162\textsuperscript{nd} MEETING OF THE
WORLD FORUM FOR HARMONISATION OF VEHICLE REGULATIONS
12 March 2014

Agenda item 4.4:
Updated proposal for Revision 3 of the UNECE 1958 Agreement

Working document WP.29/2014/26
Informal document WP.29-162-04
Review of the 1958 Agreement

**Overall Objectives:**

✓ fostering participation of more countries and regional economic integration organizations in the activities of the World Forum (WP.29)

✓ increase the number of Contracting Parties to the 1958 Agreement (make it more attractive)

✓ 1958 Agreement to remain the key international framework for the harmonization of technical regulations in the automobile sector (ensure its continued functioning & reliability)
Proposed actions to make the 1958 Agreement more attractive:

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

What will be the main novelties?
Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be maintained?

✓ Countries which are using self-certification in their national legislation, are not prevented from becoming Contracting Party to the 1958 Agreement and to apply its UN Regulations

✓ Application of UN Regulations nationally is not related to the existence of a national type approval system.

✓ The rights of new Contracting Parties to the 1958 Agreement to declare that they will not apply certain UN Regulations or any of them.

✓ Right for new Contracting Parties to start applying a UN Regulation at a later stage

✓ Right for a Contracting Party to cease application of a UN Regulation
Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be confirmed/clarified?

principle of mutual recognition of type-approvals:

CPs applying a UN Regulation:

☑ cannot refuse type approvals issued pursuant to the latest version of this UN Regulation

☑ cannot be obliged to accept type approvals issued pursuant to earlier versions of that UN Regulation
Review of the 1958 Agreement – state of play

Proposed actions to make the 1958 Agreement more attractive:

What will be confirmed/clarified?

Rights and Obligations of Contracting Parties applying a UN Regulation

✓ all CPs applying a UN Regulation have to accept type-approvals based on the latest version of that UN Regulation

✓ all CPs applying a UN Regulation are entitled, when complying with the technical competence criteria in Article 2, to issue type approvals pursuant to that UN Regulation.

✓ A CP applying a UN Regulation may also issue type-approvals pursuant to earlier versions of the UN Regulation (i.e. to preceding amendments or to the un-amended UN Regulation), but other CPs applying the same UN Regulation cannot be obliged to accept such type-approvals

✓ all CPS applying a UN Regulation have the right to participate in the preparation and voting of future amendments to that UN Regulation.
## Review of the 1958 Agreement – state of play

### Proposed actions to improve functioning of the 1958 Agreement:

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<td><strong>Appendix</strong> Composition and Rules of Procedure of the Administrative Committee (reviewed)</td>
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<th>Annexes (UN Regulations)</th>
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<td>No.0 IWVTA: International Whole Vehicle Type Approval (new)</td>
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<td>No.131 AEBS</td>
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### Schedules of Administrative and Procedural Provisions (SAPP):

- Will be included in the revised 1958 Agreement
- Apply to all UN Regulations annexed to the Agreement & to all CPs applying one or more of these UN Regulations
Proposed actions to improve functioning of the 1958 Agreement:

- **Article 1:** clarification of terms + what UN Regulations shall cover (performance oriented requirements) + special IWVTA Regulation
- **Article 2:** clearer and enhanced conditions to issue type-approvals + enhanced provisions on Conformity of Production in Schedule 1 + inclusion of criteria for technical services in Schedule 2 + approval procedures, markings & identifiers in Schedules 3 to 5
- **Article 3:** clarification of the principle of mutual recognition of type-approval certificates: "certified once – accepted by all Contracting Parties" i.e. without requiring any further testing, documentation, certification or marking concerning these type approvals + taking into account special provisions within UN Regulations
- **Article 4:** enhanced safeguard provisions, in particular with regard to approved vehicles which nevertheless do not comply with the technical and administrative requirements of the UN Regulation(s)
Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

✓ Article 5: enhanced information exchange between Contracting Parties (use of DETA – Schedule 5)
✓ Article 8: clarify status of approvals issued by CP denouncing the Agreement
✓ Article 10: procedure for solving *diverging interpretation issues* between CPs concerning the application of UN Regulations (details in Schedule 6)
✓ Article 12: amendment procedure for UN Regulations:
  + shorter and *simpler notification* procedure (UNECE Secretariat)
  + clarification of *transitional provisions*
  + introduction of the *possibility to issue type-approvals pursuant to earlier versions of UN Regulations*
  + special amendment procedure for *new technologies* (Schedule 7)
  + impact of a new amendment on CPs having notified their intention to cease the application of the UN Regulation concerned
✓ Article 13: more time for CPs to consider future amendments to the Agreement
✓ Article 13 bis: flexible amendment procedure for the Schedules
Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

✓ Appendix: Rules of procedure of Administrative Committee

3 new articles:

✓ Art. 7: flexible amendment procedure for the Schedules (SAPP)
✓ Art. 8: authorisation procedure for Contracting Parties to issue exemption approvals for new technologies
✓ Art. 9: procedure for Contracting Parties to vote by delegation
Review of the 1958 Agreement – state of play

Proposed actions to improve functioning of the 1958 Agreement:

✓ Schedule 1: clearer provisions on Conformity of Production
✓ Schedule 2: inclusion of assessment criteria for Technical Services
✓ Schedule 3: how to apply for and how to conduct type-approval, as well as how to amend type-approvals
✓ Schedule 4: harmonised procedure for numbering of type approvals
✓ Schedule 5: information exchange between CPs on approvals issued unique identifier – DETA database
✓ Schedule 6: procedure for solving diverging interpretation between CPs concerning the application of UN Regulations
✓ Schedule 7: procedure for exemption approvals for new technologies
✓ Schedule 8: general conditions for virtual testing methods
Review of the 1958 Agreement – next steps

1. **WP29** to address the **request by Asian countries** – either already Contracting Party to the current 1958 Agreement or interested in acceding the revised 1958 Agreement – **to increase the 2/3 majority voting rule** to ensure **they will have a fair share in the decision process**.

2. **IWVTA IG** to finalise the **review of Article 4** (safeguard measures against non-compliant vehicles, parts and equipment) at its next meeting (Paris, 17 March 2014).
Review of the 1958 Agreement – time line

1. **CPs to the 1958 Agreement** and other interested Participants are invited as from now to:
   - scrutinise the proposals for revision 3 of the 1958 Agreement
   - provide feedback to WP.29 on any outstanding questions, comments, concerns, need for clarification...

2. WP.29 to consider outstanding issues raised & to request IWVTA informal group to address & resolve outstanding issues for consideration by WP.29 in **November 2014**

3. Subject to outstanding issues satisfactorily resolved, WP.29 to verify whether unanimity by all Contracting Parties to the 1958 Agreement can be achieved for the proposals (**March 2015**)

4. The formal **Article 13 procedure for amending the Agreement to be launched (June 2015)** after which the 6 + 3 months notification periods will start

5. Anticipated **entry into force of revised Agreement**: **March 2016**
Proposal for Revision 3 to the 1958 Agreement

Consider proposal

Verify whether unanimity can be achieved

1^st Notification (Beginning of the 6 months period)

 Possibility to oppose

2^nd Notification (Objections, if any)

Entry into force

March 2015

June 2015

December 2015

March 2016