

ECONOMIC COMMISSION FOR EUROPE

**WORLD FORUM
FOR HARMONIZATION OF
VEHICLE REGULATIONS
(WP.29)**

**HOW IT WORKS
HOW TO JOIN IT**

Third edition



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United Nations Economic Commission for Europe (UNECE)

The United Nations Economic Commission for Europe (UNECE) is one of the five United Nations regional commissions, administered by the Economic and Social Council (ECOSOC). It was established in 1947 with the mandate to help rebuild post-war Europe, develop economic activity and strengthen economic relations among European countries, and between Europe and the rest of the world. During the Cold War, UNECE served as a unique forum for economic dialogue and cooperation between East and West. Despite the complexity of this period, significant achievements were made, with consensus reached on numerous harmonization and standardization agreements.

In the post-Cold War era, UNECE acquired not only many new member States, but also new functions. Since the early 1990s the organization has focused on analyses of the transition process, using its harmonization experience to facilitate the integration of Central and Eastern European countries into the global markets.

UNECE is the forum where the countries of western, central and eastern Europe, central Asia and North America – 56 countries in all – come together to forge the tools of their economic cooperation. That cooperation concerns economics, statistics, environment, transport, trade, sustainable energy, timber and habitat. The Commission offers a regional framework for the elaboration and harmonization of conventions, norms and standards. The Commission's experts provide technical assistance to the countries of South-East Europe and the Commonwealth of Independent States. This assistance takes the form of advisory services, training seminars and workshops where countries can share their experiences and best practices.

Transport in UNECE

The UNECE Inland Transport Committee (ITC) facilitates the international movement of persons and goods by inland transport modes. It aims to improve competitiveness, safety, energy efficiency and security in the transport sector. At the same time it focuses on reducing the adverse effects of transport activities on public health, the environment and contributing effectively to sustainable development. The ITC is a:

- Centre for multilateral transport standards and agreements in Europe and beyond, e.g. regulations for dangerous goods transport and road vehicle construction at the global level
- Gateway for technical assistance and exchange of best practices
- Promoter of multi-country investment planning
- Substantive partner for transport and trade facilitation initiatives
- Historic centre for transport statistics.

For more than six decades, ITC has provided a platform for intergovernmental cooperation to facilitate and develop international transport while improving its safety and environmental performance. The main results of this persevering and important work are reflected in more than 50 international agreements and conventions which provide an international legal framework and technical regulations for the development of international road, rail, inland water and intermodal transport, as well as dangerous goods transport and vehicle construction. Considering the needs of transport sector and its regulators, UNECE offers a balanced approach to and treatment of facilitation and security issues alike.

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Foreword and Executive Summary

The third edition of the publication, the Blue Book, continues providing precise information on the World Forum for Harmonization of Vehicle Regulations (WP.29) serviced by the UNECE Transport Division: on its historical background, its administrative and legal framework with a user's guide, and the three international United Nations (UN) Agreements administered by the World Forum.

As a permanent discussion forum within the institutional framework of the Inland Transport Committee of the UNECE, the World Forum WP.29 has specific terms of reference and rules of procedure. The smooth administration of the three international UN Agreements on motor vehicles is crucial: the 1958 and 1998 Agreements on regulations for the construction of new vehicles, including performance requirements and the 1997 Agreement on rules for periodical technical inspections of vehicles in use. WP.29 ensures consistency between the regulations and rules developed in the legal framework of these three UN Agreements.

The World Forum is a unique worldwide forum in which nations from the entire world are participating. Any country, that is member of the United Nations, may participate in its activities and is invited to adhere to one or more of these vehicle agreements. Regional Economic Integration Organizations (REIOs) set up by countries may also participate and subject to their subsidiary arrangements may become a Contracting Party to the Agreements.

Governmental organizations (GOs) and non-governmental organizations (NGOs) are also welcome to participate in the work of the World Forum, but in their case, in a consultative capacity.

The World Forum's work is transparent: agendas, working documents, reports and informal documents are freely accessible on the WP.29 website: <http://www.unece.org/trans/main/welcwp29.html>.

The main features of the Agreements administered by WP.29 are:

The 1958 Agreement provides the legal and administrative framework for establishing international UN Regulations (annexed to the Agreement) with uniform performance oriented test provisions, administrative procedures for granting type approvals, for the conformity of production and for the mutual recognition of the type approvals granted by Contracting Parties. When acceding the Agreement, a Contracting Party is not obliged to apply all the UN Regulations annexed to the Agreement: it may choose, if any, which Regulation it would like to apply. The 1958 Agreement currently has 50 Contracting Parties and 127 UN Regulations annexed to it. The UN Regulations are continuously adapted to the technical progress, whenever appropriate, to take into account technical and political guidance from the Contracting Parties, the evolution of scientific knowledge and technological progress.

The 1998 Agreement stipulates that Contracting Parties will establish, by consensus vote, United Nations Global Technical Regulations (UN GTRs) in a UN Global Registry. The UN GTRs contain globally harmonized performance requirements and test procedures. Each UN GTR contains extensive notes on its development. The text includes a record of the technical rationale, the research sources used, cost and benefit considerations, and references to data consulted. The Contracting Parties use their nationally established rulemaking processes when transposing UN GTRs into their national legislation. The 1998 Agreement currently has 33 Contracting Parties and 11 UN GTRs that have been established into the UN Global Registry.

The 1997 Agreement allows Contracting Parties to establish UN Rules for periodical inspections of vehicles in use. They shall reciprocally recognize the international inspection certificates granted according to the UN Rules annexed to the Agreement. The 1997 Agreement has 12 Contracting Parties and 2 UN Rules annexed to it.

For each Agreement, the final voting on new UN Regulations, UN GTRs and UN Rules and amendments to existing ones takes place, according to the internal provisions of the corresponding Agreement, in the Administrative or the Executive Committees. The Committees are exclusively composed by the governmental representatives of the Contracting Parties to the Agreements. Before taking decisions, all proposals, submitted by the subsidiaries Working Parties, are reconsidered during the sessions of the World Forum WP.29, in which representatives of all countries – being Contracting Parties or not – and experts from GOs and NGOs participate.

The World Forum WP.29, with its long experience, expertise and involvement of all interested stakeholders, has shown the ability to produce high quality UN Regulations, UN GTRs and UN Rules. Contracting Parties, such as the European Union, have decided to organize their internal legislation by direct reference to the UN Regulations annexed to the 1958 Agreement. Other countries, which are not Contracting Parties, apply on their territory the UN Regulations on a voluntary basis. More recently, Contracting Parties to the 1998 Agreement, such as Canada, the People's Republic of China, India and the United States of America, have established a number of new UN GTRs, which are being incorporated, in parallel, into the UN Regulations annexed to the 1958 Agreement.

Chapter I

Participation in WP.29

WP.29 fosters worldwide participation in its activities by encouraging cooperation and collaboration between countries and regional economic integration organizations with regard to technical matters that come before it and before its Working Parties. WP.29 also encourages an open and transparent dialogue between government regulators, other technical experts competent in the field of technical requirements for vehicles, and the general public, in order to ensure that best safety and environmental practices are adopted and economic implications are taken into account in the development of UN Regulations. The meetings of WP.29 are public. Any government and any other interested party may attend and observe the proceedings of the meetings.

