accelerated adoption procedure. The same adoption procedure shall be followed for all cases.
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 	<p>The Russian Federation agrees that such an activity is reasonable, but does not have</p>

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>1958 Agreement, it would be appropriate to include within the inventory and the roadmap the issue of quality of rulemaking, with a view to develop measures and commonly agreed criteria to guarantee an acceptable level of safety, environmental protection or energy performance and to ensure that only high quality and unambiguous texts are adopted and problems of interpretation of existing Regulations are addressed.</p> <ul style="list-style-type: none"> - which of the provisions of ECE/TRANS/WP.29/1059, and/or any other elements – either existing or new, could serve as a basis for developing the above measures as part of the review of the UNECE 1958 Agreement. 	<p>particular proposals for the time being.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 1958 Agreement and the aim of establishing mutual recognition of vehicle type approvals based on the IWVTA concept, a re-assessment of the different above mentioned rights and obligations for Contracting Parties arising from an adopted Regulation or amendment to an existing Regulation would be appropriate, and in which way these rights and obligations could be improved to support a better and wider application of the Regulations annexed to the 1958 Agreement. 	<p>The Russian Federation does not have particular proposals on this subject.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 1958 Agreement and the aim of establishing mutual recognition of type approvals based on the IWVTA concept, it would be appropriate to maintain within the provisions of the Agreement a reference to other administrative procedures alternative to type-approval (such a self-certification), and - in the light of the above assessment, the need to reformulate the references to “<i>a Contracting Party applying a Regulation through type approval</i>” in Articles 2 to 5. 	<p>The Russian Federation does not see any reason to keep in the 1958 Agreement a reference to other administrative procedures alternative to type-approval.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 1958 Agreement and with the aim of establishing mutual recognition of type 	<p>The Russian Federation agrees with the proposal to include in the main body of the 1958 Agreement provisions governing the main principles to be applied for the application for type approval taking into account the existing</p>

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>approvals based on the IWVTA concept, it would be appropriate to include in the main body of the 1958 Agreement provisions governing the main principles to be applied for the application for type approval, with a view to ensure their consistent application to all Regulations annexed to the 1958 Agreement and to enable a simplification of the Regulations themselves by avoiding the repetition of each of these main principles in every Regulation, and by limiting the application provisions to be specified in each Regulation to the specificities of the equipment or parts covered by that Regulation.</p> <ul style="list-style-type: none"> - whether the approach followed in the EU legislation for the procedure to be followed for the type-approval of vehicles could serve as a basis for developing the application procedure for the IWVTA concept. 	<p>EU legislation.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 1958 Agreement and with the aim of establishing mutual recognition of type approvals based on the IWVTA concept, it would be appropriate to include in or append to the 1958 Agreement provisions governing the procedures to be followed with respect to type approval, with a view to complement the more specific and technical provisions on testing methods specified in each of the Regulations annexed to the 1958 Agreement. - whether the approach followed in the EU legislation for the procedure to be followed with respect to type-approval could serve as a basis for including or appending such provisions to the 1958 Agreement. 	<p>The Russian Federation agrees with the proposal to include in or append to the 1958 Agreement provisions governing the procedures to be followed with respect to type approval taking into account the existing EU legislation.</p>
<p>The informal group is invited to consider whether, with a view to improve the functioning of the 1958 Agreement, it would be appropriate to:</p> <ul style="list-style-type: none"> - expand the provisions of (article 2 of) the 1958 Agreement to clarify that type-approval shall be based on demonstration of compliance by means of appropriate tests; - specify that, for the selection of the type to be tested, the principle of worst casing shall be applied, in line with the provisions 	<ol style="list-style-type: none"> 1. The demonstration of compliance may be done by other means, like virtual testing, for example. However, it should be stated that the certain evidence of correctness of applied means shall be provided. 2. The Russian Federation agrees that the principle of the worst case shall be applied. 3. The Russian Federation agrees to include within the 1958 Agreement the provisions on type-approval documentation as specified in Chapter E of guidance document ECE/TRANS/WP.29/1059.

