



Economic and Social Council

Distr.
GENERAL

TRANS/WP.29/2000/65/Add.1
11 April 2001

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

World Forum for Harmonization of Vehicle Regulations (WP.29)
(One-hundred-and-twenty-fourth session, 26-29 June 2001,
agenda item 7.1.)

WORLD FORUM FOR HARMONIZATION OF VEHICLE REGULATIONS (WP.29)
HOW IT WORKS
HOW TO JOIN IT

Addendum 1

Transmitted by the secretariat

Note: The text reproduced below was prepared by the secretariat in order to update the original draft. Besides the additional sections received from the European Community and from the United States of America, it contains the amendments resulting from the new developments, in particular concerning the multilateral agreements (TRANS/WP.29/776, paras. 16 and 99).

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<http://www.unece.org/trans/main/welcwp29.htm>

General amendment:

Throughout the text, amend the abbreviation "ECE" to read "UN/ECE" and the words "ECE Regulation(s)" to read "UN/ECE Regulation(s)".

Chapter IV, Agreements Administered by WP.29,

The 1958 Agreement, amend to read:

"

The 1958 Agreement currently has 37 Contracting Parties, of which 33 are European ECE member countries. Other Contracting Parties include the European Community (regional economic integration organization), Japan, Australia and the Republic of South Africa. Chart 2 lists the Contracting Parties to the Agreement and the date of application of the Agreement by those Parties. Ireland is a European Community Member State, which by virtue of the European Community accession to the Agreement applies the UN/ECE Regulations that the Community applies.

The Agreement has 114 ECE Regulations annexed to it. These Regulations govern"

Chart 2, Contracting Parties to the 1958 Agreement, amend to read:

"CHART 2 - CONTRACTING PARTIES TO THE 1958 AGREEMENT

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
(E/ECE/324-E/ECE/TRANS/505/Rev.2)

Date of entry into force: Original version: 20 June 1959
Revision 1: 10 November 1967
Revision 2: 16 October 1995

ECE symbol	Contracting Party	Became Party to the Agreement on
E 1	GERMANY <u>1</u>	28. 1.1966
E 2	FRANCE	20. 6.1959
E 3	ITALY	26. 4.1963
E 4	NETHERLANDS	29. 8.1960
E 5	SWEDEN	20. 6.1959
E 6	BELGIUM	5. 9.1959
E 7	HUNGARY	2. 7.1960
E 8	CZECH REPUBLIC <u>3</u> /	1. 1.1993
E 9	SPAIN	10.10.1961
E 10	YUGOSLAVIA <u>10</u> /	27. 4.1992
E 11	UNITED KINGDOM	16. 3.1963
E 12	AUSTRIA	11. 5.1971
E 13	LUXEMBOURG	12.12.1971
E 14	SWITZERLAND	28. 8.1973
E 15	-----	
E 16	NORWAY	4. 4.1975
E 17	FINLAND	17. 9.1976
E 18	DENMARK	20.12.1976
E 19	ROMANIA	21. 2.1977
E 20	POLAND	13. 3.1979
E 21	PORTUGAL	28. 3.1980
E 22	RUSSIAN FEDERATION	17. 2.1987
E 23	GREECE	5.12.1992
E 24	IRELAND <u>9</u> /	24. 3.1998
E 25	CROATIA <u>5</u> /	8.10.1991
E 26	SLOVENIA <u>2</u> /	25. 6.1991
E 27	SLOVAKIA <u>4</u> /	1. 1.1993
E 28	BELARUS	2. 7.1995
E 29	ESTONIA	1. 5.1995
E 30	-----	
E 31	BOSNIA AND HERZEGOVINA <u>6</u> /	6. 3.1992
E 32	LATVIA	18.1.1999
E 33	-----	
E 34	BULGARIA	21. 1.2000
E 35-36	-----	
E 37	TURKEY	27. 2.1996
E 38-39	-----	
E 40	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA <u>7</u> /	17.11.1991
E 41	-----	
E 42	EUROPEAN COMMUNITY <u>8</u> /	24. 3.1998
E 43	JAPAN	24.11.1998
E 44	-----	
E 45	AUSTRALIA	25. 4. 2000
E 46	UKRAINE	30. 6. 2000
E ..	REPUBLIC OF SOUTH AFRICA 2001

1/ Effective 3 October 1990, the German Democratic Republic acceded to the Federal Republic of Germany.

