

CONSOLIDATED DRAFTING PROPOSALS FOR THE REVISED 1958 AGREEMENT

The informal group on the review of the 1958 Agreement and on IWVTA decided in March 2012 to establish two sub-groups to assist the informal group in preparing drafting proposals for the revision of the 1958 Agreement and for the new UN Regulation R0 on IWVTA.

According to its Terms of Reference (IWVTA-SG58-01-03-Rev.1) the drafting subgroup for the review of the 1958 Agreement has to revise the Articles and Appendices of the 1958 Agreement giving full consideration to the proposed actions listed in the document WP.29-155-27 Annex 1. In addition, the drafting subgroup has also to prepare a draft text for the “placeholder” and consider a specific amendment procedure for this “placeholder”, and submit them to the IWVTA Informal Group for further consideration.

The drafting subgroup for the review of the 1958 Agreement has held since then five meetings, respectively in June, September and November 2012, and in January and March 2013, with work being carried forward in between by means of a correspondence group.

The subgroup meetings of September 2012, November 2012, January 2013 and March 2013 resulted in a list of agreements, outstanding issues and action items (IWVTA-SG58-03-01, IWVTA-SG58-04-01, IWVTA-SG58-05-01 and IWVTA-SG58-06-01).

The outcome of these activities have been presented to the IWVTA informal group meeting of 8 March 2013 and further agreements reached at this meeting have been reflected in the attached consolidated drafting proposals.

Notes:

- For remaining action items still to be addressed or for which guidance by WP.29 is requested, a corresponding reminder note has been marked in the comment box.
- The drafting proposals are reflecting the four main principles that have been agreed in relation to the rights and obligations of CPs applying a UN Regulation: (see Agreement 2 of IWVTA-SG58-04-01), i.e.

1. all CPs applying a UN Regulation have to accept type-approvals based on the latest version of the UN Regulation
2. all CPs applying a UN Regulation are entitled, subject to complying with the competence criteria in Article 2, to issue type-approvals pursuant to the latest version of the UN Regulation;
3. a CP applying a UN Regulation may also issue type-approvals pursuant to earlier versions of the UN Regulation (i.e. pursuant to preceding amendments or to the unamended UN Regulation), but other CPs applying the UN Regulation cannot be obliged to accept such type-approvals;
4. all CPs applying a UN Regulation have the right to participate in the preparation and voting of future amendments to the UN Regulation.

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~~5-October-1995~~ dd/mm/201y

ENGLISH
Original: ENGLISH and FRENCH

**ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE**

AGREEMENT

CONCERNING THE ADOPTION OF ~~UNIFORM HARMONIZED~~ TECHNICAL ~~PRESCRIPTIONS UNITED~~
~~NATIONS REGULATIONS~~ FOR WHEELED VEHICLES, EQUIPMENT AND PARTS WHICH CAN BE FITTED
AND/OR BE USED ON WHEELED VEHICLES AND THE CONDITIONS FOR RECIPROCAL RECOGNITION
OF APPROVALS GRANTED ON THE BASIS OF THESE ~~PRESCRIPTIONS UNITED NATIONS~~
~~REGULATIONS~~ */

Revision 2 3

(Including the amendments entered into force on ~~16-October-1995~~ dd/mm/201y)



UNITED NATIONS

*/ Former titles of the Agreement:

Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958 (original version)

Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals granted on the Basis of these Prescriptions, done at Geneva on 5 October 1995 (Revision 2)

[AGREEMENT CONCERNING THE ADOPTION OF **HARMONIZED TECHNICAL UN REGULATIONS** FOR WHEELED VEHICLES, EQUIPMENT AND PARTS WHICH CAN BE FITTED AND/OR BE USED ON WHEELED VEHICLES AND THE CONDITIONS FOR RECIPROCAL RECOGNITION OF APPROVALS GRANTED ON THE BASIS OF THESE **UN REGULATIONS**. */]

Comment [r1]: For guidance by IWVTA IG 1 (see IWVTA-SG58-05-01): extent of proposed amendments?

Preamble

THE CONTRACTING PARTIES,

HAVING DECIDED to **revise** the Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958, **as amended on 16 October 1995**, and

DESIRING to reduce technical barriers to international trade by defining harmonized technical UN Regulations that it will suffice for certain wheeled vehicles, equipment and parts to fulfil in order to be used in their countries **or regions**,

RECOGNIZING the importance of safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts, which can be fitted and/or be used on wheeled vehicles for the development of regulations that are technically and economically feasible and adapted to the technical progress,

Comment [r2]: Agreed at IWVTA-12

DESIRING to **apply** these **UN Regulations** whenever possible in their countries **or regions**, and,

DESIRING to facilitate the **acceptance** in their countries of the vehicles, equipment and parts, where approved according to these **UN Regulations** by the **approval** authorities of another Contracting Party,

DESIRING to establish an International Whole Vehicle Type Approval scheme (IWVTA) within the framework of the Agreement to increase the advantages of individual UN Regulations annexed to the Agreement and so create opportunities to simplify implementation by Contracting Parties and the wider adoption of mutual recognition of type approvals for whole vehicles,

DESIRING to increase the number of Contracting Parties to the Agreement, by improving its functioning and reliability, and thus ensure that it remains the key international framework for the harmonisation of technical regulations in the automotive sector.

Comment [r3]: Agreed at IWVTA-12

HAVE AGREED as follows:

*/ Former title of the Agreement:
Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958.

[Article 1]

1. The Contracting Parties shall establish through an Administrative Committee and on the basis of the following articles, paragraphs **[and appendices]**, Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.

Comment [r4]: For guidance by IWVTA IG 5 (see IWVTA-SG58-05-01): restructuring of Art. 1? (linked to guidance issue 1 above)

Regulations annexed to this Agreement, hereinafter referred to as UN Regulations, shall cover the following:

- (a) **Description of the types of** wheeled vehicles, equipment or parts **covered by their scope;**
- (b) Technical requirements, which **shall be performance oriented and not design-restrictive, giving objective consideration to available technologies, benefits and costs as appropriate, and** may include alternatives;
- (c) Test methods by which **compliance with the technical** performance requirements are to be demonstrated;
- (d) Conditions for granting type approval and their reciprocal recognition including **administrative provisions, details on the** approval markings and **on the** conditions for ensuring conformity of production.
- (e) **The date(s) on which the UN Regulation enters into force, including the date when Contracting Parties applying it can issue approvals pursuant to that Regulation, and the date from when they shall accept approvals (if different).**
- (f) **An information document containing the technical information to be provided by the manufacturer.**

Comment [r5]: Agreement 1
(see IWVTA-SG58-05-01)

Comment [r6]: Agreement 2
(see IWVTA-SG58-05-01)

Comment [r7]: Agreed at IWVTA-12

The UN Regulation may, **in addition,** include references to the laboratories **designated** by the **approval** authorities where acceptance tests of the types of wheeled vehicles, equipment or parts submitted for approval **shall** be carried out.

In addition to the above mentioned UN Regulations, this revised 1958 Agreement provides for establishing a UN Regulation to introduce a system of Whole Vehicle Type Approval. This UN Regulation shall set the scope, administrative procedures, and technical requirements that can include different levels of stringency in one version of the said UN Regulation.

[Notwithstanding other provisions of Article 1 and Article 12.4, a Contracting Party applying the said UN Regulation shall be obliged to accept only those type approvals pursuant to the highest level of stringency of the latest version of the said Regulation.]

Comment [r8]: To be reviewed in the light of further discussions on the principles for the new Regulation on IWVTA

For the purposes of this Agreement:

The term "wheeled vehicles, equipment and parts" shall include any wheeled vehicles, equipment and parts whose characteristics have a bearing on road safety, protection of the environment, energy saving and anti-theft performance;

The term "type approval pursuant to a UN Regulation" indicates an administrative procedure by which the approval authorities of a Contracting Party declare, after carrying out the required verifications, that a type of vehicle, equipment or parts submitted by the manufacturer complies with the requirements of the given UN Regulation.

