

Review of the 1958 Agreement

Objective:

Increase its attractiveness for emerging countries

Proposed action:

Consider possibility of issuing and accepting type-approvals according to **earlier versions of UN Regulations**

Proposals to review the 1958 Agreement (WP.29-155-27)

WP.29 in November 2011:

- 1. confirmed the objectives to review the 1958 Agreement:**
*“The future direction for the 1958 Agreement should aim, among others, at **fostering the participation of more countries and regional economic integration organizations in the activities of the World Forum and to increase the number of Contracting Parties to the Agreement, by improving its functioning and reliability, and thus ensuring that it remains the key international framework for the harmonization of technical regulations in the automobile sector.**”*
- 2. agreed on the inventory of proposed actions, including those aimed at addressing the confirmed objective to make the 1958 Agreement more attractive.**

Proposed actions to make 1958 Agreement more attractive:

1. Amend Article 12 to clarify the concepts of options (in particular when **different levels of stringency are needed to facilitate the application of the Regulation by certain CPs**) and alternatives, whilst maintaining the principles that CPs have to accept TA issued in accordance with the latest version of a Regulation, even if these CPs apply an earlier version (or a lower level of stringency). Amend the relevant provisions of Chapter V of WP.29/2011/48/Rev.1 or later revision.
9. Consider to add a new article 7 to Appendix 1 of the 1958 Agreement which **enable a CP to delegate in writing its presence for the purpose of the determination of the quorum and its right to vote on its behalf to another CP or regional economic integration organization to which the CP belongs.**
11. Clarify the **consequences for CPs having objected to the Regulation/ Amendment with regard to its entry into force**, in particular in relation to the principle laid down in Article 12 that CPs applying a Regulation but not applying the latest version (series of amendments) of a Regulation have to accept TA issued in accordance with the latest version (series of amendments) of that Regulation.

Proposed actions to make 1958 Agreement more attractive:

14. Consider further clarifying in Article 12 the principles of mutual recognition of type-approvals in relation to the latest and previous amendments to Regulations. **(CPs applying the latest version not obliged to accept TA according to earlier versions + CPs applying earlier versions cannot refuse TA according to the latest version of a Regulation).**
15. Maintain and confirm the **rights of new Contracting Parties to the 1958 Agreement to declare that they will not apply certain Regulations or any of them** (as an element to maintain the attractiveness of the 1958 Agreement for new candidate CPs).
16. **Right to cease application of a Regulation:** No change, maintain this right (as an element to maintain the attractiveness of the 1958 Agreement for new candidate CPs).
17. **Right to start applying a Regulation at a later stage:** No change, maintain this right (as an element to maintain the attractiveness of the 1958 Agreement for new candidate CPs).

Proposed actions to make 1958 Agreement more attractive:

19. Clarify – through WP.29/2011/48/Rev.1 or later revision - that **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** (based on the principles of type-approval) provided they adhere to the principle that type-approvals issued according to the UN Regulations they apply, shall be accepted as an alternative to their national legislation.
44. **Application of UN Regulations nationally is not related to the existence of a type approval system.**
45. Consider the **possibility of issuing and accepting type-approvals according to earlier versions of UN Regulations.**
50. Consider the appropriateness of **maintaining the exclusion clause for new Contracting Parties in Article 11.**

Proposed actions to make 1958 Agreement more attractive:

45. Consider the possibility of issuing and accepting type-approvals according to earlier versions of UN Regulations.

IVWTA-08: two different - but separate - issues discussed:

1. EC pointed out that amendment of Article 11 would be more preferable to that of Article 12 for the purpose of **maintaining older versions as options**. EC might consider a new mechanism in Article 11, if it would be considered necessary.
2. OICA responded that amendment of Article 11 would solve the problem with CPs who want to apply an older version of a UN Regulation but would not solve the problem with CPs who apply the latest version and still want to issue a type approval in accordance with the older version to be used for other CPs who apply the older version.