Participation of Governments

In accordance with Rule 1 of the Terms of Reference and Rules of Procedure of WP.29 (Annex I), any country member of the United Nations, and any regional economic integration organization set up by countries members of the United Nations, may participate fully or in a consultative capacity in the activities of WP.29 and become a Contracting Party to the Agreements administered by WP.29. For specific details on participation in WP.29, please refer to the Terms of Reference and Rules of Procedure in Annex I.

The official process for becoming a participant is to simply send a letter signed by the authorized official of an interested country or Regional Economic Integration Organization (REIO) notifying the secretariat of WP.29 of the desire of that country or REIO to send representative(s) to the meetings and to participate in the activities of WP.29.

If a country or REIO wishes to become a Contracting Party to an Agreement administered by WP.29, its consent to be bound by that agreement must be in accordance with the provisions of that Agreement. Those provisions include signature, and notifications of ratification, acceptance, approval or accession. Please refer to Article 6 of the 1958 Agreement, Article 9 of the 1998 Global Agreement and Article 4 of the 1997 Agreement on Periodical Technical Inspections, as presented in Annexes II, III and IV respectively.

While an Agreement is open for signature and a country or REIO expresses its consent to be bound by an Agreement by signing it, the signing must be:

- Done by the Head of State, Head of Government or Minister for Foreign Affairs of that country, or
- By a different person possessing a valid instrument of Full Powers signed by one of the aforementioned representatives of a country or REIO, indicating clearly the title of the Agreement and the name and function of the official authorized to sign.

At the time of signing, or in the text of Full Powers, it shall be expressly indicated if the signature is definitive, or only a simple signature, subject to ratification.

For the Agreements in force, for which the period of opening for signature had been closed, a country or REIO may express its consent to be bound by an Agreement by depositing an instrument of accession with the Secretary-General of the United Nations.

Models of an instrument of Accession, Ratification, Acceptance or Approval are reproduced below:

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister of Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[signature]

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister of Foreign Affairs)

[ACCESSION]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[signature]

Participation of Non-Governmental Organizations

In accordance with Rule 1 of the Terms of Reference and Rules of Procedure, non-governmental organizations (NGOs) may participate in a *consultative capacity* in WP.29. In order for an NGO to participate in WP.29, it must first be accredited a consultative status to ECOSOC - the Economic and Social Council of the United Nations. By attaining consultative status with ECOSOC, NGOs can contribute to the work programmes and goals of the United Nations Economic Commission for Europe (UNECE) WP.29 by serving as technical experts or advisers and consultants to Governments and the secretariat. The number of NGOs participating at any one time in the activities of WP.29 and its subsidiary bodies typically varies between six and fifteen, depending on the agenda of topics, with a smaller range at the sessions of subsidiary Working Parties and informal working groups.

NGOs are substantive contributors to the process of developing UN wheeled vehicle safety, environmental, energy and anti-theft regulations. They are often called upon for technical data and advice. In special cases, they generate support for their positions by investing in testing and analysis, and making the resulting information available to the experts developing the UN Regulations. On occasions and in response to requests made by the technical experts, they have provided proposals for UN Regulations and amendments to existing UN Regulations. They have also advocated certain policy positions and provided testimony to legislative bodies of participating governments.

To apply for consultative status, an organization shall send a letter of intent to the NGO section of the Division for ECOSOC Support and Coordination in the Department of Economic and Social Affairs and request an application form for consideration.

The mailing address is:

NGO Section
ECOSOC Support and Coordination
Department of Economic and Social Affairs
United Nations Headquarters
Room DC1 B 1480
New York, NY 10017 (USA)
Fax: +1 (212) 963-9248
E-mail: desangosection@un.org

The letter requesting the application form should be on the organization's letterhead and signed by its Secretary-General or President. Included with this letter should be the NGO's mission statement, a brief description of its main activities, and a description of the nature of the NGO's organization (e.g., a national coalition of x number of NGOs, or an international NGO with y number of affiliates). Once the NGO section receives the letter of intent, the application package containing a questionnaire and background material is mailed to the organization.

The deadline for receiving completed applications is June 1 of each year. ECOSOC's Committee on NGOs (outlined above) meets on an annual basis to review these applications. The 19 member Committee then recommends to ECOSOC which applications should be granted. The recommendation goes to the full Economic and Social Council, which makes the final decision.

Annex V lists those NGOs that currently participate on a regular basis in the activities of WP.29 and its subsidiary bodies.

Chapter II

Organization of WP.29 and its Subsidiary Bodies

WP.29 is a Working Party within the United Nations Economic Commission for Europe's Inland Transport Committee. As stated previously, it has become the World Forum for Harmonization of Vehicle Regulations (WP.29) see organizational chart below. Its role and that of its subsidiary Working Parties is to develop new UN Regulations, new UN GTRs, new UN Rules, harmonize existing UN Regulations, and amend and update current UN Regulations, UN GTRs and UN Rules that address the areas of concern covered by the Agreements that it administers.

The day-to-day management of the activities of WP.29 is carried out by the UNECE Secretariat. The Secretariat provides the administrative support for all sessions, including the preparation of the reports. The coordination of work of WP.29 is managed by a small Steering Committee (WP.29/AC.2) comprised of the Chairperson, Vice-Chairperson and Secretariat of WP.29, the Chairperson and Vice-Chairperson of Executive Committee attendant to each of the Agreements administered by WP.29, the representatives of the European Community, Japan and the United States of America, and the Chairperson and Vice-Chairperson of each subsidiary Working Party of WP.29. The duties of WP.29/AC.2 are to develop and recommend a Programme of Work to WP.29, review the reports and recommendations of the subsidiary Working Parties and identify items that require action by WP.29 and the time frame for their consideration, and provide recommendations to WP.29. For additional information regarding the Terms of Reference and Rules of Procedure of WP.29, please refer to Annex I.

Individual UN Regulations have been established to address the specific safety requirements for LPG (liquefied petroleum gas), CNG (natural compressed gas) and electric vehicles. Existing UN Regulations have been adopted, and will be, whenever appropriate, updated to take into account new technologies such as plug in hybrid vehicles. A task force has been established under the 1998 Agreement on the project "hydrogen and fuel cell vehicles", to prepare UN GTRs covering both safety and environmental issues for those vehicles. More recently an informal working group has been established to address heavy-duty hybrids emissions measurement and certification.

Regularly, sessions of WP.29 are held three times a year. Those of the subsidiary Working Parties of Experts (GRs) are held twice a year by each of them. The WP.29/AC.2 meetings are held prior to each WP.29 session. The primary areas of concern by the GRs are:

Active safety of vehicles and their parts (crash avoidance)

The UN Regulations and UN GTRs in this area seek to improve the behaviour, handling and equipment of vehicles so as to decrease the likelihood of a road crash. Some of the regulations seek to increase the ability of drivers to detect and avoid hazardous circumstances. Others seek to increase the ability of drivers to maintain control of their vehicles. Specific examples of current UN Regulations include ones applying to lighting and light-signalling devices, braking and running gear, including steering, tyres and rollover stability. This area of technology is rapidly changing. The advent of advanced (e.g., electronic, computer, and communication) technologies is providing opportunities for seeking new remedies that can help drivers avoid crashes.

