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OTHER BUSINESS

Resolving of interpretation issues

Comments to the proposal for resolving interpretation issues and requirements for the Technical Services in the framework of the 1958 Agreement

Submitted by the International Organization of Motor Vehicle Manufacturers

The text reproduced below was prepared by the International Organization of Motor Vehicle Manufacturers (OICA) proposing amendments to the proposal for resolving interpretation issues and requirements for the Technical Services in the framework of the 1958 Agreement adopted by WP.29 at its one-hundred-and-forty-first session (ECE/TRANS/WP.29/1058, para. 61).

A. Proposal

Part A (Interpretation issues), paragraph 2 (a), amend to read:

"(a) In the event of an error being acknowledged by the Approval Authority, then no further action is needed unless, in the exceptional case of a serious hazard to road safety, vehicle security, or the environment, actions in the framework of the 1958 Agreement are necessary, which may include, if necessary, the withdrawal of the approval."

B. Justification

OICA believes that there is a basic misunderstanding with the reference to Article 4 of the 1958 Agreement. This Article 4 is quoted here below, with emphasis added to the relevant words:

Article 4

*Should the competent authorities of a Contracting Party applying a Regulation through type approval find that **certain wheeled vehicles, equipment or parts bearing approval markings** issued under the said Regulation by one of the Contracting Parties, **do not conform to the approved types**, they shall advise the competent authorities of the Contracting Party which issued the approval. That Contracting Party shall take the necessary steps to **bring the products of those manufacturers into conformity with the approved types** and shall advise the other Contracting Parties applying the Regulation through type approval of the **steps it has taken, which may include, if necessary, the withdrawal of approval**. Where there might be a threat to road safety or to the environment, the Contracting Party which issued the approval and after receiving the information about the non-conformity to the approved type(s) shall inform thereof all other Contracting Parties about the situation. Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory.*

Clearly, Article 4 does not address issues of interpretation of the Regulations annexed to the 1958 Agreement for the granting of the type approval, or of type approvals granted in error. Article 4 specifically deals with the situation of "Conformity of Production", in the case that vehicles are produced, which do not conform to the type approved under a UNECE Regulation.

Therefore, referring specifically to Article 4 of the 1958 Agreement in the document concerning interpretation issues at type approval, therefore risks creating confusion.

Furthermore, OICA fears that reference to Article 4 may create severe problems since some authorities might erroneously interpret that all cases where an error occurred during the type approval process, even an error of a very benign nature, would necessarily result in actions within the framework of the 1958 Agreement, possibly even resulting in the withdrawal of the type approval.

The OICA proposal in essence emphasizes the current normal practice whereby approvals are withdrawn only when duly justified and necessary, under the general provisions of the 1958 Agreement, without specific reference to Article 4, which, as noted above, would not be correct.