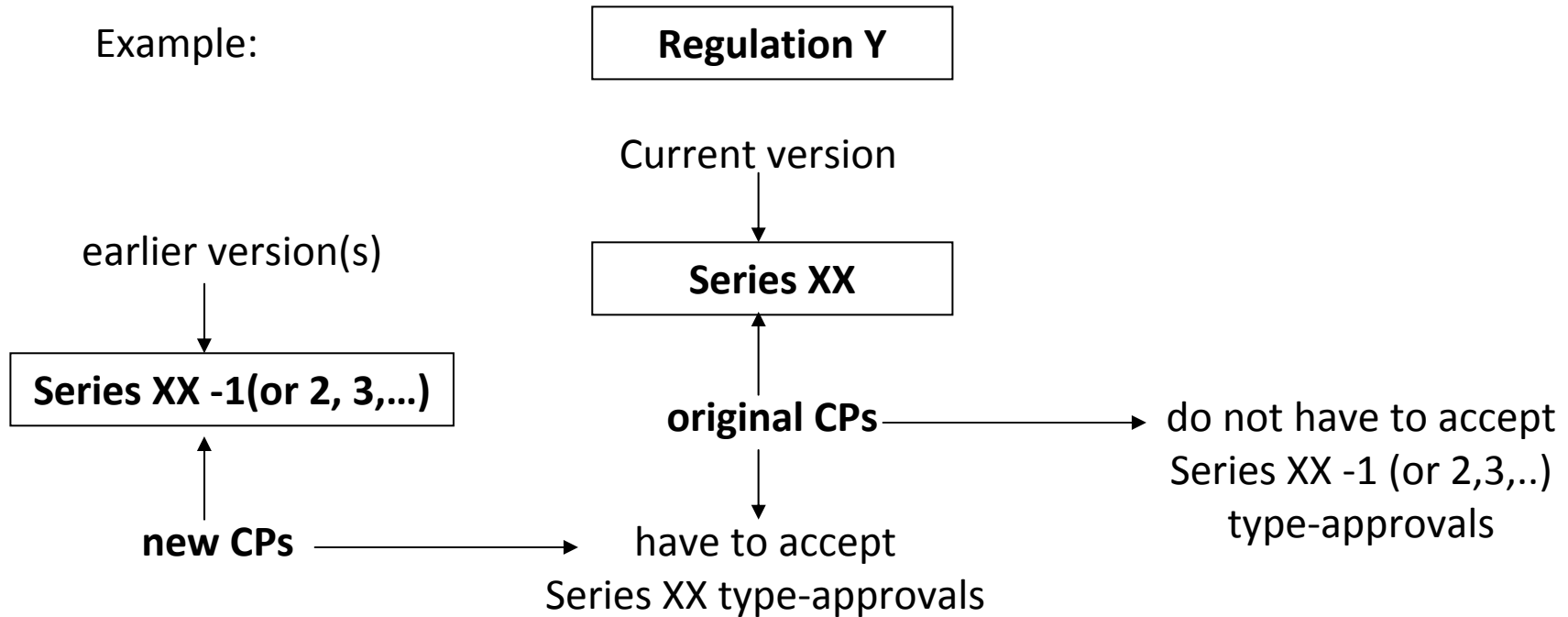
This document addresses only 1st issue:

How could new CPs start applying an older version of a UN Regulation as an entry level for acceding to the 1958 Agreement?