2/ Succession to Yugoslavia, Depositary notification C.N.439.1992.TREATIES-53 of 18 March 1993.

3/ Succession to Czechoslovakia, Depositary notification C.N.229.1993.TREATIES of 14 December 1993.

4/ Succession to Czechoslovakia, Depositary notification C.N.184.1993.TREATIES, received on 20 July 1994.

5/ Succession to Yugoslavia, Depositary notification C.N.66.1994.TREATIES-10 of 31 May 1994.

6/ Succession to Yugoslavia, Depositary notification C.N.35.1994.TREATIES of 2 May 1994.

7/ Succession to Yugoslavia, Depositary notification C.N.142.1998.TREATIES-33 dated 4 May 1998.

8/ Approvals are granted by its Member States using their respective ECE symbol.

9/ By virtue of accession to the Agreement by the European Community on 24 March 1998.

10/ Succession to Yugoslavia, Depositary notification C.N.276.2001.TREATIES-3 dated 2 April 2001"

The 1998 Global Agreement, amend to read:

".....

The 1998 Agreement entered into force on 25 August 2000 for 8 Contracting Parties and it has currently 12 Contracting Parties and one signatory country. Chart 3 lists the Contracting Parties to the Agreement and the date of application of the Agreement by those Parties."

Chart 3, amend to read:

"CHART 3 - CONTRACTING PARTIES TO THE 1998 GLOBAL AGREEMENT

CONCERNING THE ESTABLISHING OF GLOBAL TECHNICAL REGULATIONS FOR WHEELED VEHICLES,
EQUIPMENT AND PARTS WHICH CAN BE FITTED AND/OR BE USED ON WHEELED VEHICLES

(E/ECE/TRANS/132 AND Corr.1)

Date of entry into force: Original version: 25 August 2000

Contracting Party	Signature / ratification / acceptance / accession date	Application of the Agreement on
CANADA	22 June 1999 (s)	25 August 2000
UNITED STATES OF AMERICA	26 July 1999 (A)	25 August 2000
JAPAN	3 August 1999 (A)	25 August 2000
FRANCE	4 January 2000 (AA)	25 August 2000
UNITED KINGDOM	10 January 2000 (s)	25 August 2000
EUROPEAN COMMUNITY	15 February 2000 (AA)	25 August 2000
GERMANY	11 May 2000 (s)	25 August 2000
RUSSIAN FEDERATION	26 July 2000 (s)	25 August 2000
PEOPLE'S REPUBLIC CHINA	10 October 2000 (A)	9 December 2000
REPUBLIC OF KOREA	2 November 2000 (a)	1 January 2001
ITALY	1 December 2000 (a)	30 January 2001
REPUBLIC OF SOUTH AFRICA	[] (A) <u>*/</u>	[]
SPAIN	[] (A) <u>**/</u>	[]

- (s) Definitive signature
(A) Ratification, Acceptance
(AA) Approval
(a) Accession

*/ Signed, subject to ratification on 14 June 2000 and ratified on [...] – communication to the UN Secretary-General in progress

**/ Signed, subject to ratification on 24 August 2000"

The 1997 Agreement on Periodical Technical Inspections, amend to read (deleting also footnote 1/):

"The 1997 Agreement was done at Vienna on 13 November 1997, during the ECE Regional Conference on Transport and the Environment and signed by 23 countries (see Chart 4). The Agreement provides the legal framework

.....

The 1997 Agreement entered into force on 27 January 2001 for 5 Contracting Parties. Ratification by 19 signatory countries is awaited. Chart 4 lists the Contracting Parties to the Agreement and the date of application of the Agreement by those Parties.