The term "whole vehicle type approval" indicates that type approvals granted pursuant to applicable UN Regulations for the systems, components and parts of a vehicle are integrated into an approval of the whole vehicle according to the provisions of the administrative system Whole Vehicle Type Approval.

The term "version of a UN Regulation" indicates that a UN Regulation, following its adoption and establishment, may subsequently be amended following the procedures described in this Agreement, in particular Article 12. The unamended UN Regulation as well as any subsequent amendment(s) to the UN Regulation are considered as separate versions of that UN Regulation.

The term "applying a UN Regulation" indicates that a UN Regulation enters into force for a Contracting Party. When doing so, Contracting Parties have the possibility to keep their own national/regional legislation. If they wish, they may substitute their national/regional legislation by the requirements of the UN Regulations they are applying, but they are not bound by the Agreement to do so. However, Contracting Parties have to accept as an alternative to the relevant part of their national/regional legislation UN type approvals pursuant to the latest version of UN Regulations

they are applying. The rights and obligations of Contracting Parties applying a UN Regulation are detailed in the various Articles of this Agreement.

2. The Administrative Committee referred to in paragraph 1 shall be composed of all the Contracting Parties in accordance with the rules of procedure set out in Appendix 1.

A UN Regulation 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 UN Regulation to the Contracting Parties.

The UN Regulation 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 UN Regulation. [This period of six months shall be reduced to [three] months [in case of justified and urgent need to address safety or environmental problems], provided that more than two-thirds of the Contracting Parties at the time of the notification have informed the Secretary-General of this urgent need.]

Comment [r9]: [Reduction of 6 months period](#) for guidance by IWVTA IG

3. When a UN Regulation has been adopted the Secretary-General shall so notify as soon as possible after expiry of the period referred to in paragraph 2 all the Contracting Parties, specifying which Contracting Parties have notified their disagreement and in respect of which the UN Regulation shall therefore not enter into force.

4. The adopted UN Regulation shall enter into force on the date(s) specified therein as a UN Regulation annexed to this Agreement for all Contracting Parties which did not notify their disagreement.

A Contracting Party for which a UN Regulation has entered into force shall hereinafter be referred to as "a Contracting Party applying a UN Regulation"

5. When depositing its instrument of accession, any new Contracting Party may declare that it will not apply certain UN Regulations then annexed to this Agreement or that it will not apply any of them. If, at that time, the procedure laid down in paragraphs 2, 3, and 4 of this Article is in progress for a draft or adopted UN Regulation, the Secretary-General shall communicate such draft or adopted UN Regulation to the new Contracting Party and it shall enter into force as a UN Regulation for the new Contracting Party unless this Contracting Party notifies its disagreement with the adopted UN Regulation within a period of six months after the deposit of its instrument of accession. The Secretary-General shall notify all the

Contracting Parties of the date of such entry into force **for the new Contracting Party**. The Secretary-General shall also communicate to them all declarations concerning the non-application of certain **UN Regulations** that any **new Contracting Party** may make in accordance with the terms of this paragraph.

6. Any Contracting Party applying a **UN Regulation** may at any time notify the Secretary-General, subject to one year's notice, **about its intention** to cease applying **that UN Regulation**. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

Approvals **previously granted pursuant to that UN Regulation by that Contracting Party** shall remain valid **unless they are withdrawn** **[in accordance with the provisions of Article 4]**.

Comment [r10]: Reference to be reviewed once agreement on amended article 4

When a Contracting Party ceases to issue approvals **pursuant to a UN Regulation that Contracting Party** shall:

- a) Maintain proper supervision on **the** conformity of production of products for which it previously granted type approval;
- b) Take the necessary steps set out in Article 4 when advised of non-conformity by a Contracting Party that continues to apply the **UN Regulation**;
- c) Continue to notify the **approval** authorities of other Contracting Parties of withdrawal of approvals as set out in Article 5;
- d) Continue to grant extensions to existing approvals.

7. Any Contracting Party not applying a **UN Regulation** may at any time notify the Secretary-General that it intends henceforth to apply it and the **UN Regulation** 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 **UN Regulation** for **the** Contracting Party **concerned** in accordance with the terms of this paragraph.

Article 2

1. Each Contracting Party applying a UN Regulation shall grant the type approvals and **the affixing of** approval markings described in **the UN** Regulation for the types of wheeled vehicles, equipment or parts covered by the UN Regulation, provided that it has the technical competence **to verify compliance with the UN Regulation, and has verified such compliance** and is satisfied with the arrangements for ensuring conformity of the product with the approved type. **Each Contracting Party which grants type approval shall take the necessary measures** as set out in [Appendix 2] **to verify that adequate arrangements have been made to ensure that wheeled vehicles, equipment and parts are manufactured in conformity with the approved type.**

2. Each Contracting Party issuing type approvals pursuant to a UN Regulation shall specify an Approval Authority for the UN Regulation. The Approval Authority shall have the responsibility for all aspects of type approval pursuant to the said UN Regulation. This Approval Authority may designate Technical Services to carry out - on its behalf - the testing and inspections necessary for the verifications required in paragraph 1 above. Contracting Parties shall ensure that Technical Services are assessed, designated, and notified in accordance with the requirements set out in [Appendix 2].

3. The type approvals [,their numbering]] and approval markings for the types of wheeled vehicles, [~~equipment~~ systems, components] and parts shall be granted in accordance with the procedures set out in [Appendix 2].
[UN Regulations may permit the type approval markings to be replaced by a Unique Identifier (UI) in accordance with [Appendix 2].]

Comment [r11]: Action item 9
(see IWVTA-SG58-05-01)

4. Each Contracting Party applying a UN Regulation shall refuse **to grant** the type approvals and **to have** approval markings **affixed pursuant to** the UN Regulation if **one or more of the** above-mentioned conditions are not complied with.

Comment [r12]: For guidance by IWVTA IG 9 and Action item 10 (see IWVTA-SG58-05-01): [depending on decision on DETA](#)

Article 3

Wheeled vehicles, equipment or parts manufactured to conform to the type for which approval has been granted by a Contracting Party pursuant to a UN Regulation, and in accordance with Article 2 of this Agreement, shall be held to be in conformity with the relevant part of the national legislation of all the Contracting Parties applying that UN Regulation.

Contracting Parties applying UN Regulations shall, by mutual recognition, accept for the placing on their markets, and subject to the provisions of Articles 1 & 12, type approvals granted pursuant to these UN Regulations, without requiring any further testing, documentation, certification and marking related to these type approvals.

Comment [r13]: Agreement 3
(see IWVTA-SG58-05-01)

Article 4

Should the **approval** authorities of a Contracting Party applying a Regulation 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 or the requirements of the said Regulation, they shall advise the **approval** 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 **or the requirements of the said regulation** and shall advise the other Contracting Parties applying the Regulation 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) **or the requirements of the said regulation** shall inform thereof all other Contracting Parties about the situation. **In either case mentioned above the Contracting Party which has been advised about the non-conformity of a product has to provide appropriate information on the necessary steps that have been taken to bring the products into conformity with the approved types within a period of [six months] after receiving the written information about non-conformity. After advising the Contracting Party which issued the approval or being informed about the situation, notwithstanding of the provisions of Article 3, Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory until this threat is eliminated. For any dispute between the Contracting Parties, the procedure given in Article 10.4 applies.**

Comment [r14]: Issue for further guidance: [should "recalls" be addressed in Art 4?](#)

Article 5

The **approval** authorities of each Contracting Party applying a UN Regulation shall send **upon the request from the approval** authority of the other Contracting Party **applying the said UN Regulation**, a list of the wheeled vehicles, equipment or parts, **for** which it has refused to grant or has withdrawn **approvals**.

In addition, on receiving a request from the **approval** authority of another Contracting Party applying **the said UN Regulation**, it shall send forthwith, **in accordance with the provisions of [Appendix 2]**, to that **approval** authority a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a wheeled vehicle, equipment or part **pursuant_**to that UN Regulation. **[The paper copy may be replaced by an electronic file in accordance with Appendix [X] .]**

Article 6

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 1, paragraph 2 and in Article 12, 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 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being Members of the United Nations.