Proposed actions to make 1958 Agreement more attractive

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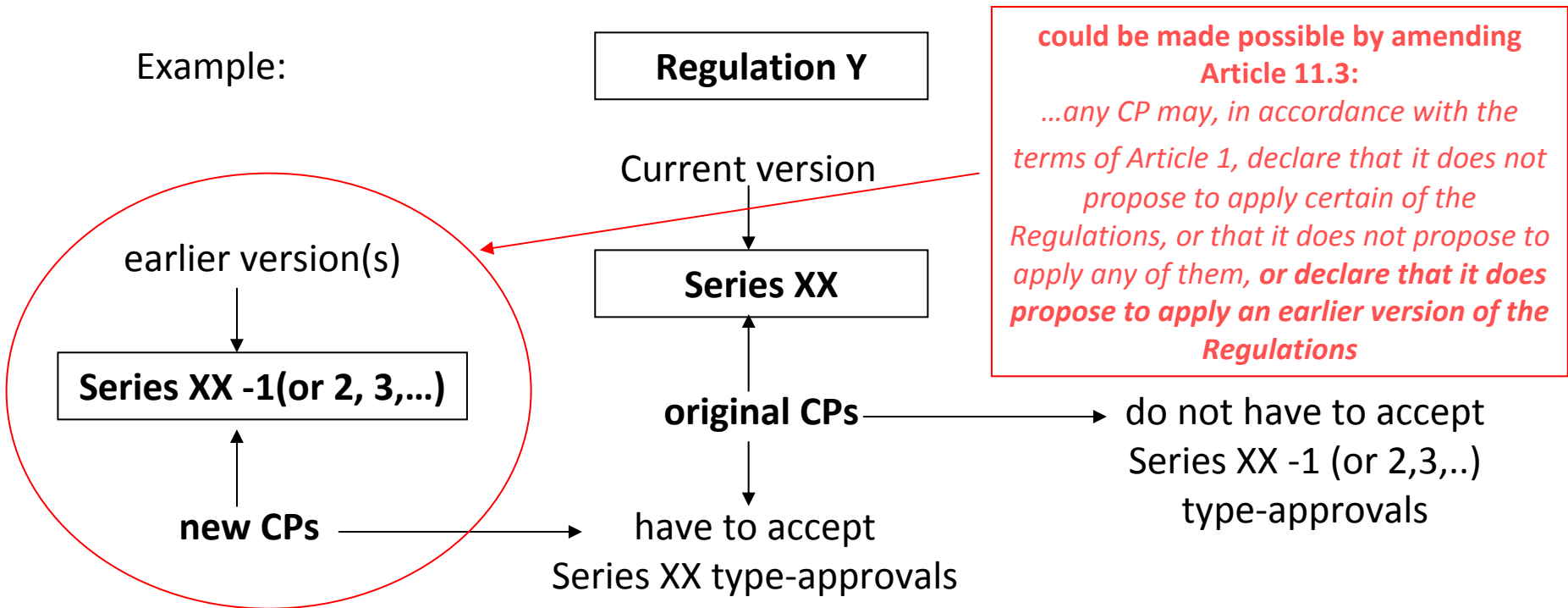
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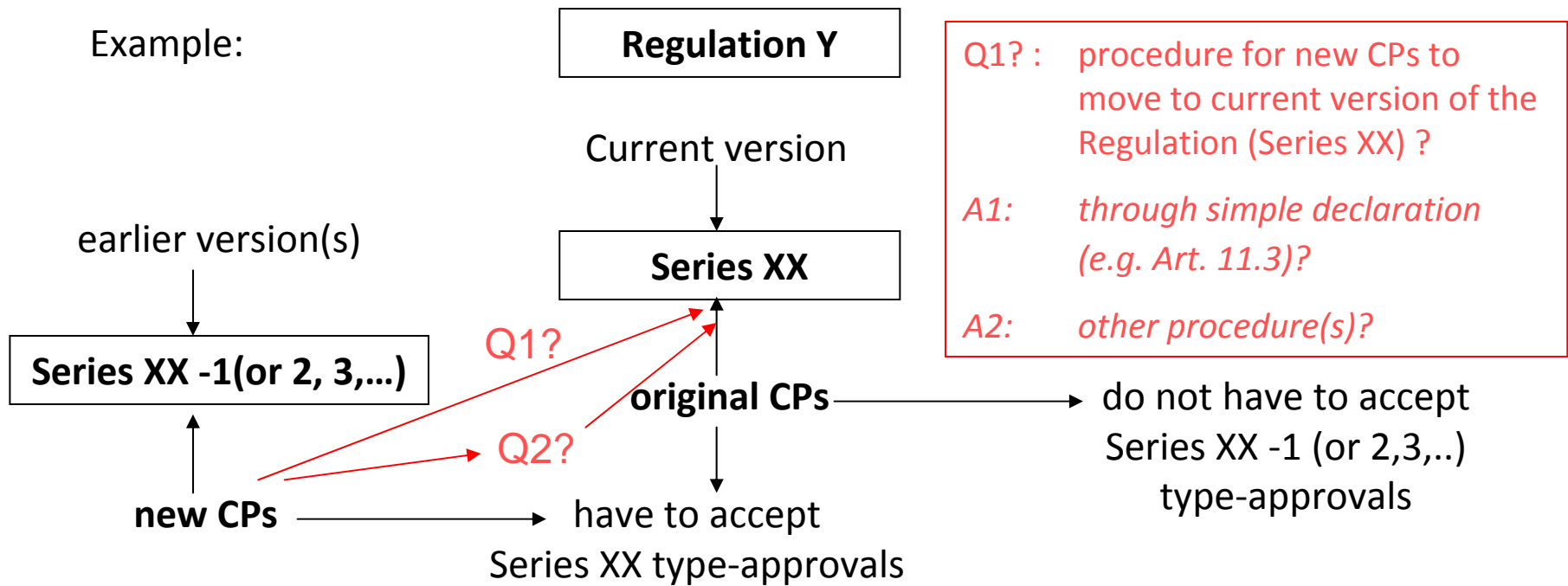
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Proposed actions to make 1958 Agreement more attractive