Draft Rule No. 1 had been proposed, and endorsed by the ECE Regional Conference on Transport and the Environment. The Administrative Committee of the Agreement at its first session adopted it on 8 March 2001, and it will be annexed to the Agreement, following the provisions of Articles 1 and 2 of the Agreement. Draft Rule No. 1 addresses the environmental performance of passenger carrying vehicles and goods vehicles used in international transport, with a maximum mass exceeding 3.5 tonnes.

A proposal for draft Rule No. 2 addressing safety of the same categories of vehicles is under consideration by WP.29. It is foreseen that in the future the Agreement may be extended to address all categories of vehicles in international as well as in domestic transport.

Application of the 1997 Agreement on Periodical Technical inspections and its Rule No. 1 is required by the amendment to the 1971 European Agreement supplementing the 1968 Convention on Road Traffic. This amendment to the 1971 Agreement, seeking improved protection of the environment in Europe, entered into force on 27 January 2001, for all its Contracting Parties. Germany and Switzerland conditioned their acceptance by the entry into force of the 1997 Agreement on Periodical Technical Inspections. The Agreement is in force since 27 January 2001, but not yet for the two countries concerned."

Chart 4, amend to read:

"CHART 4 - CONTRACTING PARTIES TO THE 1997 AGREEMENT**CONCERNING THE ADOPTION OF UNIFORM CONDITIONS FOR PERIODICAL TECHNICAL INSPECTIONS OF
WHEELED VEHICLES AND THE RECIPROCAL RECOGNITION OF SUCH INSPECTIONS**

(ECE/RCTE/CONF./4)

Date of entry into force: Original version: 27 January 2001

Contracting Party	Signature / ratification / acceptance / accession date	Application of the Agreement on
RUSSIAN FEDERATION	13 November 1997 (s)	27 January 2001
ESTONIA	9 September 1998 (a)	27 January 2001
NETHERLANDS	5 February 1999 (A)	27 January 2001
ROMANIA	24 February 1999 (A)	27 January 2001
HUNGARY	28 November 2000 (A)	27 January 2001
AUSTRIA	[] */	
BELGIUM	[] */	
CYPRUS	[] */	
CZECH REPUBLIC	[] */	
DENMARK	[] */	
FINLAND	[] */	
FRANCE	[] */	
GEORGIA	[] */	
GERMANY	[] */	
GREECE	[] */	
IRELAND	[] */	
ITALY	[] */	
PORTUGAL	[] */	
SLOVAKIA	[] **/	
SPAIN	[] */	
SWEDEN	[] */	
SWITZERLAND	[] */	
UNITED KINGDOM	[] */	
UKRAINE	[] */	

- (s) Definitive signature
(A) Ratification, Acceptance
(AA) Approval
(a) Accession

*/ Signed, subject to ratification on 13 November 1997

**/ Signed, subject to ratification on 29 June 1998"

Chapter VI, Special Considerations and Actions Attendant to Agreements Administered by WP.29, amend to read:

Agreement Concerning the Establishing of Global

.....

Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled

.....

- Conditions that any Contracting Party applying a Regulation that is annexed to the Agreement shall hold products type approved to be in conformity with the legislation of all the Contracting Parties applying the said Regulation through type approval. (Article 3)

....."

Annex IV, (the text of the 1997 Agreement), insert on the title page a reference to footnote */ and footnote *//, to read:

".....

(Reproduction of document ECE/RCTE/CONF./4) */

*/ Please note that throughout the text of the Agreement the word "Rule" should have been translated as "Règle" (not "règlement") in French and "Predpisanie" (not "Pravilo") in the Russian language (see TRANS/WP.29/689, para.127).