3. Accession to the **[amended]/[revised]** Agreement by new Contracting Parties which are not Parties to the **[amended]** 1958 Agreement shall be effected by the deposit of an instrument with the Secretary-General, after the entry into force of the **[amended]/[revised]** Agreement.

Comment [r15]: For guidance by IWVTA IG 9 and Action item 10 (see IWVTA-SG58-05-01): [depends on decision relating to DETA](#)

Comment [r16]: Guidance from UNECE secretariat needed on appropriate terminology to be used to make a clear distinction between the current 58 Agreement (as revised in 1995) and the future version of the 58 Agreement

Article 7

1. The [amended]/[revised] Agreement shall be deemed to enter into force nine months after the date of its transmission by the Secretary-General to all the Contracting Parties to [the 1958 Agreement].
2. The [amended]/[revised] Agreement shall be deemed not to enter into force if any objection from the Contracting Parties to the [amended] 1958 Agreement is expressed within a period of six months following the date of its transmission to them by the Secretary-General.
3. For any new Contracting Party acceding to this [amended]/[revised] Agreement, this [amended]/[revised] Agreement shall enter into force on the sixtieth day after the deposit of the instrument of accession.

Article 8

1. Any Contracting Party may denounce this Agreement by notifying the Secretary-General.
2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of such notification.

Article 9

1. Any Contracting Party as defined in Article 6 of this Agreement may, at the time of accession or at any time thereafter, declare by notification addressed to the Secretary-General that this Agreement shall extend to all or any of the territories for whose international relations 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.
2. Any Contracting Party as defined in Article 6 of this Agreement 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 8.

Article 10

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 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.
4. **[Any dispute between two or more Contracting Parties concerning the interpretation or application of UN Regulations annexed to this Agreement shall be settled by negotiation in accordance with the procedure set out in [Appendix 2]].**

Comment [r17]: For guidance by IWVTA IG (related to the reservations by Japan on the relevant Chapters in Appendix 2 (placeholder))

Article 11

1. **[Any Contracting Party as referred to in Article 6]** may, at the time of acceding to this Agreement, declare that it does not consider itself bound by **[paragraphs 1 to 3 of]** Article 10, of the Agreement. Other Contracting Parties shall not be bound by **[paragraphs 1 to 3 of]** Article 10 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.
3. No other reservation to this Agreement or to the **UN** Regulations annexed thereto shall be permitted; but any **new** Contracting Party may, in accordance with the terms of Article 1, **paragraph 5**, declare that it does not **intend** to apply certain of the **UN** Regulations or that it does not **intend** to apply any of them.

Article 12

1. The UN Regulations annexed to this Agreement may be amended in accordance with the following procedure:

Amendments to UN Regulations shall be established by the Administrative Committee as described in Article 1, paragraph 2 and in accordance with the procedure indicated in Appendix 1.

An amendment to the UN Regulation, 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 UN Regulation.

2. An amendment to a UN Regulation will be considered to be adopted unless, within a period of [three] months from its notification by the Secretary-General, more than [one-third] of the Contracting Parties applying the UN Regulation 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 Regulation, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the UN Regulation.

3. Amendments to a UN Regulation may include transitional provisions relating to the entry into force of the amended UN Regulation, the date until which Contracting Parties have to accept approvals pursuant to the preceding version of the UN Regulation and the date as from which Contracting Parties shall not be obliged to accept type approvals issued pursuant to the preceding version of the amended UN Regulation.

4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to the revised 1958 Agreement which are applying UN Regulations may, subject to complying with the provisions of Article 2, nevertheless issue type-approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3, Contracting Parties applying a UN Regulation shall not be obliged to accept type approvals issued pursuant to these earlier versions.

5. All Contracting Parties applying a UN Regulation shall accept approvals granted

Comment [r18]: Action item 6
(see IWVTA-SG58-05-01): [guidance on possible reduction of this period?](#)

Comment [r19]: For guidance by IWVTA IG 8
(see IWVTA-SG58-05-01): [guidance on the need to change the majority rule?](#)

Comment [r20]: Agreement 5
(see IWVTA-SG58-05-01)

Comment [r21]: Agreement 6
(see IWVTA-SG58-05-01)

pursuant to the latest version of that UN Regulation.

6. [A Contracting Party applying a UN Regulation may grant exemption approval pursuant to a UN Regulation to cover a single type of vehicle, equipment or part which is based on a new technology, when this new technology is not taken into account by the existing UN Regulation, and is incompatible with one or more requirements of this UN Regulation. In such a case, the procedures set out in Chapter 5 of Appendix 2 shall apply.]

7. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a Regulation by the Secretary-General and its entry into force, the Regulation 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 13

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 **Appendix 1**. The text of any proposed amendment to the Agreement and **Appendix 1** 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 6 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.
4. **Any Contracting Party may propose one or more amendments to [the appendices other than Appendix 1]. Such amendments shall be established by the Administrative Committee referred to in Article 1.2 and in accordance with the procedure set out in Appendix 1. The text of any such established amendment to [the appendices other than Appendix 1] shall be notified by the Administrative**

Committee to the Secretary General, who shall transmit it to all Contracting Parties and inform all other countries referred to in paragraph 1 of Article 6 thereof. The amendment shall enter into force for all Contracting Parties 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.

Comment [r22]: [Agreed at SG58-05](#)

Article 14

In accordance with the provisions of this Agreement, the Secretary-General shall notify the Contracting Parties of:

- (a) Accessions in accordance with Article 6;
- (b) The dates of entry into force of this Agreement in accordance with Article 7;
- (c) Denunciations in accordance with Article 8;
- (d) Notifications received in accordance with Article 9;
- (e) Declarations and notifications received in accordance with paragraphs 1 and 2 of Article 11;
- (f) The entry into force of any new UN Regulation and amendment to existing UN Regulations in accordance with paragraphs 2, 3, 5 and 7 of Article 1, and paragraph 2 of Article 12;
- (g) The entry into force of any amendment to the Agreement and its Appendices in accordance with paragraphs 3 and 4 of Article 13.
- (h) The cessation of application of UN Regulations by Contracting Parties in accordance with paragraph 6 of Article 1.**

Article 15

1. If at the date the above provisions come into effect the procedures envisaged in Article 1, paragraph 3 of the amended Agreement are under way for adopting a new UN Regulation, the said new UN Regulation shall enter into force under the provisions of paragraph 4 of the said Article.

2. If at the date the above provisions come into effect, the procedures envisaged in Article 12, paragraph 1 of the amended Agreement are under way for the adoption of an amendment to a UN Regulation, the said amendment shall enter into force under the provisions of the said Article.

3. If all Contracting Parties to the Agreement agree, any UN Regulation adopted under the terms of the amended Agreement may be treated as though it were a UN Regulation adopted under the terms of the above provisions.

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 amended 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 Regulation or an amendment to a Regulation is required to be established.

Article 5

Proposed new Regulations 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 Regulations shall be established by a two-thirds majority of those present and voting.

Article 6

Proposed amendments to Regulations shall be put to the vote. Each country, Contracting Party to the Agreement applying the Regulation shall have one vote. A quorum of not less than half of the Contracting Parties applying the Regulation 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 Regulations shall be established by a two-thirds majority of those present and voting.

Article 7

Proposed amendments to Appendices other than Appendix 1 shall be put to the vote. Each country, Contracting Party to the Agreement shall have one vote. A quorum of not less than half of the Contracting Parties to the Agreement 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. Amendments to Appendices other than Appendix 1 shall be established by unanimous vote of those present and voting.

Article 8

For the quorum and the vote referred to in Articles 5, 6 and 7 of this Appendix, a Contracting Party may delegate in writing its presence for the determination of the quorum and the right to vote on its behalf to another Contracting Party or to a regional economic integration organization to which the Contracting Party belongs. The written mandate shall be provided to the Secretariat of the Administrative Committee prior to the session concerned. The Secretariat of the Administrative Committee shall inform all Contracting Parties present at the session about the details of the delegation mandates received.

