

Proposal for amendments to the 1997 Agreement

**"AGREEMENT CONCERNING THE ADOPTION OF
UNIFORM CONDITIONS FOR PERIODICAL
TECHNICAL INSPECTIONS OF WHEELED VEHICLES AND THE
RECIPROCAL RECOGNITION OF SUCH INSPECTIONS**

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 road traffic in Europe and to ensure a high 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 periodical uniform 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 administrative 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.

‘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;

‘deficiencies’ means technical defects and other instances of non-compliance found during a technical inspection;

‘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;

‘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;

‘testing centre’ means a public or private body or establishment authorised by a Contracting Party to carry technical inspections;

‘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 authorised 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, ramifications 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 or directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of another Contracting Party.

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. Authorised ~~Technical Inspection Centres~~ **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 technical inspection reports, which are in use in the countries of 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.

Appendix 2 (cont'd)

CONTENT OF THE INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

<p>Space for the distinguishing sign of the state or of the UN</p>
<p>..... (Administrative Authority responsible for technical inspection Competent authority)</p>
<p>..... <u>1/</u></p>
<p>CERTIFICAT INTERNATIONAL DE CONTROLE TECHNIQUE <u>2/</u></p>

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

2/ Title in French.

Appendix 2 (cont'd)

INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

1. Licence plate (Registration) No.....
2. Vehicle identification No.....
3. First registration after the manufacture (State, Authority) 1/
4. Date of first registration after the manufacture
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 No 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 No. 7 not later than:

Date: (**day**/month/year) 2/
9. Issued by.....
10. At (Place).....
11. Date.....
12. Signature.....

3/

- 1/ If available, authority and state where the vehicle was registered for the first time after its manufacture.
- 2/ It applies the last day of the month when the day is not stated
- 3/ Seal or stamp of the authority issuing the certificate.

Appendix 2 (cont'd)

13. Subsequent periodical technical inspection(s) <u>1/</u>	
13.1.	Done by (Technical Inspection Testing Centre) <u>2/</u>
13.2.	(stamp)
13.3.	Date.....
13.4.	Signature.....
13.5.	Next inspection due not later than: (month/year)

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

2/ Name, Address, State of the ~~Technical Inspection~~ **Testing** Centre authorised 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, [a test lane of sufficient size for each test, a pit or lift and, a device to lift a vehicle on one of the axles, equipped with appropriate lighting and, where necessary, with aeration devices].

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.

"