Annex VI, National and Regional Regulatory Development and Enforcement Processes,

Section 1, replace by the following text:

Section 1

REGULATORY PROCESS - EUROPEAN COMMUNITY

The European Community has been engaged in the work of technical harmonization in the motor vehicle construction sector (power-driven and other road vehicles with four or more wheels, including agricultural and forestry tractors) since the 1960s; this has led to date to the adoption of more than 80 Directives enabling EC type-approval to be granted for types of vehicle or components. Similar work in the sector of two- or three-wheeled vehicles and their components, begun in 1989, has led to the adoption of 13 Directives for the full type-approval of such vehicles.

While the basic aim of these Directives was to harmonize the different forms of legislation in the member States, it was safety and the protection of the environment that came to predominate in the course of time. The harmonization of these two aspects is effected with the most extreme severity. For motor vehicles of category M1 and two- or three-wheeled vehicles Community legislation is mandatory in that only Community requirements can apply. For vehicles other than power-driven vehicles and for agricultural and forestry tractors Community regulations are still optional in that the constructor has the choice between complying with Community requirements, allowing access of vehicles in conformity with these requirements throughout the territory of the Community, and complying with national requirements, where these exist, permitting free access of vehicles conforming to them only to the territory of member States which in addition to Community requirements have kept their national requirements.