Passive safety of vehicles and their parts (crashworthiness)

The UN Regulations and UN GTRs in this area seek to minimize the chance and severity of injury for the occupants of a vehicle and/or other road users in the event of a crash. Extensive use is made of crash statistics to identify safety problems for which a UN Regulation and UN GTRs or amendment to an existing one is needed and define a proper cost/benefit approach when improving performance requirements in this area. This is important, given the overall impact of new requirements on vehicle construction, design and

cost. Specific examples of current UN Regulations and UN GTRs include ones addressing the ability of the vehicle structure to manage crash energy and resist intrusion into the passenger compartment, occupant restraint and protection systems for children and adults, seat structure, glazing, door latches and door retention, pedestrian protection and for motorcycles, the quality of the protective helmet for the rider. This area of technology also is changing rapidly and becoming more complex. Examples include advanced protection devices that adjust their performance in response to the circumstances of individual crashes. In addition, changes in the vehicle population are raising issues of vehicle compatibility and aggressivity.

Environmental considerations

Individual UN Regulations and UN GTRs have been established to address the specific safety requirements for LPG (liquefied petroleum gas), CNG (natural compressed gas) and electric vehicles. Existing UN Regulations and UN GTRs have been adapted, and will be whenever appropriate, to take into account new technologies such as plug in hybrid vehicles. A task force has been established on the project "hydrogen and fuel cell vehicles", to prepare UN GTRs covering both safety and environmental issues for those vehicles.

General safety considerations

The UN Regulations and UN GTRs in this area address vehicle and component features which are not directly linked to the above-mentioned subject areas. For example, windshield wipers and washers, controls and displays and glazing are grouped under this heading. Further, theft prevention and the considerations of public transport vehicles for which special expertise is needed in establishing their performance requirements are covered in this category.

Special technical considerations

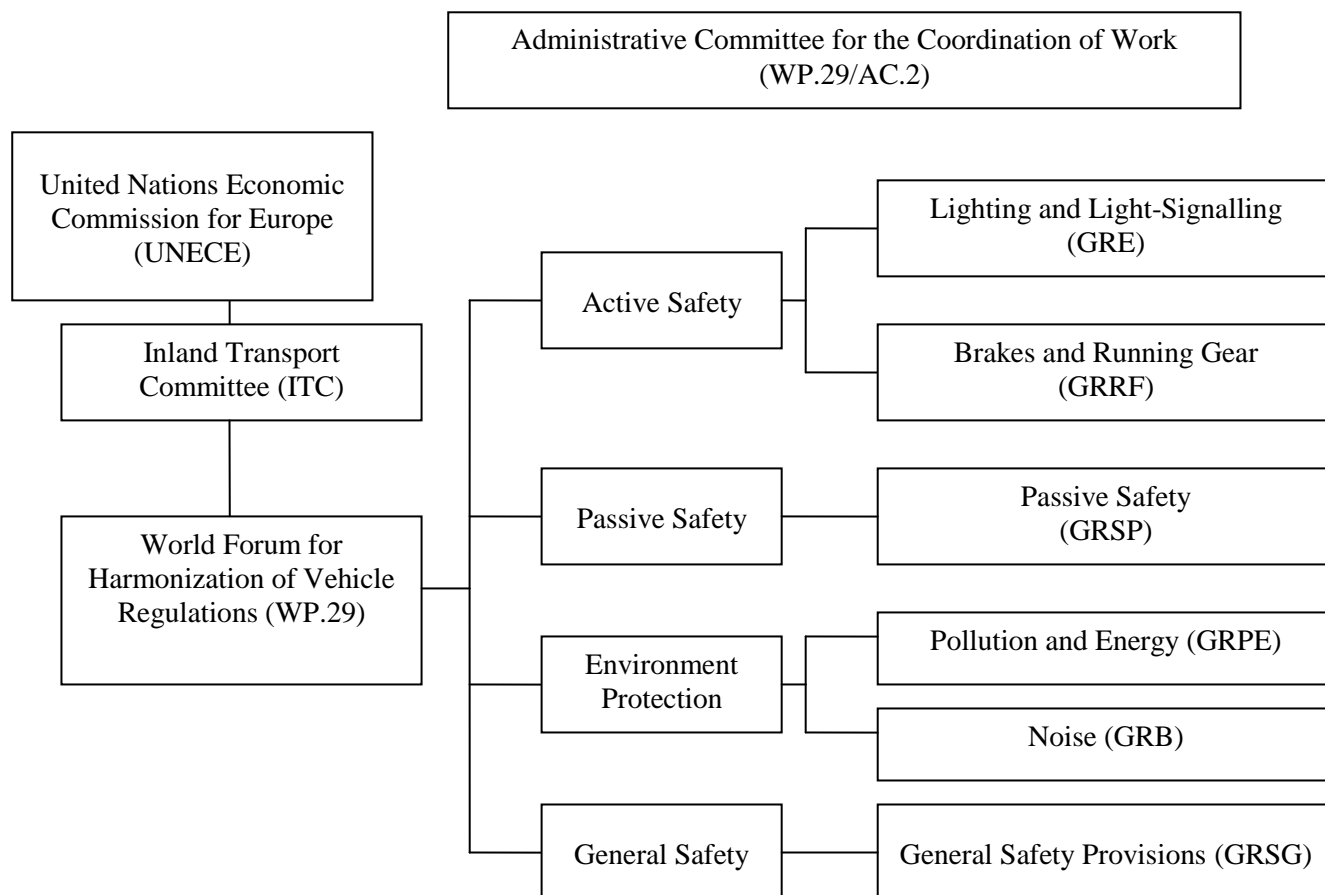
In some cases, a specific problem needs to be solved urgently or needs to be addressed by persons having a special expertise. In such situations, a special informal working group may be entrusted with the analysis of the problem and invited to prepare a proposal for a UN Regulation or an UN GTR. Although such cases have traditionally been kept to a minimum, the rapid development of complex new technologies is increasing the necessity for using this special approach.

Subsidiary bodies of WP.29 responsible for the different UN regulations

Proposals to WP.29 for new UN Regulations and UN GTRs and amendments to existing UN Regulations and UN GTRs are referred by WP.29 to its subsidiary bodies for preparation of technical recommendations. Each subsidiary body consists of people whose expertise is relevant to the area covered by the body. The current allocation of subject matter responsibility among the subsidiary bodies developed at the time of the original "Groupes des Rapporteurs", some of which were later merged to form the more recent "Meetings of Experts". The work of the subsidiary bodies has proved to be so useful and indispensable that they have been given permanent status under the UNECE and, in turn, have recently been renamed "Working Parties". There are currently six Working Parties subsidiary to WP.29. In order to observe tradition and to maintain continuity concerning the titles of these subsidiary bodies, the abbreviation "GR" (coming from the time of "Groupes des Rapporteurs" and the names of those Groups in the French language) is being kept in the acronyms of the Working Parties and in the symbols of their working documents:

Responsible for Active Safety:	Working Party on Lighting and Light-Signalling (GRE); Working Party on Brakes and Running Gear (GRRF);
Responsible for Passive Safety:	Working Party on Passive Safety (GRSP);
Responsible for Environment Protection:	Working Party on Pollution and Energy (GRPE); Working Party on Noise (GRB);
Responsible for General Safety Questions including Public Service Vehicles:	Working Party on General Safety Provisions (GRSG);
Special Technical Issues:	Informal working group(s) which are formed by, and report their work to one of the established Working Parties subsidiary to WP.29 or directly to WP.29.

