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## Recommendation on Article 15.3 of Revision 3 to the 1958 Agreement

This document aims to resume consideration of the Informal Working Group (IWG) on the International Whole Vehicle Type Approval (IWVTA) on an interpretation of Article 15.3., as explained in document SG58-22-05. It addresses whether or not the administrative procedures of Revision 3 should also be followed for the type approvals already granted under former Revisions to the 1958 Agreement.

### Introduction:

Article 15, paragraph 3 of the Agreement give Contracting Parties (CP) the possibility to treat any existing UN Regulations under the terms of new Revision 3 to the 1958 Agreement:

"Art.15.3. If all Contracting Parties to the Agreement agree, any UN Regulation adopted under the terms of the previous version of the Agreement may be treated as though it were a UN Regulation adopted under the terms of the above provisions."

When taking a decision on how to proceed with UN Regulations annexed to the Agreement, the following aspects have to be considered by the Contracting Parties to the 1958 Agreement:

- (a) The provisions of the new Schedules for the administrative procedures and specifically the more stringent provisions for the Conformity of Production (CoP);<sup>1</sup>
- (b) The modified voting conditions for the adoption of amendments to existing UN Regulations;
- (c) The possibility by CP to grant type approvals according to former versions of UN Regulations;
- (d) The use of the Database for the Exchange of Type Approvals (DETA) between all CP; and
- (e) The new provisions for the IWVTA system.

At its 170<sup>th</sup> session in November 2016, the World Forum exchanged views on this subject WP.29 noted the recommendation of the IWG on IWVTA to **treat any existing UN Regulation adopted in the past under the terms of new Revision 3 to the 1958 Agreement**, once it enters into force by mid of September 2017. A similar decision has been taken by the CP after the entry into force of Revision 2 in 1995/96 (see WP.29 report TRANS/WP.29/487, paras. 19, 20 and 101).

WP.29 invited all CP to send their concerns about this approach, if any, to the secretariat (see excerpt of para. 63 of the WP.29 report ECE/TRANS/WP.29/1126).

"63. WP.29 noted the request by the IWG for a common position by the Contracting Parties (according to Article 15.3 of the 1958 Agreement) on the follow-up of administrative procedures (SG58-22-05). Thus, the IWG on IWVTA had recommended also for existing UN Regulations to follow the new procedures (in particular the conformity of production) of Revision 3, once it entered into force. Contracting Parties with concerns about this approach were invited to send their comments to the secretariat."

Up to date, no concerns have been received by the secretariat on this subject. Thus, the UNECE secretariat proposes to reflect, in the report of the November 2017 session of WP.29 the following statements:

xx.AC2 The Administrative Committee WP.29/AC.2 considered the legal processing of new UN Regulations and amendments to existing UN Regulations which were adopted before the entry into force of the amended 1958 Agreement (Revision 3). WP.29/AC.2 noted that no CP has raised concern on this subject and recommended that WP.29 makes a decision on applying the procedures of Revision 3 for existing UN Regulations as discussed during its 170th session (ECE/TRANS/WP.29/1126, para. 63).

xx.WP29 The World Forum considered the issue of implementing Article 15.3 of the amended 1958 Agreement (Revision 3) on the legal processing of new UN Regulations and amendments to existing UN Regulations which were adopted before the entry into force of the amended 1958 Agreement (Revision 3). Following an exchange of views and taking into account that no Contracting Party had raised concern on this subject, WP.29 endorsed the recommendation by WP.29/AC.2 that for the legal processing of new UN Regulations and amendments to existing UN Regulations which were adopted before the entry into force of the amended 1958 Agreement, all Contracting Parties shall follow the procedures of its Revision 3.

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<sup>1</sup> including the quality assurance assessment, certification and conformity of production procedures, the tasks, responsibilities and competences of involved parties and aspects related to the enforcement (market surveillance and safeguard measures, etc.).