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>of ECE/TRANS/WP.29/1059;</p> <ul style="list-style-type: none"> - specify the minimum information to be provided in the test report the technical services have to submit to the approval authority - include within the 1958 Agreement the provisions on type-approval documentation as specified in Chapter E of guidance document ECE/TRANS/WP.29/1059 	
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 1958 Agreement and with the aim of establishing mutual recognition of type approvals based on the IWVTA concept, it would be appropriate to include in the 1958 Agreement specific provisions enabling self-testing and virtual testing. - whether the approach followed in the EU legislation for self-testing and virtual testing could serve as a basis for including or appending such provisions to the 1958 Agreement. 	<ol style="list-style-type: none"> 1. The Russian Federation agrees with the proposal to include in the 1958 Agreement specific provisions enabling self-testing and virtual testing especially for the purpose of checking the conformity of production. The Russian national legislation allows for certain cases submission of self-test reports for the type approval purpose. 2. The virtual testing may substitute the physical testing (see the position above). The existing EU legislation can be taken into account in this regard.
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, with a view to improve the functioning of the 1958 Agreement, it would be appropriate to include in the 1958 Agreement specific provisions to deal with new technologies, based on the special amendment provisions of Chapter B of document ECE/TRANS/WP.29/1059; - whether the approach followed in the EU legislation for type-approval of new technologies could serve as a basis for including similar provisions in the 1958 Agreement. 	<p>The Russian Federation considers appropriate to include in the 1958 Agreement specific provisions to deal with new technologies taking into account the approach followed in the EU legislation.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether it would be appropriate to expand the provisions of Article 2 of the 1958 Agreement to specify all conditions necessary for granting type approval. - whether the provisions of Article 5 may benefit from being amended to also include procedures to be followed in the case of amendments to type-approvals or refusal or withdrawal of type-approvals and conditions for the termination of their validity. 	<p>The Russian Federation considers appropriate:</p> <ul style="list-style-type: none"> - to expand the provisions of Article 2 of the 1958 Agreement to specify all conditions necessary for granting type approval; - to include into the Article 5 the procedures to be followed in the case of amendments to type-approvals or refusal or withdrawal of type-approvals and conditions for the termination of their validity. <p>The approach applied by the EU can be taken into account.</p>

Item of the Document IWVTA-02-08	Position of the Russian Federation
<ul style="list-style-type: none"> - whether the approach followed in the EU legislation with regard to the amendments to and validity of type approvals can serve as a basis for reviewing and enhancing the provisions of the 1958 Agreement. 	
<p>The informal group is invited to consider whether, with a view to improve the functioning of the 1958 Agreement, it would be appropriate to:</p> <ul style="list-style-type: none"> - review the provisions of Appendix 2 to the 1958 Agreement to enhance the requirements governing the procedures for ensuring conformity of production and to specify any corrective and restrictive measures to be taken by the type approval authority in case these procedures would not (longer) be respected, - consider whether the approach followed in the EU legislation with regard to the Conformity of Production can serve as a basis for reviewing and enhancing the CoP provisions of the 1958 Agreement. 	<p>The Russian Federation agrees that the CoP procedures in the 1958 Agreement should be improved, and the EU legislative approach, as well as the Russian approach to the same issue, can be taken into account.</p>
<p>The informal group is invited to consider whether, with a view to improve the functioning of the 1958 Agreement, it would be appropriate to:</p> <ul style="list-style-type: none"> - Better clarify and specify the rights and obligations of manufacturers in relation to the type-approval procedure and the conformity of production, - consider the introduction of a certificate of conformity to be issued by the manufacturer for his production vehicles, to confirm their conformity with the vehicle type for which the manufacturer holds a type-approval. 	<ol style="list-style-type: none"> 1. The Russian Federation agrees that the rights and obligations of manufacturers shall be better clarified and specified. 2. The Russian Federation legislation provides for a document identifying a vehicle owner and containing the information on the type approval document for that vehicle. Without this information the vehicle owner cannot acquire the registration plates. The type approval certificate number is also appeared on the manufacturer's plate on a vehicle. From this standpoint it seems not reasonable to introduce a certificate of conformity.
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether it would be appropriate to expand the provisions of the 1958 Agreement to specify the procedure for exchange of information and for consultation between Contracting Parties in case interpretation would arise either prior or subsequent to type approval being granted, by introducing the principles and procedures specified in Chapter A of Guidance document ECE/TRANS/WP.29/1059. - whether for the purpose of facilitating information exchange between Contracting Parties it would be desirable and feasible to 	<ol style="list-style-type: none"> 1. The Russian Federation agrees that the provisions of the 1958 Agreement can be expanded to specify the procedure for exchange of information and for consultation between Contracting Parties. 2. The Russian Federation considers desirable to set up a data storage and retrieval system. 3. The Russian Federation considers that the manufacturer, whose product has been granted a type approval, is fully responsible for assuring conformity of production. From this standpoint it seems there is no need to amend Article 3 of the 1958 Agreement as proposed by the EU.