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Appendix 2

[Appendix 2]

Comment [r23]: Action item 11 + Agreement 7 + For guidance by IWVTA IG 10 (see IWVTA-SG58-05-01): [legal status of the placeholder?](#)

CHAPTER 1

CONFORMITY OF PRODUCTION PROCEDURES

0. OBJECTIVES

- 0.1. The conformity of production procedure aims to ensure that each produced vehicle, equipment or part is in conformity with the approved type.
- 0.2. Procedures include inseparably the assessment of quality management systems, referred to below as "initial assessment" and verification of the approval subject and product-related controls, referred to as "product conformity arrangements".

1. INITIAL ASSESSMENT

- 1.1. The approval authority of a Contracting Party must verify - before granting UN type approval - the existence of satisfactory arrangements and procedures for ensuring effective control so that vehicles, equipment or parts when in production conform to the approved type.
- 1.2. Guidance for conducting assessments may be found in the international standard ISO 19011:2002 - Guidelines for quality and/or environmental management systems auditing.
- 1.3. The requirement in paragraph 1.1. shall be verified to the satisfaction of the authority granting UN type approval.

The approval authority granting UN type approval shall be satisfied with the initial assessment and the product conformity arrangements in section 2 below, taking account - as necessary - of one of the arrangements described in paragraphs 1.3.1 to 1.3.3, or a combination of those arrangements in full or in part as appropriate.

- 1.3.1. The actual initial assessment and/or verification of product conformity arrangements shall be carried out by the approval authority granting UN type approval or by a technical service designated to act on behalf of that approval authority.
- 1.3.1.1. When considering the extent of the initial assessment to be carried out, the approval authority may take account of available information relating to:

- (a) the manufacturer's certification described in paragraph 1.3.3 below, which has not been qualified or recognised under that paragraph;
 - (b) in the case of UN type-approval of equipment or parts, quality system assessments performed by vehicle manufacturer(s), in the premises of the manufacturer(s) of the equipment or parts, according to one or more of the industry sector specifications satisfying the requirements in the international standard ISO 9001:2008.
- 1.3.2. The actual initial assessment and/or verification of product conformity arrangements may also be carried out by the approval authority of another Contracting Party, or the technical service designated for this purpose by the latter approval authority, provided this Contracting Party applies at least the same Regulations upon which the UN type approval has been based.
- 1.3.2.1. In such a case, the approval authority of the other Contracting Party shall prepare a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type-approved and to the UN Regulations according to which these products are to be type-approved.
- 1.3.2.2. On receiving an application for a compliance statement from the approval authority of a Contracting Party granting UN type-approval, the approval authority of another Contracting Party shall send forthwith the statement of compliance or advise that it is not in a position to provide such a statement.
- 1.3.2.3. The statement of compliance shall include at least the following:
- (a) Group or company (e.g. XYZ Automotive)
 - (b) Particular organisation (e.g. Regional Division)
 - (c) Plants/Sites (e.g. Engine Plant 1 (in Country A) - Vehicle Plant 2 (in Country B))
 - (d) Vehicle/Component range (e.g. All Category M1 models)
 - (e) Areas assessed (e.g. Engine assembly, body pressing and assembly, vehicle assembly)
 - (f) Documents examined (e.g. Company and site quality manual and procedures)
 - (g) Date of the assessment (e.g. Audit conducted from dd/mm/yyyy to dd/mm/yyyy)
 - (h) Planned monitoring visit (e.g. mm/yyyy)

1.3.3. The approval authority **may** also accept the manufacturer's **certification** to **the international** standard ISO **9001:[2008]** (the scope of **this certification has to** cover the product (s) to be approved) or an equivalent accreditation standard as satisfying the **initial assessment** requirements of paragraph 1.1. The manufacturer must provide details of the **certification** and undertake to inform the approval authority of any revisions to its validity or scope **of that certification**.

1.4. **For the purpose of UN whole vehicle type-approval, the initial assessments carried out for granting UN approvals for equipment and parts of the vehicle need not be repeated but shall be completed by an assessment covering [the locations and activities relating to the assembly of the whole vehicle not covered by the former assessments.] [the areas not covered by the former assessments, in particular in relation to the assembly of the whole vehicle.]**

2. **PRODUCT CONFORMITY ARRANGEMENTS**

2.1. Every vehicle, equipment or part approved **pursuant to a UN** Regulation annexed to this Agreement must be so manufactured as to conform to the type approved by meeting the requirements of **Chapter 1 of** this Appendix and of the said **UN** Regulation.

2.2. The approval authority of a Contracting Party granting a type approval pursuant to a **UN** Regulation annexed to this Agreement must verify the existence of adequate arrangements and documented control plans, to be agreed with the manufacturer for each approval, to carry out at specified intervals those tests or associated checks necessary to verify continued conformity with the approved type, including, specifically, where applicable, tests specified in the said Regulation.

2.3. The holder of the **UN type** approval must in particular:

2.3.1. Ensure the existence **and application** of procedures for effective control of the conformity of products (vehicles, equipment or parts) to the **approved** type;

2.3.2. Have access to the testing **or other appropriate** equipment necessary for checking the conformity to each approved type;

2.3.3. Ensure that test **or check** results' data are recorded and that annexed documents remain available for a period to be determined in agreement

with the approval authority. This period **shall** not exceed 10 years;

- 2.3.4. Analyze **the** results of each type of test **or check**, in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;
- 2.3.5. Ensure that for each type of product, at least the checks prescribed in **Chapter 1 of** this Appendix and the tests prescribed in the applicable **UN** Regulations are carried out;
- 2.3.6. Ensure that any set of samples or test pieces giving evidence of non-conformity in the type of test in question gives rise to a further sampling and test. All the necessary steps must be taken to restore conformity of the corresponding production.

3. CONTINUED VERIFICATION ARRANGEMENTS

- 3.1. The authority which has granted **UN** type approval may at any time verify the conformity control methods applied in each production facility.
 - 3.1.1. **The normal arrangements shall be to monitor the continued effectiveness of the procedures laid down in Sections 1 and 2 (initial assessment and product conformity arrangements) of Chapter 1 of this Appendix.**
 - 3.1.1.1. **Surveillance activities carried out by the technical services (qualified or recognised as required in paragraph 1.3.3) shall be accepted as satisfying the requirements of paragraph 3.1.1 with regard to the procedures established at initial assessment.**
 - 3.1.1.2. The normal frequency of these verifications **by the approval authority (other than those referred to in paragraph 3.1.1.1.) shall** be such as to ensure that the relevant controls **applied in accordance with sections 1 and 2 of this Chapter** are reviewed over a period consistent with the climate of trust established by the approval authority.
- 3.2. At every **review**, the records **of tests and checks** and production records must be available to the inspector; **in particular, records of those tests or checks documented as required in paragraph 2.2.**
- 3.3. The inspector may select samples at random to be tested in the manufacturer's laboratory **or in the facilities of the Technical Service.** **In such a case only physical tests shall be carried out.** The minimum

number of samples may be determined according to the results of the manufacturer's own verification.

- 3.4.** Where the level of control appears unsatisfactory, or when it seems necessary to verify the validity of the tests carried out in application of paragraph **3.2.**, the inspector **shall** select samples to be sent to the Technical Service **to perform physical** tests.
- 3.5.** Where unsatisfactory results are found during an inspection **or a monitoring review**, the approval authority must ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.

CHAPTER 2

ASSESSMENT, DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES

1. DESIGNATION OF TECHNICAL SERVICES

1.1. When an approval authority designates a Technical Service, the latter shall comply with the provisions of this Chapter.

1.2. The Technical Services shall carry out themselves, or supervise, the tests required for approval or inspections specified in UN Regulations, except where alternative procedures are specifically permitted. They may not conduct tests or inspections for which they have not been duly designated.