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How could New CPs applying an older version of a UN Regulation move to current version?

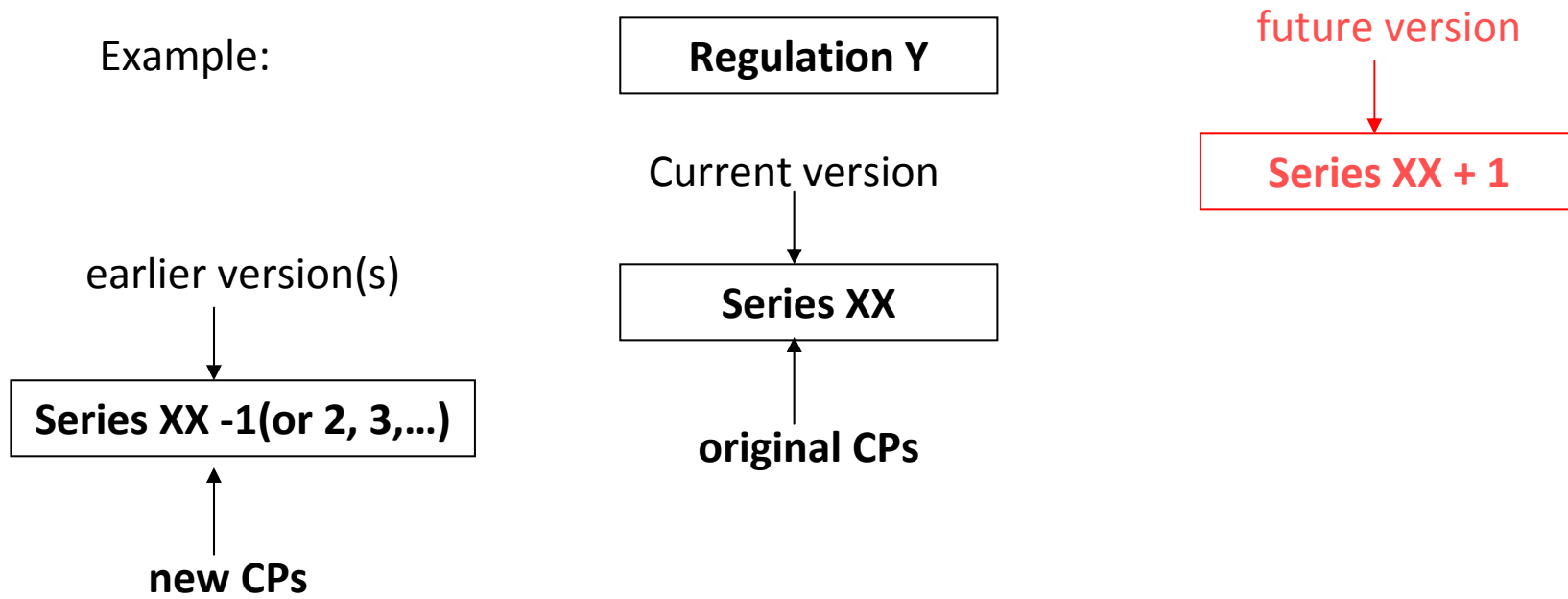


Q2? : possibility for new CPs to move to a version between entry level and current