The Directive is the chosen legal medium, i.e. that of an act linking member States in terms of the results to be achieved, but leaving national bodies with competence as regards the form and the means. Most of these Directives are based on work similar to the work done in the context of the United Nations Economic Commission for Europe (UN/ECE), which has resulted in more than a hundred Regulations annexed to the revised 1958 Agreement. Equivalence between Community Directives and UN/ECE Regulations is increasingly sought in order to achieve a geographically wider area of harmonization.

The Community assigns considerable importance to the work of UN/ECE in this regard, based on the assumption that it has now become the World Forum for the harmonization of motor vehicle construction and performance requirements.

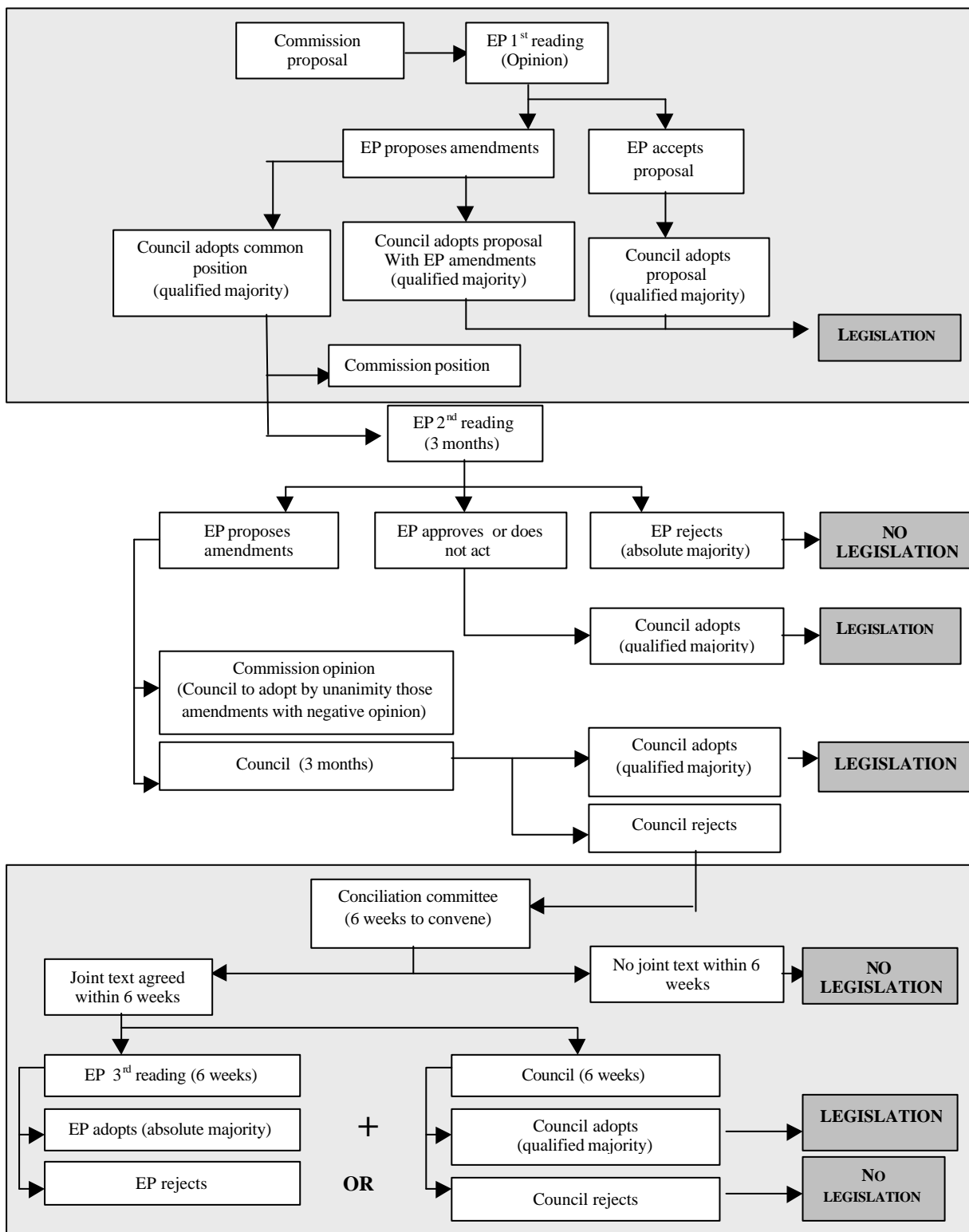
On 24 March 1998 the European Community became a Contracting Party to the UN/ECE revised 1958 Agreement. By acceding to it, the Community has also acceded to 78 UN/ECE Regulations annexed to the Agreement, which have become alternatives to the technical annexes of the corresponding Community Directives. The Community's participation in the revised 1958 Agreement is directed in particular at strengthening the importance of the work of harmonization carried out under the Agreement, facilitating access to the markets of third countries and reinforcing consistency between the UN/ECE Regulations and the Community Directives.