Chart 1
Organization of WP.29



Administrative Committee of the 1958 Agreement (WP.29/AC.1)
Executive Committee of the 1998 Agreement (WP.29/AC.3)
Administrative Committee of the 1997 Agreement (WP.29/AC.4)

Chapter III

Agreements Administered by WP.29

The 1958 Agreement

The 1958 Agreement was done on 20 March 1958, entered into force on 20 June 1959, amended on 10 November 1967, and revised on 16 October 1995. The Agreement provides procedures for establishing uniform prescriptions about new motor vehicles and motor vehicle equipment and for reciprocal acceptance of approvals issued under UN Regulations annexed to this Agreement. UN Regulations adopted by Contracting Parties to the 1958 Agreement pursuant to the Agreement govern the approval of motor vehicles and motor vehicle equipment for sale in those countries. The Agreement addresses safety requirements, environmental (air and noise pollution emission), energy and anti-theft prescriptions.

Currently, reciprocal recognition under the Agreement applies to vehicle systems, parts and equipment, not to the entire vehicle. In March 2010, the World Forum WP.29 launched the International Whole Vehicle Type Approval (IWVTA) project, and established an informal working group with terms of reference for 2010–2016. In addition to the work linked to the IWVTA concept, the informal working group will also inventory the items of the 1958 Agreement which need to be revised or complemented.

The 1958 Agreement currently has 50 Contracting Parties, of which 41 are European UNECE member countries. Other Contracting Parties include the European Union (Regional Economic Integration Organization), Japan, Australia, South Africa, New Zealand, Republic of Korea, Malaysia, Thailand and Tunisia. Chart 2 lists the Contracting Parties to the Agreement and the date of adhesion or accession to the Agreement by those Parties.

The Agreement has 127 UN Regulations annexed to it. These UN Regulations govern all categories of road vehicles and non-road mobile machinery and their equipment and parts, and have been adopted to varying degrees by the Contracting Parties. The reciprocal recognition of type approvals among Contracting Parties applying the UN Regulations has facilitated trade in motor vehicles and equipment throughout Europe first and worldwide today.

More specifically, in recent years, the European Union (EU) has decided to replace as many EU directives as possible by the 1958 Agreement UN Regulations, and to make direct reference to these UN Regulations in the EU administrative body. For the complete text of the 1958 Agreement, please refer to Annex II.

Principal Elements of 1958 Agreement

- Members of the UNECE, as well as other members of the United Nations and Regional Economic Integration Organizations that participate in UNECE activities, are eligible to become Contracting Parties to the 1958 Agreement. (Article 6)
- The 1958 Agreement seeks to establish UN Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, and conditions for granting type approvals and their reciprocal recognition for use by Contracting Parties who choose to implement UN Regulations largely through type approval.
- The Administrative Committee of the 1958 Agreement (AC.1) is composed of all the Contracting Parties to the 1958 Agreement. The Administrative Committee oversees the process of developing and amending UN Regulations and adopts the UN Regulations or amendments to the UN Regulations once they are developed.

- The Agreement does not preclude those countries whose rules and regulations are implemented through self-certification (manufacturer's certification) from becoming Contracting Parties (Article 1, para. 1), and it recognizes self-certification as an alternative to type approval (Article 2).
- Under the Agreement, new UN Regulations and amendments to existing UN Regulations are established by a vote of two-thirds majority of Contracting Parties present and voting. The established Regulation is forwarded to the UN Secretary-General and then notified to each Contracting Party.
- The new UN Regulation or amendment to an existing UN Regulation enters into force for all Contracting Parties that have not notified the Secretary-General of their objection within six months after the notification, unless more than one-third of the Contracting Parties so object. If more than one-third of the Contracting Parties object, the UN Regulation or amendment does not enter into force for any Contracting Party.
- UN Regulations annexed to the 1958 Agreement are required to include technical requirements and alternative requirements as appropriate; test methods by which performance requirements are to be demonstrated; the conditions for granting type approvals and their reciprocal recognition, including markings and conditions for ensuring conformity of production (COP); and the date on which the UN Regulation enters into force. (Article 1, para. 2)
- A Contracting Party that has adopted a UN Regulation annexed to the Agreement is allowed to grant type approvals for motor vehicle equipment and parts covered by that UN Regulation and is required to accept the type approval of any other Contracting Party that has adopted the same UN Regulation.
- The Agreement also permits a Contracting Party, upon notice, to begin applying a UN Regulation after it has been annexed to the Agreement or to cease application of a UN Regulation that it has been applying. In the latter case the Contracting Party is required to notify the UN Secretary-General of its decision one year in advance.
- Contracting Parties granting type approvals are required to have the technical competence to grant the approvals and the competence to ensure conformity of production. Each Contracting Party applying the UN Regulation through type approval may refuse the approvals if the above-mentioned requirement is not met.

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

<i>ECE symbol</i>	<i>Contracting Parties</i>	<i>Date of adhesion/Accession</i>
E 1	Germany ¹	28 January 1966
E 2	France	20 June 1959
E 3	Italy	26 April 1963
E 4	Netherlands	29 August 1960
E 5	Sweden	20 June 1959
E 6	Belgium	05 September 1959
E 7	Hungary	02 July 1960
E 8	Czech Republic ²	01 January 1993
E 9	Spain	10 October 1961
E 10	Serbia ³	12 March 2001
E 11	United Kingdom	16 March 1963
E 12	Austria	11 May 1971
E 13	Luxembourg	12 December 1971
E 14	Switzerland	28 August 1973
E 16	Norway	04 April 1975
E 17	Finland	17 September 1976
E 18	Denmark	20 December 1976
E 19	Romania	21 February 1977
E 20	Poland	13 March 1979
E 21	Portugal	28 March 1980
E 22	Russian Federation	17 February 1987
E 23	Greece	05 December 1992
E 24	Ireland ⁴	24 March 1998

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

² Succession to Czechoslovakia, Depositary notification C.N.229.1993.TREATIES of 14 December 1993.

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

⁴ By virtue of accession to the Agreement by the European Union on 24 March 1998.