version? (e.g. from Series XX-2 to series XX-1)
A: See if there is need for this ?

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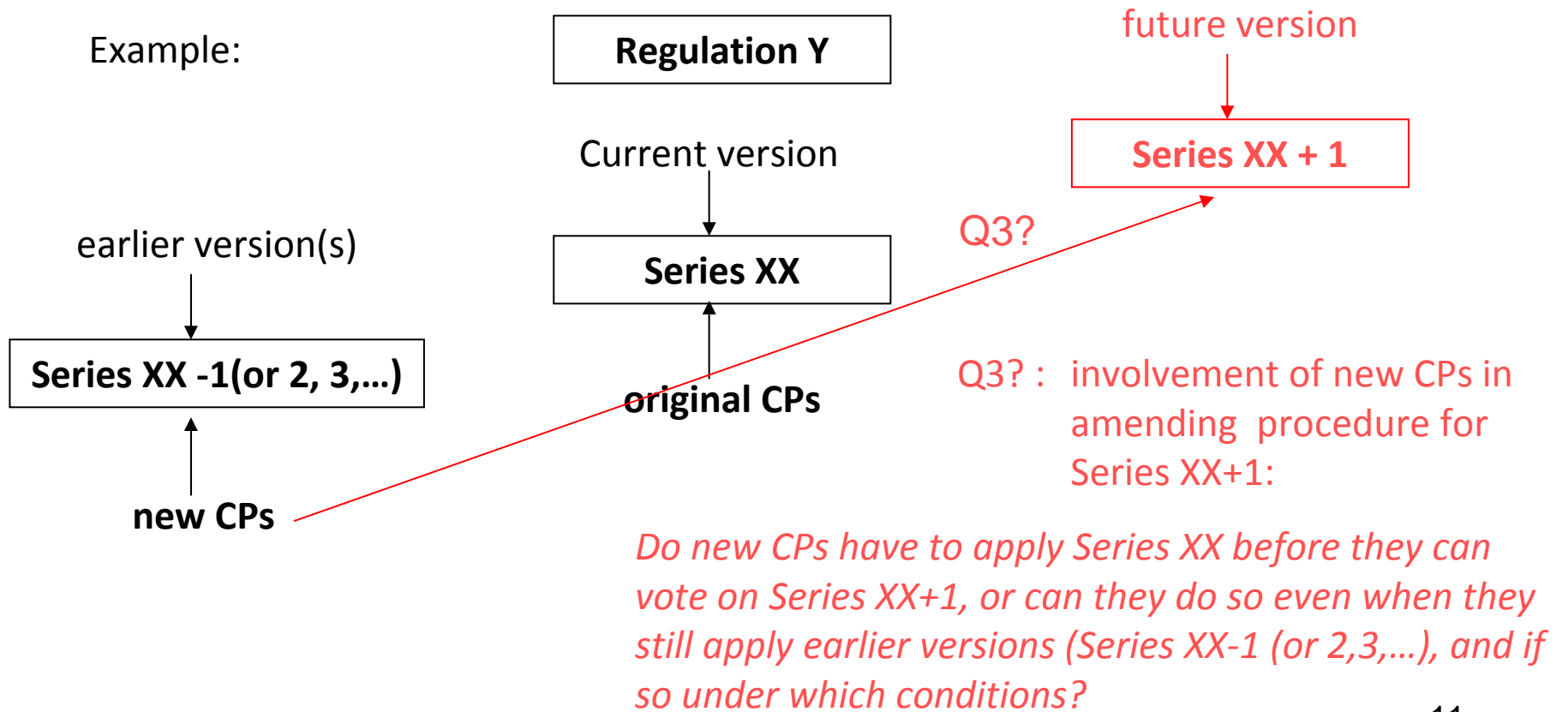
How to involve New CPs applying an older version of a UN Regulation in amending procedure ?