The performance of Technical Services and the quality of the tests and inspections they are carrying out shall ensure that the products for which UN type-approval is requested are adequately verified on their compliance with the requirements of the applicable UN Regulations for which the Technical Services are designated.

1.3. The Technical Services shall be designated according to one or more of the four following categories of activities, depending on their field of competence:

- (a) category A, Technical Services which carry out in their own facilities the tests referred to in UN Regulations;
- (b) category B, Technical Services which supervise the tests referred to in the UN Regulations, performed in the manufacturer's facilities or in the facilities of a third party;
- (c) category C, Technical Services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;
- (d) category D, Technical Services which supervise or perform tests or inspections in the framework of the surveillance of conformity of production.

1.4. Technical Services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by the UN Regulations for which they are designated.

In addition, Technical Services shall comply with, but not necessarily be approved/accredited in accordance with, the standards listed in Annex 1 which are relevant for the categories of activities for which they are designated.

The Technical Services shall ensure that they are free from any control and influence of interested parties which may adversely affect the impartiality and quality of the tests and inspections.

The Technical Services shall have access to the test facilities and measurement devices necessary to supervise or perform tests or inspections referred to in the UN Regulations for which the Technical Services are designated.

- 1.5. An Approval Authority may act as a Technical Service for one or more of the activities referred to in paragraph 1.3. Where an Approval Authority acting as a Technical Service has been appointed by national law of a Contracting Party and is funded by the latter, the provisions of this Chapter or equivalent rules to the provisions in paragraphs 1., 2., 3.4 and Annex 2 of this Chapter shall be complied with. The equivalent rules shall guarantee the same level of performance and independence.
- 1.6. Regardless of paragraph 3.3, a manufacturer or its representative acting on his behalf may be designated as a Technical Service for category A activities, with regard to only those UN Regulations which make express provision for such a designation. In this case, and regardless of paragraph 1.4, such Technical Service shall be accredited in accordance with the standards referred to in paragraph 1 of Annex 1.
- 1.7. The entities referred to in paragraphs 1.5 and 1.6 shall comply with the provisions of paragraph 1.

2. ASSESSMENT OF THE SKILLS OF THE TECHNICAL SERVICES

- 2.1. The skills referred to in paragraph 1 shall be demonstrated by an assessment report established by a Competent Authority ^{1/}. This may include a certificate of accreditation issued by an accreditation body.
- 2.2. The assessment on which the report referred to in paragraph 2.1 shall be conducted in accordance with the provisions of Annex 2.

The assessment report shall be reviewed after a maximum period of three years.

^{1/} Competent Authority means either the Approval or Designated Authority, or an appropriate accreditation body acting on their behalf respectively.

2.3. The assessment report shall be communicated to the UNECE secretariat and to the Contracting Parties upon request.

2.4. The Approval Authority which acts as a Technical Service shall demonstrate compliance through documentary evidence.

This includes an assessment which shall be conducted by auditors independent of the activity being assessed. Such auditors may be from within the same organization provided that they are independent to the personnel undertaking the assessed activity.

2.5. A manufacturer or its representative acting on his behalf, designated as Technical Service, shall comply with the relevant provisions of paragraph 2.

3. PROCEDURES FOR NOTIFICATION

3.1. Contracting Parties shall notify to the UN secretariat the name, the address including electronic address and the category of activities with respect to each designated Technical Service. They shall also notify any subsequent modifications thereof.

The notification act shall state for which UN Regulations the Technical Services have been designated.

3.2. A Technical Service may conduct the activities described in paragraph 1 for the purposes of UN type-approval only if it has been notified to the UNECE secretariat.

3.3. The same Technical Service may be designated and notified by several Contracting Parties, irrespective of the category of activities which they conduct.

3.4. Where in application of a UN Regulation, a specific organization or competent body, the activity of which is not included in those covered paragraph 1, needs to be designated in application of that UN Regulation, the notification shall be done in accordance with the provisions of this paragraph.

3.5. The UNECE secretariat shall publish the list and details regarding the Approval Authorities and Technical Services on its website.

Annex 1 to Chapter 2

STANDARDS WHICH THE TECHNICAL SERVICES
REFERRED TO IN PARAGRAPHS 1 to 3.5 OF CHAPTER 2 HAVE TO COMPLY WITH

1. Activities related to testing for UN type-approval, to be carried out in accordance with UN Regulations:

1.1. Category A (tests performed in own facilities):

ISO/IEC 17025:2005 on the general requirements for the competence of testing and calibration laboratories.

A Technical Service designated for category A activities may carry out or supervise the tests according to UN Regulations for which it has been designated, in the facilities of the manufacturer or of its representative.

1.2. Category B (supervising of tests performed in the manufacturer's facilities or in the facilities of its representative):

ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.

Before performing or supervising any test in the facilities of a manufacturer or of its representative, the Technical Service shall check that the test facilities and measurement devices comply with the appropriate requirements of the standard referred to in paragraph 1.1.

2. Activities related to Conformity of Production:

2.1. Category C (procedure for the initial assessment and surveillance audits of the manufacturer's quality management system):

ISO/IEC 17021:2011 on the requirements for bodies providing audit and certification of management systems.

2.2. Category D (inspection or testing of production samples or supervision thereof):

ISO/IEC 17020:2012 on the general criteria for the operation of various types of bodies performing inspection.

Annex 2 to Chapter 2

PROCEDURE FOR THE ASSESSMENT OF TECHNICAL SERVICES

1. Purpose of this annex

- 1.1. This annex establishes the conditions according to which the assessment procedure of the Technical Services shall be conducted by the Competent Authority referred to in paragraph 2 of Chapter 2
- 1.2. These requirements shall apply mutatis mutandis to all Technical Services, irrespective of their legal status (independent organisation, manufacturer or Approval Authority acting as Technical Service).

2. Principles of assessing

Assessing shall be characterized by reliance on a number of principles:

- (a) independence which is the basis for the impartiality and objectivity of the conclusions;
- (b) an evidence-based approach which guarantees reliable and reproducible conclusions.

Auditors shall show trust and integrity, and shall respect confidentiality and discretion. They shall report truthfully and accurately findings and conclusions.

3. Skills required of the auditors

- 3.1. The assessments may only be conducted by auditors having the technical and administrative knowledge necessary for such purposes.
- 3.2. The auditors shall have been trained specifically for assessment activities. In addition, they shall have the specific knowledge of the technical area in which the Technical Service will exercise its activities.
- 3.3. Without prejudice to the provisions of paragraphs 3.1 and 3.2 above, the assessment referred to in paragraph 2.5 of Chapter 2 shall be conducted by auditors independent of the activities for which the assessment is conducted.

4. Application for designation

4.1. A duly authorised representative of the applicant Technical Service shall make a formal application to the Competent Authority. The application shall include as a minimum the following:

- (a) general features of the Technical Service, including corporate entity, name, addresses, legal status and human and technical resources;
- (b) a detailed description including curriculum vitae of the personnel in charge of testing and of the managerial staff as evidenced by the skills both educational and professional;
- (c) in addition to the above, technical services which use virtual testing methods shall provide evidence of their ability to work in a Computer-Aided-x environment;
- (d) general information concerning the Technical Service, such as its activities, its relationship in a larger corporate entity, if any, and addresses of all its physical location(s) to be covered by the scope of designation;
- (e) an agreement to fulfil the requirements for designation and the other obligations of the Technical Service as applicable in the relevant UN Regulations for which it is designated;
- (f) a description of the conformity assessment services that the Technical Service undertakes in the framework of the applicable UN Regulations and a list of the UN Regulations for which the Technical Service applies for designation, including limits of capability where applicable;
- (g) a copy of the quality assurance manual or comparable operational rules of the Technical Service.

4.2. The Competent Authority shall review for adequacy the information supplied by the Technical Service.

4.3. The Technical Service shall notify the Approval Authority of any modifications to the information provided in accordance with paragraph 4.1.

5. Resource review

The Competent Authority shall review its ability to carry out the assessment of the Technical Service, in terms of its own policy, its competence and the availability of suitable auditors and experts.

