

Position of the Netherlands
in Regards to the Items Relating to the Quality Assurance of Type Approval
raised by the EC in the Document IWVTA-02-08

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<p>14. 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. We prefer the provisions of the 1998 Agreement as they are more explicit (justifications).2. The clause on alternatives is not used in practice; it causes only administrative burdens and can be deleted. The target is mutual recognition based on only one world wide standard without alternatives. <p><u>Additional remark:</u></p> <ol style="list-style-type: none">1. To provide a wider use of the Regulations it should be considered whether the article 1(1) of the 1958 Agreement can be extended to vehicles on endless tracks.
<p>15. 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 these criteria the possibility of including the existing requirements as an alternative.- associated questions such as:<ul style="list-style-type: none">o the need for stocktaking / consolidation / codification of existing Regulations,	<ol style="list-style-type: none">1. The provisions should be extended with the obligation to provide a justification for amendments like in the 1998 Agreement.2. Like for new Regulation we should not permit alternatives introduced by amendments to existing regulation.3. Criteria for consolidation should be formulated as too many amendments to a basis text reduce the readability of the provisions.4. There is a need for splitting existing Regulations covering a multitude of different topics into separate Regulations, like the regulation on tyres. There might be no need for some Contracting Parties to apply all provisions for all topics. Related to the splitting of existing regulation the 1958 Agreement might give more clarification how to act in cases of references

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.

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<p>amendments and corrections ?</p> <ul style="list-style-type: none"> ◦ 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? 	<p>to other Regulations (without noticing any series of amendments).</p> <p>5. The principle that amendments apply only to new type-approvals should be maintained.</p>
<p>16. 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. The notification procedure can be shorter as up to now no Regulation or amendment has ever been rejected and all Contracting Parties have been in the position to express their concerns. Furthermore the principle of optional application of new provisions before the official date of application (without the obligation for other Contracting Parties to accept these approvals) shall be introduced in the Agreement. 2. The 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 should be maintained as provisions for the majority of the Contracting Parties might not be relevant for other Parties. 3. The Netherlands do not see any reason for a special, accelerated adoption procedure when the notification procedure has been shortened.
<p>17. 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, 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. - which of the provisions of 	<ol style="list-style-type: none"> 1. The Netherlands supports the improvement of the quality of the rule making but have doubts whether this is feasible. In principle it is the responsibility of the GR's to guarantee the highest quality of wording. For the topic of interpretations an official procedure is needed like the Type Approval Authorities Meetings within the European Union but with binding decisions. 2. Document ECE/TRANS/WP.29/1059 can serve as a basis for the topic of the approval of new technologies but for interpretation it

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<p>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>	<p>is not suitable.</p>
<p>18. 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 Netherlands believe that it is not possible to oblige a Contracting Party to accept a Regulation or amendment, but the consequence is that, depending on the situation, such a CP cannot grant an IWVTA. Therefore the Agreement should clearly indicate how such a CP has to deal with IWVTA granted by other CPs.</p>
<p>19. 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>Mutual recognition excludes the principle of self-certification and therefore the text of the Agreement has to be amended to permit type-approval only.</p>
<p>20. 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 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 	<p>The Netherlands agree with the proposal to include in 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 EU legislation.</p>

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<p>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>21. 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 Netherlands agree 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>22. 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 of ECE/TRANS/WP.29/1059; - 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 	<ol style="list-style-type: none"> 1. The Netherlands supports the clarification that the compliance shall be demonstrated by appropriate tests or inspections. 2. The Netherlands supports the principle of worst case, but a manufacturer should also have the possibility to test more or all variants/ versions. 3. It might be necessary to take a decision on the language(s) that can be used in the reports. 4. The Netherlands agree 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.
<p>23. The informal group is invited to consider:</p> <ul style="list-style-type: none"> - whether, in the context of the review of the 	<ol style="list-style-type: none"> 1. The Netherlands agree with the proposal to include in the 1958 Agreement basic

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<p>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.</p> <ul style="list-style-type: none"> - 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. 	<p>provisions enabling the principle for self-testing and virtual testing. Specific details should be given in the individual Regulations.</p> <p>2. The existing EU legislation can be taken into account in this regard.</p>
<p>24. 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 Netherlands supports the introduction of a procedure for new technologies taking into account the approach followed in the EU legislation.</p>
<p>25. 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. - 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 Netherlands supports the consideration of these topics, taking into account the approach of the EU.</p>
<p>26. 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 	<p>The Netherlands supports the consideration of these topics, taking into account the approach of the EU.</p>

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<p>to specify any corrective and restrictive measures to be taken by the type approval authority in case these procedures would not (longer) be respected,</p> <ul style="list-style-type: none"> - 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>27. 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 Netherlands supports the consideration of these topics, taking into account the approach of the EU. 2. The Certificate of Conformity for whole vehicle type approvals is one of the keystones of the EU legislation and such a document shall be introduced in the 1958 Agreement.
<p>28. 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 set up a data storage and retrieval system (to be addressed by the DETA informal group?) - 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 	<ol style="list-style-type: none"> 1. The Netherlands consider the procedure specified in Chapter A of Guidance document ECE/TRANS/WP.29/1059 not suitable for these purposes. 2. The Netherlands considers desirable to set up a data storage and retrieval system, of which the use has to be mandated in the main body of the Agreement. 3. The Netherlands support the proposal of the European Commission on the appointment of technical services inclusive those in counties not being a CP. 4. The Netherlands consider it appropriate to use the DETA system that is in development for making type approval data available to those who have at least reading rights.

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<p>Regulations</p> <ul style="list-style-type: none"> - 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>29. 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 Netherlands agree with the proposed improvements of the provisions of the 1958 Agreement related to technical services.</p>
<p>30. 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 purpose the examples provided in the EU legislation on the type-approval of motor vehicles; - 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 	<p>1. The Netherlands supports the position of the European Commission on safeguard clauses, market surveillance, recall and dispute settlement procedure taking into account EU legislation. However, the Netherlands do not support the possibility for opting out from the dispute settlement procedure.</p>

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<p>applying the Regulations concerned²;</p> <ul style="list-style-type: none"> - 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. 	
Additional remark	The Netherlands request the informal group on IWVTA to consider introduction of IWVTA in stages and to start with vehicles of category M ₁ only and excluding multistage type-approval.

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.