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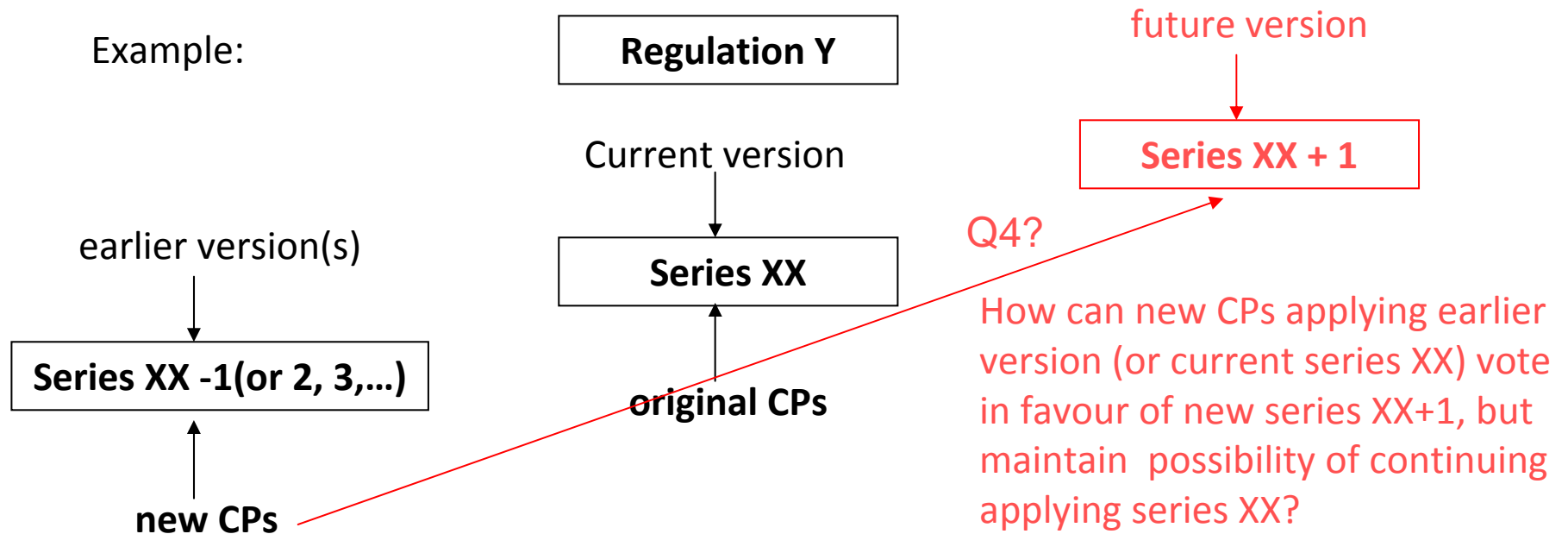
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How to involve New CPs applying an older version of a UN Regulation in amending procedure ?



A4: Invoke the (amended?) provisions of Article 12.2 to have series XX incorporated formally in Regulation Y as an alternative to Series XX+1