<i>ECE symbol</i>	<i>Contracting Parties</i>	<i>Date of adhesion/Accession</i>
E 25	Croatia ⁵	08 October 1991
E 26	Slovenia ⁶	25 June 1991
E 27	Slovakia ⁷	01 January 1993
E 28	Belarus	02 July 1995
E 29	Estonia	01 May 1995
E 31	Bosnia and Herzegovina ⁸	06 March 1992
E 32	Latvia	18 January 1999
E 34	Bulgaria	21 January 2000
E 35	Kazakhstan	08 January 2011
E 36	Lithuania	29 March 2002
E 37	Turkey	27 February 1996
E 39	Azerbaijan	14 June 2002
E 40	The former Yugoslav Republic of Macedonia ⁹	17 November 1991
E 42	European Union ¹⁰	24 March 1998
E 43	Japan	24 November 1998
E 45	Australia	25 April 2000
E 46	Ukraine	30 June 2000
E 47	South Africa	17 June 2001
E 48	New Zealand	26 January 2002
E 49	Cyprus ¹¹	01 May 2004
E 50	Malta ¹¹	01 May 2004
E 51	Republic of Korea	31 December 2004
E 52	Malaysia ¹²	04 April 2006
E 53	Thailand ¹³	01 May 2006
E 54	Albania	05 November 2011
E 56	Montenegro ¹⁴	03 June 2006
E 58	Tunisia	01 January 2008

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

⁶ Succession to Yugoslavia, Depositary notification C.N.439.1992.TREATIES-53 of 18 March 1993.

⁷ Succession to Czechoslovakia, Depositary notification C.N.184.1993.TREATIES, received on 20 July 1994.

⁸ Succession to Yugoslavia, Depositary notification C.N.35.1994.TREATIES of 2 May 1994.

⁹ Succession to Yugoslavia, Depositary notification C.N.142.1998.TREATIES-33 dated 4 May 1998.

¹⁰ Approvals are granted by its member States using their respective ECE symbol.

¹¹ By virtue of its accession to the European Union on 1 May 2004.

¹² Not bound by Article 10 of the Agreement.

¹³ Not bound by any of the Regulations and by Article 10 of the Agreement.

¹⁴ Succession to Yugoslavia, Depositary Notification C.N.1346.2006.TREATIES-3 dated 1 March 2007.

The 1998 Global Agreement

The 1998 Global Agreement was negotiated and concluded under the auspices of the UNECE, under the leadership of the European Community, Japan and the United States of America. It was opened for signature on 25 June 1998 and the United States of America became the first signatory. The Agreement establishes a process through which countries from all regions of the world can jointly develop UN Global Technical Regulations (UN GTR) regarding the safety, environmental protection systems, energy sources and theft prevention of wheeled vehicles, equipment and parts. The covered equipment and parts include, but are not limited to, vehicle construction, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices, and child restraint systems.

The ultimate goal of the 1998 Agreement is to continuously improve global safety, decrease environmental pollution and consumption of energy and improve anti-theft performance of vehicles and related components and equipment through globally uniform technical regulations. This shall be done whilst providing a predictable regulatory framework for a global automotive industry and for the consumers and their associations. Unlike the 1958 Agreement, the 1998 Global Agreement does not contain provisions for mutual recognition of approvals, thereby allowing countries which are not ready or are unable to assume the obligations of reciprocal recognition to engage in an effective way in the development of UN Global Technical Regulations, regardless of the type of compliance and enforcement procedures of those countries. For the complete text of the Agreement, please refer to Annex III.

The 1998 Agreement entered into force on 25 August 2000 for eight Contracting Parties and it has currently 33 Contracting Parties. Chart 3 lists the Contracting Parties to the Agreement and the dates of adhesion or accession and entry into force of the Agreement by those Parties.

Principal Elements of the 1998 Global Agreement

- Members of the UNECE, as well as other members of the United Nations and Economic Integration Organizations formed by countries that participate in UNECE activities, are eligible to become Contracting Parties to the 1998 Agreement. Specialized agencies and organizations that have been granted consultative status in accordance with the provisions of the Agreement may participate in that capacity in the deliberations of particular concern to that agency or organization. (Article 2)
- The Executive Committee of the 1998 Agreement is composed of all the Contracting Parties to the Agreement. The Executive Committee oversees the process of recommending, developing and amending UN Global Technical Regulations and adopts the UN Global Technical Regulations or amendments to the UN GTRs once they are developed.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and environmental protection and the right of national and subnational authorities to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not promote, or result in, a lowering of safety and environmental protection within the jurisdiction of the Contracting Parties, including the subnational level. (Article 1)
- To the extent consistent with achieving high levels of environmental protection and vehicle safety, the Agreement also seeks to promote global harmonization of wheeled vehicle and engine regulations. (Preamble)

- The Agreement emphasizes that the development of global technical regulations will be transparent. (Article 1)
- Annex A of the Agreement provides that the term "transparent procedures" includes the opportunity to have views and arguments represented at:
 - Meetings of WP.29 and Working Parties through organizations granted consultative status; and
 - Meetings of WP.29 Working Parties and of the Executive Committee through pre-meeting consulting with representatives of Contracting Parties.
- The Agreement provides two different paths to the establishment of UN Global Technical Regulations. The first is the harmonization of existing regulations or standards. The second is the establishment of a new UN Global Technical Regulation where there are no existing regulations or standards. (Article 6, paras. 6.2 and 6.3) (see Chart 4)
- The Agreement calls for existing regulations of Contracting Parties needing harmonization to be listed in the Compendium of Candidate Global Regulations in order to facilitate their transition to global regulations. The regulation is added to the Compendium if supported by a vote of one-third of the Contracting Parties present and voting, including the vote of either Japan, the European Community or the United States of America. The Compendium will expand and contract in direct proportion to the existence of regulations needing harmonization. (Article 5)
- The process for developing a harmonized UN Global Technical Regulation includes a technical review of existing regulations of the Contracting Parties and of the UN Regulations, as well as relevant international voluntary standards (e.g., standards of the International Organization for Standardization). If available, comparative assessments of the benefits of these UN Regulations (also known as functional equivalence assessments) are also reviewed. (Article 1, para. 1.1.2 and Article 6, para. 6.2.)
- The process for developing a new UN Global Technical Regulation includes the assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and the test method(s) by which compliance is to be demonstrated. (Article 6, para. 6.3.)
- The process for amending any UN Global Technical Regulation follows the same procedures specified in paragraph 6.3 for establishing the UN Global Technical Regulation. (Article 6, para. 6.4.)
- To establish a new UN Global Technical Regulation, there must be a consensus vote. Thus, if any Contracting Party votes against a recommended UN Global Technical Regulation, it would not be established. (Annex B, Article 7, para. 7.2.)
- Once harmonized or developed, UN Global Technical Regulations will be established in a Global Registry, which will serve as a repository of UN Global Technical Regulations that could be adopted by countries from around the world.
- The establishment of a UN Global Technical Regulation does not obligate Contracting Parties to adopt that UN Global Technical Regulation into its own laws and regulations. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a UN Global Technical Regulation under the Agreement. (Preamble, Article 7)

- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a UN Global Technical Regulation is established under the Agreement. If a Contracting Party voted to establish the global technical regulation, that Contracting Party must initiate the procedures used by the Party to adopt such a UN Global Technical Regulation as a domestic regulation. (Article 7). Other obligations under the Agreement deal with the notification of the decision to adopt a UN Global Technical Regulation and the effective date of application of that regulation, the notification of the decision not to adopt the regulation, the decision to rescind or amend a global technical regulation, etc.
- The Agreement allows for UN Global Technical Regulations to contain a "global" level of stringency for most parties and "alternative" levels of stringency for developing countries. In this way, all countries, including the least developed ones, can participate in the development, establishment and adoption of UN Global Technical Regulations. It is anticipated that a developing country may wish to begin by adopting one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

