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ADDITIONAL MODIFICATIONS PROPOSED BY THE U.S. TO
THE PROPOSAL FOR A DRAFT AGREEMENT
CONCERNING THE ESTABLISHING OF GLOBAL TECHNICAL REGULATIONS
FOR VEHICLES, ENGINES AND COMPONENTS

(Document TRANS/WP.29/1997/1/Rev.1)

Transmitted by the United States of America

Note: The text reproduced below contains additional proposals by the United States of America. The justifications of individual proposals are printed in **bold** characters.

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Article 2,

Paragraph 2.1., delete parts of the last sentence that describe the REIO:
"and to which their member States have transferred powers in the fields covered by this Agreement."
Much of this description repeats the definition in Annex A, paragraph 12.

Also, reorganize paragraph 2.1. to read:
"Countries that are members of the Economic Commission for Europe (ECE), regional economic integration organizations that are set up by such countries that are Contracting Parties to this Agreement, and countries that are admitted to the ECE in a consultative capacity in accordance with paragraph 8 of the ECE's Terms of Reference, may become Contracting Parties to this Agreement."

As worded in TRANS/WP.29/1997/1/Rev.1, paragraph 2.1. implies that countries that are admitted to ECE under paragraph 8 could also join a REIO, which is unlikely.

Paragraph 2.2., delete parts of the sentence that describe the REIO.
Same as paragraph 2.1.

Article 4,

Paragraph 4.1.3.4., first line, delete the word "national."
The Agreement on the TBT does not refer to "national" standardizing organizations, only "international" ones.

Article 5,

Paragraph 5.2.3., insert on second line after the word "Article":
"... and meet the criteria of Article 4 of this Agreement,"
and delete: "are within the scope of this Agreement."
This change was suggested by the delegates from Greece and Finland during the June 1997 WP.29 session and was overlooked in informal document No. 27. The reason for this recommended change is that the scope of the Agreement is not well defined. Article 4, however, defines the criteria for listing regulations on the Compendium or establishing regulations in the Global Registry.

Paragraph 5.4.3., add the following sentence:
"... regulation. Such written request shall include the basis for the removal of the regulation."
To advise countries that may have adopted this regulation of the reasons for its removal.

Article 6,

Paragraph 6.2.3., insert on second line after the word "incomplete":
"or does not meet the criteria of Article 4 of this Agreement."

Same reason as Article 5.2.3.

Paragraph 6.3.3., insert on second line after the word "incomplete":
"or does not meet the criteria of Article 4 of this Agreement," and delete: "are within the scope of this Agreement."

Same reason as Article 5.2.3.

Article 7,

Paragraph 7.1., insert on line 2 after the words "Contracting Parties",
"present and voting,".

This change is recommended in order to clarify that Parties that abstain from voting are not also obliged to initiate the appropriate domestic process.

Paragraph 7.8., insert a new paragraph 7.8. that reads as follows:
"7.8. A Contracting Party that initiates the appropriate process but does not adopt the global technical regulation into law shall notify the Secretary-General in writing of its decision and the basis for its decision. Notification shall be provided within sixty days after the date of its decision."
In the interest of harmonization, it is important that Contracting Parties that have voted positively for the establishment of a global technical regulation, but did not adopt the regulation into law after initiating the appropriate domestic process, report back the reasons for not adopting the regulation.

Article 8,

Paragraph 8.2., revise the last sentence to read:
"Where this process fails to resolve the issues, the Contracting Parties concerned may agree to request the Executive Committee to resolve the issue as provided in paragraph 7.3 of Annex B."

As worded in TRANS/WP.29/1997/1/Rev.1, the sentence implies that there may be a binding decision by the Executive Committee. The Contracting Parties should agree to request assistance from the Executive Committee.

Article 10,

Paragraph 10.1., revise to read:

"... following the date on which a minimum of two countries have become Contracting Parties pursuant to Article 9."

This change is recommended because, since a REIO can only cast the number of votes equal to that of its Member States, it realistically cannot become a Contracting Party without at least one of its Member States becoming a Contracting Party as well.

Article 12,

Revise the entire Article, to read:

- "12.1. A Contracting Party may propose amendments to this Agreement and Annexes to this Agreement. Proposed amendments shall be submitted to the Secretary-General, who shall transmit them to all Contracting Parties.
- 12.2. A proposed amendment circulated in accordance with paragraph 12.1. of this Article shall be considered by the Executive Committee at its earliest next scheduled meeting. An amendment shall enter into force for all Contracting Parties when:
- 12.2.1. Approved by a consensus vote of the Contracting Parties; and
- 12.2.2. Accepted by all of the Contracting Parties in accordance with their respective constitutional processes. Acceptance by a Contracting Party shall be effected by the deposit of an instrument of acceptance with the Secretary-General."

This change is introduced to clarify the adoption process for amendments to the Agreement. Also, in paragraph 12.1., "and all other countries referred to in paragraph 2.1. of Article 2," was deleted because it is not correct to submit potential amendments to countries that are not Contracting Parties.

Article 13,

In the heading, delete "and all other countries referred to in paragraph 2.1. of Article 2," for the **same reason stated above for Article 12.1.**

Article 14,

Delete paragraph 14.1. and renumber.

The normal international law rule is that territories are covered when their sovereign becomes party to an agreement. Therefore, there is no need for this provision in this Agreement.

Annex A,

Delete definitions 5, 8 and 14.

They are not necessary, since they have already been defined in the text of the Agreement.
