



UNECE

United Nations Economic Commission for Europe

Transmitted by the representative of the EU, as Chair of the subgroup on the Revision 3 of the 1958 Agreement

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agenda item 4.4.

162nd MEETING OF THE WORLD FORUM FOR HARMONISATION OF VEHICLE REGULATIONS 12 March 2014

Agenda item 4.4:

Updated proposal for Revision 3 of the UNECE 1958 Agreement

Working document WP.29/2014/26

Informal document WP.29-162-04

Review of the 1958 Agreement

Overall Objectives:

- ✓ **fostering participation of more countries and regional economic integration organizations in the activities of the World Forum (WP.29)**
- ✓ **increase the number of Contracting Parties to the 1958 Agreement (make it more attractive)**
- ✓ **1958 Agreement to remain the key international framework for the harmonization of technical regulations in the automobile sector (ensure its continued functioning & reliability)**

Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be the main novelties?

- ✓ possibility for Contracting Parties to issue and accept **type-approvals according to earlier versions of UN Regulations** (concept will also be used in IWVTA)
- ✓ a Contracting Party can **delegate in writing the right to vote on its behalf to another Contracting Party** or regional economic integration organization to which the delegating CP belongs (**proxy vote**).
- ✓ a Contracting Party can vote in favour of new UN Regulations without being obliged to start applying them immediately (**right to start applying a new UN Regulation at a later stage**)

Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be maintained?

- ✓ **Countries which are using self-certification in their national legislation, are not prevented from becoming Contracting Party to the 1958 Agreement and to apply its UN Regulations**
- ✓ **Application of UN Regulations nationally is not related to the existence of a national type approval system.**
- ✓ **The rights of new Contracting Parties to the 1958 Agreement to declare that they will not apply certain UN Regulations or any of them.**
- ✓ **Right for new Contracting Parties to start applying a UN Regulation at a later stage**
- ✓ **Right for a Contracting Party to cease application of a UN Regulation**

Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be confirmed/clarified?

principle of mutual recognition of type-approvals:

CPs applying a UN Regulation:

- ✓ **cannot refuse type approvals issued pursuant to the latest version of this UN Regulation**
- ✓ **cannot be obliged to accept type approvals issued pursuant to earlier versions of that UN Regulation**

Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be confirmed/clarified?

Rights and Obligations of Contracting Parties applying a UN Regulation

- ✓ all CPs applying a UN Regulation have to accept type-approvals based on the latest version of that UN Regulation
- ✓ all CPs applying a UN Regulation are entitled, when complying with the technical competence criteria in Article 2, to issue type approvals pursuant to that UN Regulation.
- ✓ **A CP applying a UN Regulation may also issue type-approvals pursuant to earlier versions of the UN Regulation (i.e. to preceding amendments or to the un-amended UN Regulation), but other CPs applying the same UN Regulation cannot be obliged to accept such type-approvals**
- ✓ all CPS applying a UN Regulation have the right to participate in the preparation and voting of future amendments to that UN Regulation.

Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

Articles of the 1958 Agreement (reviewed)

Appendix Composition and Rules of Procedure of the Administrative Committee (reviewed)

Schedules (SAPP) (new)

- 1 Conformity of Production procedures
- 2 Criteria for Technical Services
- 3 Procedures for issuing type approvals
- 4 Numbering of type approvals
- 5 Circulation of approval documentation
- 6 Procedures for resolving interpretation issues between CPs
- 7 Exemption approvals for new technologies
- 8 Virtual testing methods

Annexes (UN Regulations)

- No.0 IWVTA : International Whole Vehicle Type Approval (new)**
- No.1 ...Headlamps
- ⋮
- No.131 AEBS

Schedules of Administrative and Procedural Provisions (SAPP):

- ✓ will be included in the revised 1958 Agreement
- ✓ apply to all UN Regulations annexed to the Agreement & to all CPs applying one or more of these UN Regulations

Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

- ✓ **Article 1:** clarification of **terms + what UN Regulations shall cover**
(performance oriented requirements) + **special IWVTA Regulation**
- ✓ **Article 2:** clearer and enhanced **conditions to issue type-approvals**
+ enhanced provisions on **Conformity of Production** in Schedule 1
+ inclusion of **criteria for technical services** in Schedule 2
+ **approval procedures, markings & identifiers** in Schedules 3 to 5
- ✓ **Article 3:** clarification of the **principle of mutual recognition of type-approval certificates: "certified once – accepted by all Contracting Parties"**
i.e. without requiring any further testing, documentation, certification or marking concerning these type approvals
+ taking into account special provisions within UN Regulations
- ✓ **Article 4:** enhanced **safeguard provisions**, in particular with regard to approved vehicles which nevertheless do not comply with the technical and administrative requirements of the UN Regulation(s)

Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

- ✓ **Article 5:** enhanced information exchange between Contracting Parties (use of DETA – Schedule 5)
- ✓ **Article 8:** clarify status of approvals issued by CP denouncing the Agreement
- ✓ **Article 10:** procedure for solving **diverging interpretation issues between CPs** concerning the application of UN Regulations (details in Schedule 6)
- ✓ **Article 12: amendment procedure for UN Regulations:**
 - + shorter and **simpler notification** procedure (UNECE Secretariat)
 - + clarification of **transitional provisions**
 - + introduction of the **possibility to issue type-approvals pursuant to earlier versions of UN Regulations**
 - + special amendment procedure for **new technologies** (Schedule 7)
 - + impact of a new amendment on CPs having notified their intention to cease the application of the UN Regulation concerned
- ✓ **Article 13:** more time for CPs to consider future amendments to the Agreement
- ✓ **Article 13 bis:** flexible amendment procedure for the Schedules

Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

- ✓ **Appendix :** **Rules of procedure of Administrative Committee**

3 new articles:

- ✓ **Art. 7:** **flexible amendment procedure for the Schedules (SAPP)**
- ✓ **Art. 8:** **authorisation procedure for Contracting Parties to issue exemption approvals for new technologies**
- ✓ **Art. 9:** **procedure for Contracting Parties to vote by delegation**

Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

- ✓ **Schedule 1:** clearer provisions on **Conformity of Production**
- ✓ **Schedule 2:** inclusion of assessment **criteria for Technical Services**
- ✓ **Schedule 3:** **how to apply for and how to conduct type-approval, as well as how to amend type-approvals**
- ✓ **Schedule 4:** harmonised procedure for **numbering of type approvals**
- ✓ **Schedule 5:** **information exchange between CPs** on approvals issued **unique identifier – DETA database**
- ✓ **Schedule 6:** procedure for solving **diverging interpretation between CPs** concerning the application of UN Regulations
- ✓ **Schedule 7:** procedure for **exemption approvals for new technologies**
- ✓ **Schedule 8:** general conditions for **virtual testing methods**

Review of the 1958 Agreement – next steps

- 1. WP29** to address the **request by Asian countries** – either already Contracting Party to the current 1958 Agreement or interested in acceding the revised 1958 Agreement – **to increase the 2/3 majority voting rule** to ensure **they will have a fair share in the decision process.**
- 2. IWVTA IG** to finalise the **review of Article 4** (safeguard measures against non-compliant vehicles, parts and equipment) at its next meeting (Paris, 17 March 2014).

Review of the 1958 Agreement – time line

1. **CPs to the 1958 Agreement** and other interested Participants **are invited** as from now to:
 - ✓ **scrutinise the proposals** for revision 3 of the 1958 Agreement
 - ✓ **provide feedback** to WP.29 on any outstanding questions, comments, concerns, need for clarification...
2. WP.29 to consider outstanding issues raised & to request **IWVTA informal group to address & resolve outstanding issues** for consideration by WP.29 in **November 2014**
3. Subject to outstanding issues satisfactorily resolved, WP.29 to verify **whether unanimity by all Contracting Parties to the 1958 Agreement can be achieved** for the proposals (**March 2015**)
4. The formal **Article 13 procedure for amending the Agreement to be launched (June 2015)** after which the 6 + 3 months notification periods will start
5. Anticipated **entry into force of revised Agreement: March 2016**

Review of the 1958 Agreement – time line

Article 13 procedure for amending the Agreement