Chart 3

Contracting Parties to the 1998 Global Agreement

Concerning the establishing of UN 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

<i>Contracting Party</i>	<i>Adhesion/Accession</i>	<i>Entry into force</i>
Canada	22 June 1999	25 August 2000 ¹
United States of America	25 June 1998	25 August 2000 ¹⁵
Japan	3 August 1999	25 August 2000 ¹⁵
France	22 September 1999	25 August 2000 ¹⁵
United Kingdom	10 January 2000	25 August 2000 ¹⁵
European Union	18 October 1999	25 August 2000 ¹⁵
Germany	11 May 2000	25 August 2000 ¹⁵
Russian Federation	26 July 2000	25 August 2000 ¹⁵
People's Republic of China	10 October 2000	9 December 2000
Republic of Korea	2 November 2000	1 January 2001
Italy	1 December 2000	30 January 2001
South Africa	14 June 2000	17 June 2001
Finland	8 June 2001	7 August 2001
Hungary	22 June 2001	27 August 2001
Turkey	3 July 2001	1 September 2001
Slovakia	7 November 2001	6 January 2002
New Zealand ²	27 November 2001	26 January 2002
Netherlands ³	4 January 2002	5 March 2002
Azerbaijan	15 April 2002	14 June 2002
Spain	24 August 2000	22 June 2002
Romania	25 April 2002	24 June 2002
Sweden	3 December 2002	1 February 2003
Norway	30 September 2004	29 November 2004
Cyprus	12 April 2005	11 June 2005
Luxembourg	16 September 2005	15 November 2005
Malaysia	3 February 2006	4 April 2006
India	21 February 2006	22 April 2006
Lithuania	26 May 2006	25 July 2006
Republic of Moldova	16 January 2007	17 March 2007
Tunisia	2 November 2007	1 January 2008
Australia	8 April 2008	7 June 2008
Kazakhstan	28 June 2011	27 August 2011
Tajikistan	28 December 2011	26 February 2012

¹ The Agreement entered into force on 25.08.00, (see Depositary notification: CN.557.2000.TREATIES-8).

² New Zealand: Territorial exclusion for Tokelau (27.11.01, Depositary Notification CN.1497.2001.TREATIES-7, dated 04.01.02).

³ Netherlands: Territorial application for the Netherlands Antilles (30.04.03, Depositary Notification C.N.343.2003.TREATIES-1 dated 29.06.2003).

The 1997 Agreement on Periodical Technical Inspections

The 1997 Agreement was done at Vienna on 13 November 1997, during the UNECE Regional Conference on Transport and Environment. The Agreement provides the legal framework and procedures for the adoption of uniform Rules for carrying out technical inspections of vehicles in use and delivering international certificates of inspection. For the complete text of the 1997 Agreement, please refer to Annex IV.

At the time when the Agreement was done, the regulatory and technical situation of the heavy duty vehicles was broadly different in the European countries, and it was considered that fixing a minimum level of environmental performances for these vehicles in use was useful in order to facilitate the intra-European traffic of commercial vehicles. The real situation changed quickly after 1997, and the European Union decided not to become a Contracting Party to this Agreement.

So this Agreement is not, in Europe, an important part of the international vehicle regulatory system.

Nevertheless, technical UN Rules for vehicle inspection have been annexed to the Agreement, with the technical contribution of WP.29 participants and in particular of the International Motor Vehicle Inspection Committee (CITA). These UN Rules may be considered as useful by countries which wish to introduce, in their national legislation, a periodic inspection system based on international expertise.

It is envisaged, with cooperation and support from CITA which has broad international membership, to develop and update on a regular basis the technical UN Rules annexed to the Agreement.

Principal Elements of the 1997 Agreement

- Members of the UNECE, as well as other members of the United Nations and Regional Economic Integration Organizations that participate in UNECE activities, are eligible to become Contracting Parties to the 1997 Agreement. (Article 4)
- The 1997 Agreement provides the legal framework and procedures for the adoption of uniform UN Rules for carrying out technical inspections of vehicles in use and for the reciprocal recognition of the certificates of such inspections.
- Under the Agreement new UN Rules and amendments to existing UN Rules are established by a vote of two-thirds majority of Contracting Parties present and voting. The established UN Rule is forwarded to the UN Secretary-General and then notified to each Contracting Party. (Articles 1 and 2)
- The new UN Rule or amendment to an existing UN Rule enters into force for all Contracting Parties that have not notified the Secretary-General of their objection within six months after the notification, unless more than one-third of the Contracting Parties so object. If more than one-third of the Contracting Parties object, the UN Rule or amendment does not enter into force for any Contracting Party.
- Rules under the 1997 Agreement list items to be inspected and the principal reasons for rejection. The inspection techniques shall use currently available equipment without dismantling or removing any part of the vehicle.
- The International Technical Inspection Certificate issued by designated Accredited Technical Inspection Centres of a Contracting Party shall be reciprocally recognized by other Contracting Parties applying the same Rule(s).
- The periodical inspection reports which are in use in the Contracting Parties to the Agreement may be used as an alternative. A sample of them shall be transmitted to the secretariat of WP.29 for information to the Contracting Parties.

- The Agreement also permits a Contracting Party, upon notice, to begin applying a UN Rule after it has been annexed to the Agreement or to cease application of a UN Rule that it has been applying. In the latter case the Contracting Party is required to notify the UN Secretary-General of its decision one year in advance.

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

<i>Contracting Parties</i>	<i>Signature, ratification, acceptance, accession or adhesion date</i>	<i>Entry into force</i>
Russian Federation	13 November 1997 by signing	27 January 2001
Estonia	9 September 1998 by accession	27 January 2001
Netherlands	5 February 1999 by ratification	27 January 2001
Romania	24 February 1999 by ratification	27 January 2001
Hungary	28 November 2000 by ratification	27 January 2001
Finland	20 April 2001 by ratification	19 June 2001
Bulgaria	11 July 2003 by accession	9 September 2003
Belarus	3 March 2004 by accession	1 May 2004
Albania	23 December 2004 by accession	20 February 2005
Ukraine	17 January 2007 by ratification	18 March 2007
Republic of Moldova	6 December 2007 by accession	3 February 2008
Kazakhstan	24 March 2011 by accession	23 May 2011

Signatories Pending Ratification

Austria	13 November 1997
Belgium	13 November 1997
Cyprus	13 November 1997
Czech Republic	13 November 1997
Denmark	13 November 1997
France	13 November 1997
Georgia	13 November 1997
Germany	13 November 1997
Greece	13 November 1997
Ireland	13 November 1997
Italy	13 November 1997
Portugal	13 November 1997
Slovakia	29 June 1998
Spain	13 November 1997
Sweden	13 November 1997
Switzerland	13 November 1997
United Kingdom	13 November 1997

Chapter IV

WP.29 Regulation Development Process

The evolution of WP.29 into a World Forum has required the adoption by WP.29 of a uniform process for the development of new UN Regulations, UN GTRs and UN Rules and the harmonization or amendment of existing UN Regulations, UN GTRs and UN Rules, consistent with the requirements set forth in the multilateral Agreements administered by WP.29. While each Agreement contains specific requirements attendant to the adoption and implementation of UN Regulations, UN GTRs and UN Rules or amendments by their Contracting Parties, the technical development process that ultimately results in a recommended UN Regulation, UN GTR and UN Rule or an amendment of a UN Regulation, UN GTR and UN Rule is fundamentally the same for all Agreements. The process that is presented below describes the sequence of events, key elements and the responsibilities of the various subsidiary bodies of WP.29 in the development, harmonization or the amendment of UN Regulations, UN GTRs and UN Rules and is applicable to all other technical activities of WP.29 (see Charts 5 and 6).