6. Subcontracting the assessment

6.1. The Competent Authority may subcontract parts of the assessment to another designation authority or ask for support from technical experts provided by other competent authorities. The subcontractors and experts have to be accepted by the applicant Technical Service.

6.2. The Competent Authority shall take into account accreditation certificates with adequate scope, in order to complete its global assessment of the Technical Service.

7. Preparation for assessment

7.1. The Competent Authority shall formally appoint an assessment team. The former shall ensure that the expertise brought to each assignment is appropriate. In particular, the team as a whole:

- (a) shall have appropriate knowledge of the specific scope for which designation is sought; and
- (b) shall have understanding sufficient to make a reliable assessment of the competence of the Technical Service to operate within its scope of designation.

7.2. The Competent Authority shall clearly define the assignment given to the assessment team. The task of the assessment team is to review the documents collected from the applicant Technical Service and to conduct the on-site assessment.

7.3. The Competent Authority shall agree, together with the Technical Service and the assigned assessment team, to the date and schedule for the assessment. However, it remains the responsibility of the Competent Authority to pursue a date that is in accordance with the surveillance and reassessment plan.

7.4. The Competent Authority shall ensure that the assessment team is provided with the appropriate criteria documents, previous assessment records, and the relevant documents and records of the Technical Service.

8. On-site assessment

The assessment team shall conduct the assessment of the Technical Service at the premises of the Technical Service from which one or more key activities are performed and, where relevant, shall perform witnessing at other selected locations where the Technical Service operates.

9. Analysis of findings and assessment report

9.1. The assessment team shall analyse all relevant information and evidence gathered during the document and record review and the on-site assessment.

This analysis shall be sufficient to allow the team to determine the extent of competence and conformity of the Technical Service with the requirements for designation.

9.2. The Competent Authority's reporting procedures shall ensure that the following requirements are fulfilled.

9.2.1. A meeting shall take place between the assessment team and the Technical Service prior to leaving the site. At this meeting, the assessment team shall provide a written and/or oral report on its findings obtained from the analysis. An opportunity shall be provided for the Technical Service to ask questions about the findings, including non-conformities, if any, and their basis.

9.2.2. A written report on the outcome of the assessment shall be promptly brought to the attention of the Technical Service. This assessment report shall contain comments on competence and conformity, and shall identify non-conformities, if any, to be resolved in order to conform to all of the requirements for designation.

9.2.3. The Technical Service shall be invited to respond to the assessment report and to describe the specific actions taken or planned to be taken, within a defined time, to resolve any identified non-conformities.

9.3. The Competent Authority shall ensure that the responses of the Technical Service to resolve non-conformities are reviewed to see if the actions appear to be sufficient and effective. If the Technical Service responses are found not to be sufficient, further information shall be requested. Additionally, evidence of effective implementation of actions taken may be requested, or a follow-up assessment may be carried out to verify effective implementation of corrective actions.

- 9.4. The assessment report shall include, as a minimum:
- (a) unique identification of the Technical Service;
 - (b) date(s) of the on-site assessment;
 - (c) name(s) of the auditors(s) and/or experts involved in the assessment;
 - (d) unique identification of all premises assessed;
 - (e) proposed scope of designation that was assessed;
 - (f) a statement on the adequacy of the internal organization and procedures adopted by the Technical Service to give confidence in its competence, as determined through its fulfilment of the requirements for designation;
 - (g) information on the resolution of all non-conformities;
 - (h) a recommendation of whether the applicant should be designated or confirmed as Technical Service and, if so, the scope of designation.
10. Granting/confirming a designation
- 10.1. The Approval Authority shall, without undue delay, make the decision on whether to grant, confirm or extend designation on the basis of the report(s) and any other relevant information.
- 10.2. The Approval Authority shall provide a certificate to the Technical Service. This certificate shall identify the following:
- (a) the identity and logo of the Approval Authority;
 - (b) the unique identity of the designated Technical Service;
 - (c) the effective date of granting of designation and the expiry date;
 - (d) a brief indication of, or a reference to, the scope of designation (applicable UN Regulations or part of them);
 - (e) a statement of conformity and a reference to the present Chapter of Appendix 2.
11. Reassessment and surveillance
- 11.1. Reassessment is similar to an initial assessment except that experience gained during previous assessments shall be taken into account. Surveillance on-site assessments are less extensive than reassessments.
- 11.2. The Competent Authority shall design its plan for reassessment and surveillance of each designated Technical Service, so that representative samples of the scope of designation are assessed on a regular basis.

The interval between on-site assessments, whether reassessment or surveillance, depends on the proven stability that the Technical Service has reached.

- 11.3. When, during surveillance or reassessments, non-conformities are identified, the Competent Authority shall define strict time limits for corrective actions to be implemented.
 - 11.4. When the corrective or improvement actions have not been taken within the agreed timeframe, or are not deemed to be sufficient, the Competent Authority shall adopt appropriate measures such as, conducting a further assessment, suspending/withdrawing the designation for one or more of the activities for which the Technical Service has been designated.
 - 11.5. When the Competent Authority decides to suspend or withdraw the designation of a Technical Service, it shall inform the latter by registered mail, and shall inform the UNECE secretariat thereof accordingly. In any case, the Competent Authority shall adopt all the necessary measures to ensure the continuity of the activities already undertaken by the Technical Service.
12. Records on designated Technical Services
- 12.1. The Competent Authority shall maintain records on Technical Services to demonstrate that requirements for designation, including competence, have been effectively fulfilled.
 - 12.2. The Competent Authority shall keep the records on Technical Services secure to ensure confidentiality.
 - 12.3. Records on Technical Services shall include at least:
 - (a) relevant correspondence;
 - (b) assessment records and reports;
 - (c) copies of designation certificates.

CHAPTER 3
PROCEDURES FOR UN TYPE APPROVALS

1. APPLICATION FOR AND CONDUCT OF UN TYPE APPROVAL

- 1.1. An application for UN type approval shall be submitted to the approval authority of a Contracting Party by the manufacturer or his authorised representative (hereinafter referred to as the "applicant").
- 1.2. Only one application may be submitted in respect of a particular type of vehicle, equipment or part and it may be submitted in only one Contracting Party applying the UN Regulations pursuant to which UN Type approval is sought. A separate application shall be submitted for each type to be approved.
- 1.3. The application shall be accompanied by the information as specified in the UN Regulations pursuant to which approval is sought. This information shall contain a detailed description of the particulars of the type to be approved, including drawings, diagrams and pictures as necessary.
- 1.4. The approval authority may, by reasoned request, call upon the applicant to supply any additional information necessary to enable to decide on the approval tests required or to facilitate the execution of those tests.
- 1.5. The applicant shall make available to the approval authority as many vehicles, equipment or parts as are required for the performance of the tests required by the UN Regulations pursuant to which approval is sought.
- 1.6. Compliance with the requirements laid down in the UN Regulations shall be demonstrated by means of appropriate tests performed on vehicles, equipment and parts which are representative of the type to be approved.

The approval authority shall apply the principle of "worst-casing", by selecting the variant or version from the specified type that for the purpose of testing will represent the type to be approved under the worst conditions. The decisions taken along with their justification shall be recorded in the approval documentation.

However the applicant may select, in agreement with the approval authority, a vehicle, equipment or part which, while not representative of the type to be approved, which combines a number of most unfavourable features with regard to the level of performance required by the UN Regulations (worst casing). Virtual testing methods may be used to aid the decision-making on the selection of the worst case.