The European Community may at any time recognize other Regulations than the 78 Regulations recognized on its accession to the revised 1958 Agreement, and any new Regulations. For this purpose the Commission will submit a draft decision to the Council which will decide once the European Parliament has given its approval.

According to the conditions laid down in article 6 of the Council Decision with a view to the accession by the European Community to the revised 1958 Agreement, Member States which will subscribe or have subscribed to UN/ECE Regulations to which the Community is not bound may continue to manage and develop those regulations by adopting amendments reflecting technical progress.

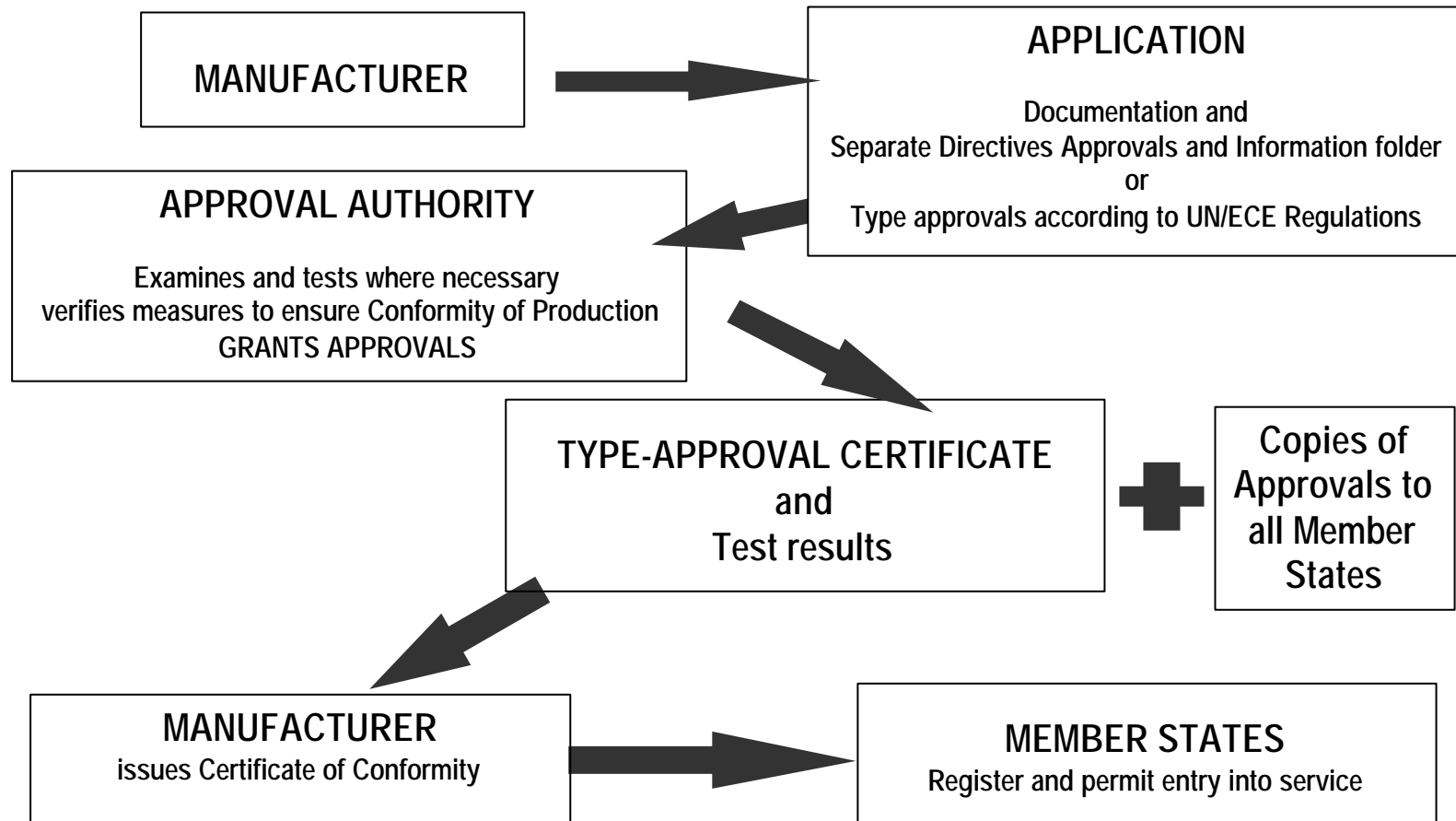
Appendix 1

Co-decision procedure



Appendix 2

Operation of EC type-approval (based on Directive 70/156/EEC)



Section 4, RULEMAKING PROCESS - UNITED STATES OF AMERICA,

Table of Contents, amend to read:

".....

- D. Judicial Review
- III. U.S. Process for Assuring Compliance with Safety and Emission Standards
- IV. Glossary of Acronyms
- V. For Further Information, Contact"

Paragraph I. Introduction, amend to read:

"..... are adopted by EPA and NHTSA using, for the most part, the informal rulemaking process. As well as describing the rulemaking system used in the U.S. by EPA and NHTSA to establish regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, this paper also briefly discusses the compliance and enforcement system used in the U.S. by EPA and NHTSA to assure manufacturers' compliance with the safety and emission standards contained within the regulations established through the informal rulemaking process."

Insert new paragraph III., to read:

"III. U.S. Process for Assuring Compliance with Safety and Emission Standards

In the United States, the Federal government maintains a set of objective (e.g., numerical), practicable safety and environmental requirements that all vehicles, equipment and parts must meet. These requirements are embodied in the Federal motor vehicle safety standards (FMVSS) and the Federal emission standards. The standards are stated in performance terms. Compliance with the standards can normally be achieved using a variety of different designs, which leaves manufacturers with a great deal of flexibility in designing their vehicles, equipment and parts.

The following discussion outlines the Federal Government's compliance and enforcement system as it relates to safety and environmental requirements for wheeled vehicles, equipment and parts.