Introduction of Proposed Work and Regulatory Actions

The initiation of all regulatory development activities under any Agreement administered by WP.29 follows a common process. The first step is the submission of a written proposal to be considered by WP.29. Only participants as defined in the Terms of Reference and Rules of Procedure of WP.29 may submit a proposal. This proposal is presented for consideration to the Administrative Committee for the Coordination of Work (WP.29/AC.2) and, if deemed consistent with the safety, environmental protection and anti-theft mandates of WP.29 it is proposed to WP.29 for placement on a proposed work agenda.

Work Agenda of WP.29

The participants in WP.29 review and discuss all work that is recommended by WP.29/AC.2 for the agenda and, where agreed in accordance with the Terms of Reference and the Rules of Procedure of WP.29, modify and adopt the agenda of work. WP.29 then identifies which of the subsidiary Working Parties (see Chapter X of the Rules of Procedure) will be given the responsibility of carrying out the specific technical work consistent with the requirements set forth in the relevant Agreement(s), where appropriate.

Technical Regulation Development

The subsidiary Working Party of WP.29 (GR) will address the development, harmonization or amendment of the technical requirements of UN Regulations, UN GTRs and UN Rules regarding wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. Typically, the work includes, but is not limited to, such areas as test methodologies, limit values, vehicle or component design and/or performance standards, approval or certification markings, etc.

Since the UN Regulations, UN GTRs and UN Rules developed under WP.29 are "optional", they do not carry the force of law until they are adopted and implemented by Contracting Parties to an Agreement into their national laws (see Annex VI for several national and regional regulatory and enforcement schemes). Hence, those elements of a UN Regulation, UN GTR and UN Rule that relate to its adoption and implementation are considered to be the political jurisdiction of the Contracting Parties to the specific Agreements. Such elements include methods of conformity assessment (type approval, self-certification, etc.), certification procedures, reciprocal recognition, dates of entry into force and enforcement procedures, and they are contained in an annex to the recommended UN Regulation, UN GTR and UN Rule for establishment or adoption under the terms of the specific Agreements. In developing those elements, the GR must take into consideration the "technical" implications of implementation as set forth in relevant Agreements (see annexes II, III and IV).

In developing the UN Regulations, UN GTRs and UN Rules , a GR must give consideration to:

- Objective(s) of the new UN Regulation, UN GTR and UN Rule or amendments to an existing UN Regulation, UN GTR and UN Rule such as improved vehicle safety, reduced environmental impacts, energy efficiency, and theft deterrence;
- Best available technology and, where appropriate, possible incremental improvements in technology that will provide significant steps in achieving the regulatory objectives and public benefits;
- The potential benefits attendant to the various levels of technology and attendant to levels of regulatory stringency or performance;
- The costs, both monetary and social, that may be attendant to each level of regulatory stringency or performance;
- The relationship or potential interaction of a specific technical UN Regulation, UN GTR and UN Rule to other UN Regulations, UN GTRs and UN Rules currently in force or to be adopted by Contracting Parties to existing Agreements administered by WP.29.

Throughout the regulatory development process or the amending process, the GR presents progress reports on its work to WP.29, and where directed by WP.29, makes revisions and conducts additional investigations to resolve new issues attendant to its work assignments. Upon the completion of its work, the GR presents a final recommendation for a UN Regulation, UN GTR and UN Rule or amendment to WP.29.

WP.29 Review and Recommendations

Upon the receipt of a final recommendation from a GR regarding a new, harmonized or amended UN Regulation, UN GTR and UN Rule, WP.29 begins a review and a discussion of the recommendation by all participants. Absent any substantive objections and requests for further work by the GR, WP.29 will formally submit the recommendation to the Executive Committee of the relevant Agreement(s) for its (their) consideration for establishment or adoption as an UN Regulation, UN Global Technical Regulation, UN Rule, or amendment to any of those existing.

Establishment or Adoption of UN Regulations, UN GTRs and UN Rules and Amendments to UN Regulations

The Executive Committee of the relevant Agreement (AC.1 for the 1958 Agreement; AC.3 for the 1998 Global Agreement; and AC.4 for the 1997 Agreement on Periodical Technical Inspections) will review the recommended action to determine if it is consistent with the provisions and requirements set forth in the respective Agreements. Having made a determination of consistency, the Executive Committee(s) will vote, in accordance with the terms of their respective Agreements, to establish or adopt the recommended UN Regulation, UN Rule or amendment. Failure to establish a Global Technical Regulation under the 1998 Agreement does not preclude its adoption as an UN Regulation under the 1958 Agreement and vice versa. Upon its establishment or adoption, the Executive Committee(s) will request the UNECE Secretariat to forward to the Secretary-General of the United Nations, the established or adopted UN Regulation, UN Rule or amendment with their request that it be formally established under the UNECE. A new UN Regulation adopted under the 1958 Agreement will have the designation: E/ECE/324-E/ECE/TRANS/505/Rev.2/Add.#. A UN Global Technical Regulation established in the Global Registry under the 1998 Global Agreement will have the designation: ECE/TRANS/180/Add.#. A UN Rule established under the 1997 Agreement on Periodical Technical inspections shall become: ECE/RCTE/CONF./4/Add.#.

Information on Regulations

Detailed information on the status of the UN Regulations annexed to the 1958 Agreement, Global Technical Regulations established in the Global Registry of the 1998 Global Agreement and the Rules annexed to the 1997 Agreement on Periodical Technical Inspections are freely available in the website of WP.29: <http://www.unece.org/trans/main/welcwp29.html>

UN Regulations annexed to the 1958 Agreement may be ordered (purchased from):

United Nations Publications Customer Service
c/o National Book Network
15200 NBN Way
P.O. Box 190
Blue Ridge Summit, PA 17214 – USA
Toll free phone: 1-888-254-4286
Toll free phone: 1-800-338-4550
E-mail: unpublications@nbnbooks.com

Chapter V

Special considerations and actions attendant to the agreements administered by WP.29

"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" (1998 Agreement)

The 1998 Agreement includes six unique and significant provisions for the development and establishment of UN Global Technical Regulations.

- It provides for the consideration of regulatory development proposals from Contracting Parties to the Agreement. (Article 3)
- It specifies the criteria required for the harmonization of regulations from the Compendium and existing UN Regulations, the development of new UN Global Technical Regulations and the amendment of existing Global Technical Regulations. (Article 4)
- It requires the establishment of a Compendium of Candidate Global Technical Regulations. The Compendium consists of existing national or regional regulations that are selected as candidates for global harmonization. (Article 5)
- It requires the establishment of a Registry of UN Global Technical Regulations. (Article 6)
- It specifies the process for the amendment of established UN Global Technical Regulations. (Article 6)
- It requires the consensus of all Contracting Parties for the establishment or amendment of a UN Global Technical Regulation. (Article 6, para. 6.3.)