- 1.7. The approval tests will be performed by and/or or supervised by technical services. The test procedures to be applied and the specific equipment and tools to be used shall be those specified in the UN Regulations.
- 1.8. As an alternative to the test procedures referred to in paragraphs 1.6 and 1.7, virtual testing may be used at the request of the applicant, in as far this is provided for in the relevant UN Regulations and subject to the fulfilment of the general conditions as set out in Chapter 6 of this Appendix.
- 1.9. Contracting Parties shall issue type approvals only where compliance with conformity of production requirements of section 1 of Chapter 1 is ensured.
- 1.10. When the approval tests have demonstrated that the type complies with the technical requirements of the Regulation, an approval of that type shall be granted and an approval mark shall be assigned to each type in accordance with the specific provisions of the Regulation concerned.
- 1.11. The approval authority shall ensure that the following is included in the approval documentation:
 - (a) A record of the worst-case selection and the justification for that selection. This may include information provided by the manufacturer;
 - (b) A record of any significant technical interpretation made, different test methods applied, or new technology introduced;
 - (c) A test report from the Technical Service;
 - (d) Information documents from the manufacturer, properly specifying the characteristics of the type to be approved;
 - (e) A statement of compliance with the conformity of the production requirements of Chapter 1 to this Appendix, detailing which of the arrangements referred to in paragraph 1.3 of Chapter 1 of this Appendix have been taken into account as the basis for the initial assessment as well as the date of the initial assessment and any surveillance activities;
 - (f) The approval certificate.

2. AMENDEMENTS TO UN TYPE APPROVALS

- 2.1. The manufacturer holding a UN type approval for his vehicle, equipment or part shall inform without delay the Contracting Party that issued the UN type approval of any change in the particulars of the type as recorded in the information referred to in paragraph 1.3.

2.2. The Contracting Party shall decide which of the two procedures to amend the UN type approval as laid down in paragraphs 2.5 and 2.6 is to be followed. Where necessary, the Contracting Party may decide, in consultation with the manufacturer that a new UN type approval may need to be granted.

2.3. An application for amending a UN type approval may only be submitted to the Contracting Party that issued the original UN type approval.

2.4. If the Contracting Party finds it necessary, for the purpose of amending the UN type approval, to carry out inspections or tests, it shall inform the manufacturer accordingly.

2.5. When particulars of the type as recorded in the information documents and test reports have changed and the Contracting Party considers that the changes are unlikely to have an appreciable adverse effect on the environmental and/or functional safety performance, and that in any case the type still complies with the requirements of the UN Regulations concerned, the modification of the UN type approval shall be designated as a "revision".

In such a case, the Contracting Party shall issue the revised pages of the information documents and test reports as necessary, marking each revised page to show clearly the nature of the modification and the date of re-issue. A consolidated, updated version of the information documents and test reports, accompanied by a detailed description of the modification, shall be deemed to meet this requirement.

2.6. The amendment to a UN type approval shall be designated as an "extension" if, in addition to the change of the data recorded in the information documents:

- (a) Further inspections or tests are required, or
- (b) Any information on the communication document (with the exception of its attachments) has changed, or
- [(c) Approval to a later series of amendments is requested after its entry into force.]

2.7. Confirmation or refusal of amending the UN type approval, specifying the alterations, shall be communicated to the Contracting Parties to the Agreement applying the UN Regulation by means of a communication form. In addition, the index to the information documents and to the test reports, attached to the communication document, shall be amended accordingly to show the date of the most recent revision or extension.

2.8. The Type Approval Authority granting the extension of approval shall update the approval number with an extension number incremented in accordance

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with the number of successive extensions already granted [in accordance with Annex 1 to this Chapter] and issue a revised communication form denoted by this extension number. |

Comment [r24]: Action item 9
(see IWVTA-SG58-05-01)

[[Annex 1 to Chapter 3]

NUMBERING OF TYPE APPROVALS

An approval number shall be assigned to each type approved. The type-approval number shall consist of 5 sections. Each section shall be separated by the '*' character.

Section 1: The capital letter 'E' followed by the distinguishing number of the [Contracting Party/]country² which has granted the type-approval.

Section 2: The number of the relevant Regulation, followed by the letter 'R', successively followed by:
- two digits (with leading zeros as applicable) indicating the series of amendments incorporating the technical provisions of the Regulation applied to the approval (00 for the Regulation in its original form),
[- a slash and two digits (with leading zeros as applicable) indicating the number of supplement to the series of amendments applied to the approval (00 for the series of amendments in its original form)]
[- a slash and one character indicating the implementing stage, if applicable,]

Section 3: The product to which the UN approval applies and its specific function as follows:
- a capital letter indicating the kind of approval as follows:
 'C' for a component or part approval,
 'V' for a vehicle or system approval,
 'F' for the installation of components or parts,
 'R' for replacement parts for vehicles in use,
 'U' for a universal IWVTA according Regulation 0 or
 'L' for an IWVTA according Regulation 0 with limited recognition,

followed by

- a slash and the additional symbol(s) to the approval mark as required by the relevant regulation, if any.

² see annex 3 of Document ECE/TRANS/WP.29/78/Rev.2

Section 4: A four-digit sequential number [or code] (with leading zeros as applicable). [The sequence shall start from 0001.]

Section 5: A two-digit sequential number (with leading zeros if applicable) to denote the extension. The sequence shall start from 00.

The same Contracting Party shall not assign the same number to an other approval.

Examples:

Example of the second extension to the fourth type-approval issued by the Netherlands according Regulation 58 in its original version for a vehicle with regard to its rear underrun protection:

E4*58R00/00*V*0004*02

Example of the second extension to the fourth type-approval issued by the Netherlands according Regulation 58, second supplement to the 01 series of amendments for vehicles with regard to the installation of an approved type of RUPD:

E4*58R01/02*F*0004*02.

Example of the first extension to the 2439th type-approval issued by the United Kingdom for a vehicle approval according Regulation 83 third series of amendments version for a vehicle of category M, N₁ class I with regard to the emission of pollutants according to engine fuel requirements:

E11*83R03/00*V/J*2439*01

Example of the second extension to the fourth type-approval issued by Belgium for a component approval according the 13th supplement to the original version of Regulation 98 for a headlamp with gas discharge light source with a lens of plastic material:

E6*98R00/13 *C/DCPL* 0004*02]]

Comment [r25]: Action item 9
(see IWVTA-SG58-05-01): [To be reviewed on the basis of further proposals for the gradual introduction of thus TA numbering system](#)

[Annex 2 to Chapter 3

CIRCULATION OF APPROVAL DOCUMENTATION

Where an Approval Authority is required to or is requested to provide a copy of an approval and its attachments it shall send the documents as paper copies or in electronic form. The Executive Secretary of the United Nations Economic Commission for Europe may establish a secure internet database to store and facilitate circulation of electronic copies of approvals. Regulations annexed to this Agreement may require the circulation of electronic copies where necessary for the efficient operation of the approval process, subject to the access rights as defined by the Contracting Parties.

Documents stored on a secure internet database should consist of at least the documents specified in each Regulation for the purpose of communicating to Contracting Parties notice of approval or of extension or refusal or withdrawal of approval or production definitely discontinued of a type of device pursuant to the Regulation.

If the type approvals applicable to a device are stored on a secure internet database established by the Executive Secretary of the United Nations Economic Commission for Europe then the approval markings required by Regulations for that device may be replaced by a Unique Identifier (UI) that is generated by the database, where this is permitted by the Regulations. By referencing the UI, the database will supply information on the type approvals applicable to the device subject to the access rights as defined by Contracting Parties.]

Comment [r26]: For guidance by IWVTA IG 9 and Action item 10 (see IWVTA-SG58-05-01): [Depends on decision in relation to DETA](#)

CHAPTER 4

PROCEDURES FOR RESOLVING INTERPRETATION ISSUES IN RELATION TO THE APPLICATION
OF UN REGULATIONS AND GRANTING APPROVALS PURSUANT TO THESE UN REGULATIONS

1. Interpretation issues prior to UN type approval being granted

When an application for UN type approval requires the Approval Authority to make a significant interpretation on the application of the UN Regulation, or if so requested by the applicant for approval, the Approval Authority shall actively inform and seek guidance from other Approval Authorities before making a decision.

The Approval Authority concerned shall notify the other Approval Authorities applying the UN Regulation of the issue and of their proposed solution for the interpretation, including any supporting information from the manufacturer. As a general rule, this should be done via electronic media.

A period of 14 days shall be allowed for replies from the other Approval Authorities.