A. NHTSA AND SELF-CERTIFICATION

The National Highway Traffic Safety Administration (NHTSA) is authorized to issue FMVSSs that specify performance requirements for new motor vehicles and items of motor vehicle equipment. U.S. Federal law prohibits any person from manufacturing, introducing into interstate commerce, selling, or importing any new motor vehicle or item of motor vehicle equipment unless the vehicle or equipment item conforms to all applicable safety standards.

Unlike agencies that enforce standards through a type approval system, NHTSA does not approve motor vehicles or motor vehicle equipment items, nor does the agency endorse any commercial products or their vendors. Manufacturers are required by statute to self-certify that their products conform to NHTSA's safety standards before they can be offered for sale.⁹ Evidence of that certification must be displayed in the form of a label as required by 49 CFR Parts 567 and 568 which specify the label's size, location and text. A motor vehicle manufacturer must also submit certain identifying information to NHTSA pursuant to 49 CFR Part 566 not later than 30 days after it begins to manufacture vehicles.

1. How Manufacturers Self-Certify

Each of the safety standards specifies the test conditions and procedures that NHTSA will use to evaluate whether a vehicle or equipment item conforms to the standard's performance requirements. Dynamic tests are prescribed in some of the standards, such as FMVSS No. 208, "Occupant Crash Protection", and FMVSS No. 301, "Fuel System Integrity", and the agency may conduct performance testing in accordance with those tests to determine whether compliance exists. However, the agency does not require a manufacturer to crash test vehicles or to evaluate its products only in the manner specified in the safety standards. A manufacturer may choose any means of evaluating a vehicle or equipment item to determine whether it complies with the requirements of an applicable standard, provided that the manufacturer chooses a means that provides reasonable assurance that the vehicle or equipment item will comply with the standard when tested by NHTSA. Most manufacturers certify compliance through testing in accordance with the FMVSS. On rare occasions, certification is based on studies or analyses, rather than testing.

In addition to the initial certification, a manufacturer is also expected to monitor continued compliance of vehicles and/or items of motor vehicle equipment throughout the entire production run. To accomplish this, an effective quality control programme should be established to periodically inspect and test vehicles and/or items of motor vehicle equipment to ensure that the original, certified performance is achieved by all other units.

Unlike a type approval system, NHTSA's self-certification system provides manufacturers with greater flexibility to make and introduce changes in their products.

2. How NHTSA Ensures/Monitors Compliance

NHTSA conducts compliance testing to monitor compliance. NHTSA's annual compliance programme tests an average of 30 of the 44 testable FMVSSs (30 vehicle standards

⁹ The motor vehicle safety statutes, found in Chapter 301 of Title 49, U.S. Code, establish a self-certification process under which each manufacturer must certify that its products meet all applicable safety standards. (See 49 U.S.C. § 30115; 49 CFR Parts 567, 568) The FMVSSs are contained in 49 CFR Part 571. In addition to the FMVSSs, certain vehicles must be certified as complying with the Bumper Standard at 49 CFR Part 581, and the Theft Prevention Standard at 49 CFR Part 541.

and 14 equipment standards). The government randomly selects (purchases) vehicles and items of equipment from the marketplace and tests them to determine if they comply with the safety standards. If NHTSA's compliance test were to show an apparent non-compliance of a vehicle or equipment item with an applicable standard, the agency would notify the manufacturer promptly. Often, the manufacturer will then promptly conduct a recall, a procedure in which the manufacturer notifies owners of the non-compliance and provides them with a free remedy. If the manufacturer does not do this, the government will initiate an investigation to determine whether the manufacturer failed to comply with the standard. At the conclusion of the investigation, the government can order the manufacturer to recall all the non-complying vehicles and items of equipment. In addition, the agency can seek civil penalties for violations of 49 U.S.C. § 30112(a), which provides that a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard takes effect, unless the vehicle or equipment complies with the standard and is covered by a certification issued under 49 U.S.C. § 30115.¹⁰

Safety defects that do not result in non-compliance with a FMVSS can also result in a recall. NHTSA typically opens defect investigations on the basis of consumer complaints called into NHTSA's Hotline, or received from other sources. In addition, members of the public can submit petitions seeking a defect investigation.