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>set up a data storage and retrieval system (to be addressed by the DETA informal group?)</p> <ul style="list-style-type: none"> - whether the provisions of Article 3 may benefit from being amended to clarify the criteria and procedures to be followed for a Contracting Party to designate another country (not being a Contracting Party applying the Regulations concerned) in which territory vehicles are manufactured for which that Contracting Party has issued the type-approval, as well as the criteria according to which such vehicles can be held to in conformity with the applicable Regulations - whether the provisions of Article 5 may need to be improved by clarifying the details of the type-approval information that shall be made available upon request, based on the guidance provided in Chapter E of guidance document ECE/TRANS/WP.29/1059. 	<p>4. The Russian Federation agrees that the provisions of the Article 5 of the 1958 Agreement may need to be improved by clarifying the details of the type-approval information that shall be made available upon request.</p>
<p>The informal group is invited to consider:</p> <ul style="list-style-type: none"> - the need to define, within the 1958 Agreement, the role and responsibilities of technical services, as well as the criteria for the assessment of their competence and their designation. - the provisions in Chapter D and Annexes 1 and 2 of guidance document ECE/TRANS/WP.29/1059 as a basis for developing appropriate requirements on technical services within the 1958 Agreement. - whether the updated requirements on conformity assessment bodies adopted by the European Union in the context of its framework legislation on the marketing of products could serve as a basis for improving and complementing the criteria for technical services as specified in ECE/TRANS/WP.29/1059. 	<p>The Russian Federation agrees with the proposed improvements of the provisions of the 1958 Agreement related to technical services.</p>
<p>The informal group is invited to consider whether, with a view to improve the functioning of the 1958 Agreement, it would be appropriate to:</p> <ul style="list-style-type: none"> - introduce more rigorous and defined safeguard requirements, and to use for that 	<p>1. The Russian Federation considers appropriate to introduce in the 1958 Agreement the uniform detailed measures on protection of the national markets from products (both vehicles and components) that do not comply with the safety</p>

Item of the Document IWVTA-02-08	Position of the Russian Federation
<p>purpose the examples provided in the EU legislation on the type-approval of motor vehicles;</p> <ul style="list-style-type: none"> - introduce provisions on market surveillance, using the EU framework legislation on market surveillance as an example. - develop and introduce specific provisions relating to the recall of vehicles, by specifying the respective obligations and responsibilities of the parties involved (manufacturers, Contracting Party demanding the recall, Contracting Party that issued the type approval for the type of vehicle concerned, other Contracting Parties applying the Regulations concerned²; - to review the dispute settlement procedure in Article 10, and in particular to re-assess the appropriateness of allowing new Contracting Parties to opt out from this dispute settlement procedure. - to consider whether any useful role could be provided to WP.29 and/or its working groups in the dispute settlement procedure, as outlined in paragraphs A.3 and A.4 of document ECE/TRANS/WP.29/1059. 	<p>requirements.</p> <ol style="list-style-type: none"> 2. The Russian Federation agrees that the dispute settlement procedure in Article 10 of the 1958 Agreement should be reviewed for allowing new Contracting Parties to opt out from a dispute settlement procedure. 3. The Russian Federation considers that within the dispute settlement procedure between Contracting Parties, any of them may raise the issue at the level of the WP.29 or its appropriate working group providing the Contracting Party's position and justification and seek for necessary clarification.

² See the note submitted by the Chairman of the informal group for the second meeting of the informal group with the title "Review of the 1958 Agreement" and the comments related to Article 4.