- (a) The Approval Authority having taken account of any comments received, can then grant approvals in accordance with the new interpretation.
- (b) If it is not possible to take a decision according to the comments received, the Approval Authority shall seek further clarification by means of the procedure described in paragraphs 3 below.

2. Interpretation issues subsequent to UN type approval being granted

In situations where different interpretations exist between Approval Authorities, but subsequent to an approval being issued the following procedures shall be followed.

In the first instance, the Approval Authorities concerned shall seek to resolve the issue by mutual agreement. This will require liaison and for each Contracting Party to review the procedures used to test and approve the vehicle/equipment/part being the subject of the interpretation dispute. The following procedures will be applied:

- (a) In the event of an error being acknowledged by the Approval Authority, the Approval Authority shall take an action in accordance with the provisions of the 1958 Agreement, and in particular its Article 4.

- (b) Where agreement is reached which necessitates a new or different interpretation of existing practice (by either Approval Authority), then this shall be communicated to other Contracting Parties applying the UN Regulation concerned as a matter of urgency. The other Parties shall have 14 days to comment upon the decision, following which the Approval Authority, having taken account of any comments received, can issue UN type approvals in accordance with the new interpretation.
- (c) Where agreement cannot be reached, then the Approval Authorities concerned shall seek further review by the arbitration process described in paragraph 3 below.
- (d) In any event, the matter shall be brought to the attention of the competent subsidiary Working Party. If deemed necessary, the subsidiary Working Party shall submit to WP.29 proposals for suitable regulatory amendments aimed at resolving the difference of interpretations.

3. Arbitration process through the subsidiary Working Parties and WP.29

The Chairpersons of the subsidiary Working Parties (GRs) shall identify the issues arising from diverging interpretations between Contracting Parties in relation to the application of UN Regulations and the granting of UN type approvals pursuant to these UN Regulations, with a view to put in place measures at the earliest opportunity to resolve the different interpretations.

The Chairperson of the Working Parties will develop suitable procedures to deal with such interpretation issues, in order to be able to demonstrate to WP.29 that:

- (a) full consideration is given to the different opinions by the Approval Authorities of the Contracting Parties concerned, as well as to the views of other Contracting Parties applying the UN Regulation;
- (b) decisions are based upon appropriate technical advice, taking full account of the subject area;
- (c) wherever possible, an unanimous decision is reached; and
- (d) procedures are transparent and auditable.

If necessary to resolve the issue, the Chairperson shall have the power to add to the next available meeting of the subsidiary Working Party a new agenda item relating to the issue, without the need to obtain prior approval of WP.29. In these circumstances, the Chairperson shall have to report progress to WP.29 at the earliest opportunity.

At the end of arbitration process, the Chairperson shall provide a report to WP.29.

3.1. Where the issue can be resolved within the current regulatory context:

The interpretation of the UN Regulation as agreed in the Working Party shall be implemented and Approval Authorities shall issue UN type approvals accordingly.

3.2. Where the issue can not resolved within the current regulatory context:

WP.29 shall be informed about the issue. Having considered the facts, WP.29 shall request the relevant subsidiary Working Party to consider the issue as a priority item at its next session. The agenda of the session shall be amended accordingly.

The subsidiary Working Party shall consider any proposal received in respect of the interpretation issue and shall submit formal proposals to WP.29 to amend the UN Regulation concerned following the normal procedures. WP.29 will consider the issue as a priority item at its next meeting.

[CHAPTER 5

SPECIAL AMENDMENT PROCEDURES FOR NEW TECHNOLOGIES

Comment [r27]: Subject to further review on the basis of amended proposals to be submitted

1. Contracting Parties applying a UN Regulation may, on application by the manufacturer or supplier, grant exemption approval pursuant to a UN Regulation in respect of a vehicle, equipment or part that incorporates technologies which are incompatible with one or more requirements of that UN Regulation, subject to authorisation being granted by the Administrative Committee of the 58 Agreement under the procedure described in the following paragraphs.
2. Pending the decision as to whether or not authorisation for such exemption approval is granted, the Contracting Party applying the UN Regulation may grant provisional approval, valid only in its territory. Other Contracting Parties applying that UN Regulation may decide to accept this provisional approval in their territory.
3. The Contracting Party shall notify the Administrative Committee of its decision, accompanied by a file containing the following elements:
 - (a) the reasons why the technologies or concept concerned make the vehicle, equipment or part incompatible with the requirements of the existing UN Regulation concerned;
 - (b) a description of the safety and environmental or other considerations concerned, and the measures taken;
 - (c) a description of the tests, including their results, demonstrating that, by comparison with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured;
4. The Administrative Committee shall consider the notification referred to in Paragraph 3 above as a priority item at its next session following receipt of the notification.
5. If the Administrative Committee approves the notification in accordance with the Rules of Procedure described in Appendix 1, the Contracting Party shall be authorised to grant exemption approval to the UN Regulation and this exemption approval shall be recognised by the Contracting Parties applying the UN Regulation, pursuant to Articles 3 and 12 of the 58 Agreement.

Where appropriate, the Administrative Committee shall specify in the adoption decision whether the exemption approval is subject to any restrictions, such as time limits. In all cases, the validity of the exemption approval shall not be less than thirty-six months.

The Contracting Party granting the exemption approval shall ensure that the manufacturer fully complies with all restrictions associated with this approval.

The Administrative Committee shall at the same time request the subsidiary Working Party responsible for the UN Regulation in question to prepare an amendment to the UN Regulation for which the exemption approval was granted in order to adapt it to the technological development.

6. As soon as the relevant regulation has been amended, any restriction attached to the exemption approval shall be lifted immediately.
7. If the necessary steps to adapt the regulation have not been taken, the validity of an exemption may be extended, at the request of the Contracting Party which granted the exemption approval, by another decision adopted in accordance with the procedure described in paragraphs 2 and 3 of this section.
8. If the Administrative Committee decides to refuse authorisation, the Contracting Party that issued the provisional approval referred to in paragraph 2 shall immediately give notice to the holder of the provisional approval that this provisional approval will be revoked six months after the date of the decision, with a minimum of twelve months validity of the provisional approval. However, vehicles manufactured in conformity with the provisional approval before it was revoked shall be permitted to be registered, sold or enter service in any Contracting Party that accepted the provisional approval in line with paragraph 2 above.]

CHAPTER 6
GENERAL CONDITIONS FOR VIRTUAL TESTING METHODS

1. Virtual test pattern

The following scheme shall be used as basis structure for describing and conducting virtual testing:

- (a) purpose;
- (b) structure model;
- (c) boundary conditions;
- (d) load assumptions;
- (e) calculation;
- (f) assessment;
- (g) documentation.

2. Fundamentals of computer simulation and calculation

2.1. Mathematical model

The mathematical model shall be supplied by the manufacturer. It shall reflect the complexity of the structure of the wheeled vehicles, equipment and parts to be tested in relation to the requirements of the UN Regulations concerned and its boundary conditions.

The same provisions shall apply *mutatis mutandis* for testing components independently from the vehicle.

2.2. Validation process of the mathematical model

The mathematical model shall be validated in comparison with the actual test conditions.

To that effect physical testing shall be conducted as appropriate for the purposes of comparing the results obtained when using the mathematical model with the results of a physical test. Comparability of the test results shall be proven. A validation report shall be drafted by the manufacturer or by the technical service and submitted to the approval authority.

Any change made to the mathematical model or to the software likely to invalidate the validation report shall be brought to the attention of the approval authority which may require that a new validation process is conducted.

2.3. Documentation

The data and auxiliary tools used for the simulation and calculation shall be made available by the manufacturer and be documented in a suitable way.

3. Tools and support

At the request of the approval authority or the technical service, the manufacturer shall supply or provide access to the necessary tools including appropriate software.

In addition the manufacturer shall provide appropriate support to the approval authority or the technical service.

Providing access and support to a technical service does not remove any obligation of the technical service regarding the skills of its personnel, the payment of licence rights and respect of confidentiality.