While a recall can be a significant and costly step for a manufacturer, its purpose is to eliminate the safety risk posed by non-compliant or defective vehicles or equipment. A recall requires the manufacturer to notify all purchasers, urging them to bring their vehicles or items of equipment into their dealer to have the non-compliance or defect remedied at no cost to the purchaser. The manufacturer has the option to repair or replace the vehicle or item of equipment, or refund the purchase price. Most decisions to recall are made by a manufacturer prior to a formal decision

¹⁰ Section 30112 (b)(2)(A) provides that a non-compliant vehicle or item of equipment is not a violation of law if the manufacturer used "reasonable care." NHTSA has long said that it is unable to judge what efforts would constitute "reasonable care" in advance of the actual circumstances in which a non-compliance occurs. What constitutes "reasonable care" in a particular case depends on many factors including the limitations of current technology, the availability of test equipment, the size of the manufacturer, and above all, the diligence exercised by the manufacturer. It is important to note that, while the exercise of "reasonable care" may relieve a manufacturer of liability for civil penalties in connection with the manufacture and sale of non-complying vehicles or equipment, it does not relieve the manufacturer of the responsibility to provide purchasers of the non-complying vehicles or equipment with notification of the non-compliance, and to remedy the non-compliance without charge. Similarly, Section 30115 provides that a person may not certify a vehicle as complying with all applicable safety standards "if, in exercising reasonable care, the person had reason to know the certificate is false or misleading in a material respect."

by NHTSA that a safety defect or a non-compliance exists, without a formal order from the agency. If a manufacturer refuses to comply with a NHTSA recall order, the government may seek to enforce the order in Federal court.

B. EPA ENFORCEMENT AND COMPLIANCE PROVISIONS

EPA's procedures for enforcing emission standards are similar in many ways to NHTSA's provisions; nevertheless, there are some significant differences. While EPA also requires certification of vehicles, equipment and parts (engines, in particular), its statutes do not allow self-certification. Instead, manufacturers must apply for certification from EPA. Manufacturer applications must contain specified information, including emissions testing information, needed for EPA to determine whether the vehicle, equipment or part meets the emission standards. EPA may perform confirmatory testing, or require that the manufacturer perform such testing. If EPA determines that the vehicle, equipment or part meets its standards and other requirements, EPA issues a certificate of conformity. As with safety standards, manufacturers must affix a permanent certification label on all production models of certified vehicles, equipment and engines.

Manufacturers may not sell or otherwise introduce into commerce any regulated vehicle, equipment or part without a certificate of conformity. If a manufacturer violates this provision (e.g., by introducing into commerce vehicles that are materially different from vehicles described in the applications for certification), the manufacturer can be subject to substantial monetary penalties.

EPA also selectively tests, or requires that manufacturers test, vehicles, equipment or parts after they are manufactured and assembled. If a set of vehicles, equipment or parts does not meet EPA emission standards, EPA may order a recall. EPA's recalls are similar to NHTSA's recalls.

Manufacturers may challenge a recall order in an agency administrative proceeding or, if unsuccessful within the agency, in court. In addition, if EPA determines that assembly line vehicles, engines or parts are materially different from their certified configurations, EPA may assess monetary penalties for introducing uncertified configurations into commerce.

Similarly, since the emission standards apply for the useful life of a vehicle or engine, EPA tests vehicles and engines after they have been placed into operation for a substantial period of time to ensure that they continue to meet the emission standards. EPA's authority for recall and monetary penalties under its in-use testing provisions is similar to its authority under the assembly line testing provisions discussed above."

Paragraphs **III.** and **IV.** (former), renumber as paragraphs **IV.** and **V.**

Note: The Chart "Rulemaking process – United States of America" is not modified.