The Agreement does not obligate Contracting Parties to a specific conformity assessment regime (i.e. type approval, self-certification, etc.) or to commit to reciprocal recognition of UN Global Technical Regulations adopted by other Contracting Parties nor does it impose an enforcement regime. In this regard the Agreement preserves the sovereign rights of each Contracting Party to implement and enforce the UN Global Technical Regulation in accordance with their respective national or regional regulatory process and/or laws. For a more detailed description please refer to Annex III.

"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" (1958 Agreement as revised in 1995)

The 1958 Agreement has a long history of regulatory development that was originally designed to facilitate the free movement and sale of wheeled vehicles across State borders within a region of Europe. To achieve this objective the Agreement included various provisions to reduce the burden of repetitive regulatory testing and certifications by Contracting Parties. Subsequent amendments to the Agreement, as described earlier, have served to expand its scope of activities and to attract the participation of countries outside the original European region and from other parts of the world. However, the Agreement still contains certain original provisions that preclude some countries from becoming Contracting Parties due to their national laws. The unique provisions of the 1958 Agreement include:

- Conditions for granting type approval for the verification that a vehicle, equipment or part submitted by a manufacturer conforms to the requirements of a given UN Regulation. Such type approval verification may be carried out by a competent authority designated by the certifying Contracting Party. (Article 1)
- Conditions requiring the reciprocal recognition by Contracting Parties of approvals issued by other Contracting Parties. (Article 1)
- Conditions that result in the adoption of a UN Regulation if, within a period of six months from its notification to Contracting Parties by the UN Secretary-General, not 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. (Article 1)
- Conditions that establish the date(s) on which the UN Regulation will enter into force for all Contracting Parties which did not notify the Secretary-General of disagreement. (Article 1)
- Conditions that any Contracting Party applying a UN 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 UN Regulation through type approval. (Article 3)
- Conditions that require the notification of the competent authority of the Contracting Party that has issued a type approval for a product, by a Contracting Party whose competent authority has determined said product does not conform to the approved type(s) of product. The issuing Contracting Party shall notify all other Contracting Parties applying the UN Regulation through type approval of the steps it has taken to bring the product into conformity. (Article 4)
- Conditions that require the competent authorities of each Contracting Party applying UN Regulations through type approval to send monthly to the competent authorities of other Contracting Parties a list of products, approvals of which it has refused to grant or has withdrawn during that month. (Article 5)

For a more detailed description of the above conditions please refer to Annex II.

"Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections" (1997 Agreement)

The 1997 Agreement was designed to ensure that vehicles in operation would be properly maintained and inspected in order to preserve throughout their useful life the performance which they had been guaranteed by type approval, without an excessive degradation.

The provisions of the 1997 Agreement for establishing the UN Rules to be annexed to the Agreement were made parallel to those of the 1958 Agreement, well proved in practice.

For a more detailed description please refer to Annex IV.

Chart 5

Establishing UN Global Technical Regulations

Harmonized (#1) & New (#2)

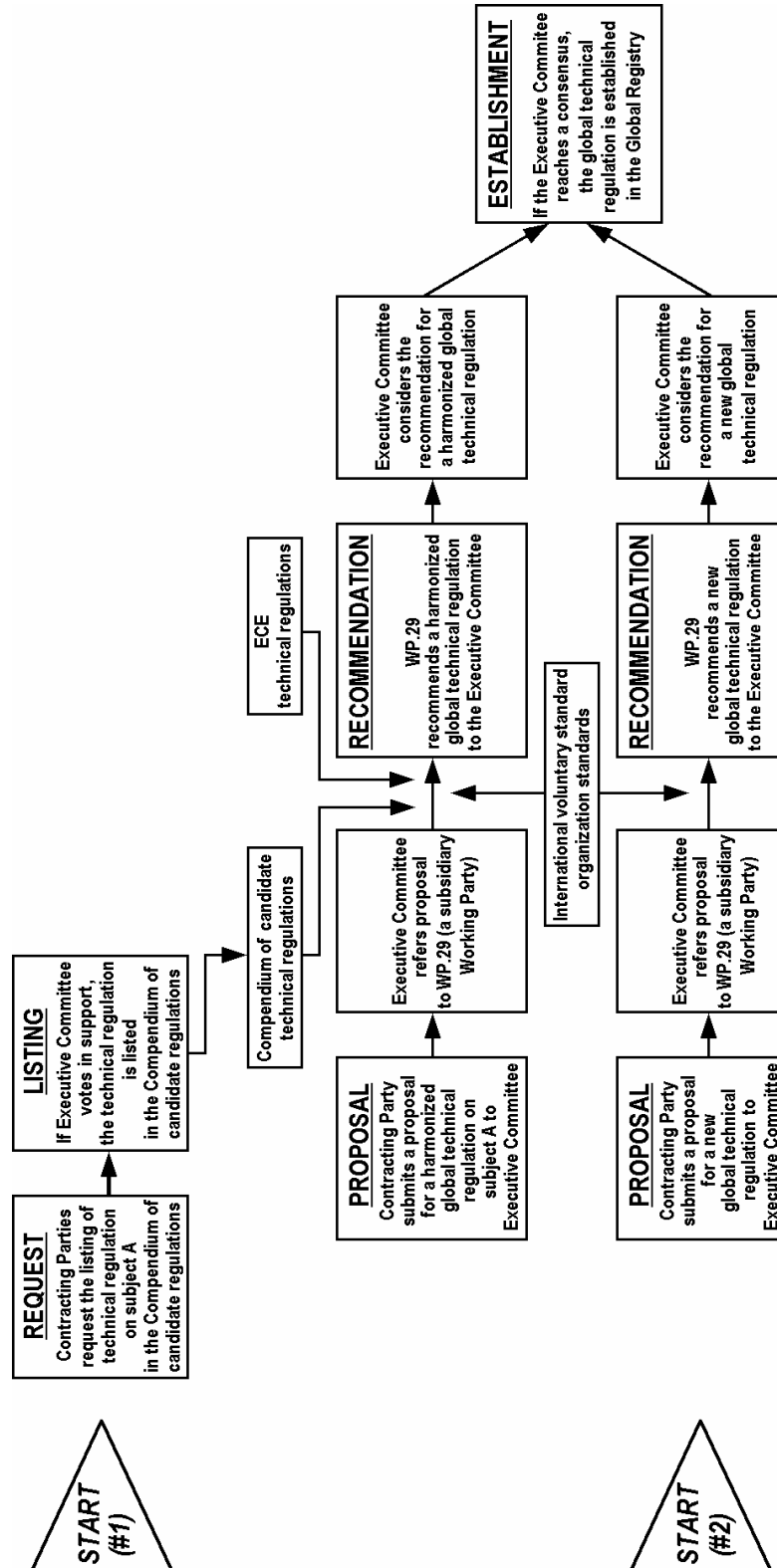
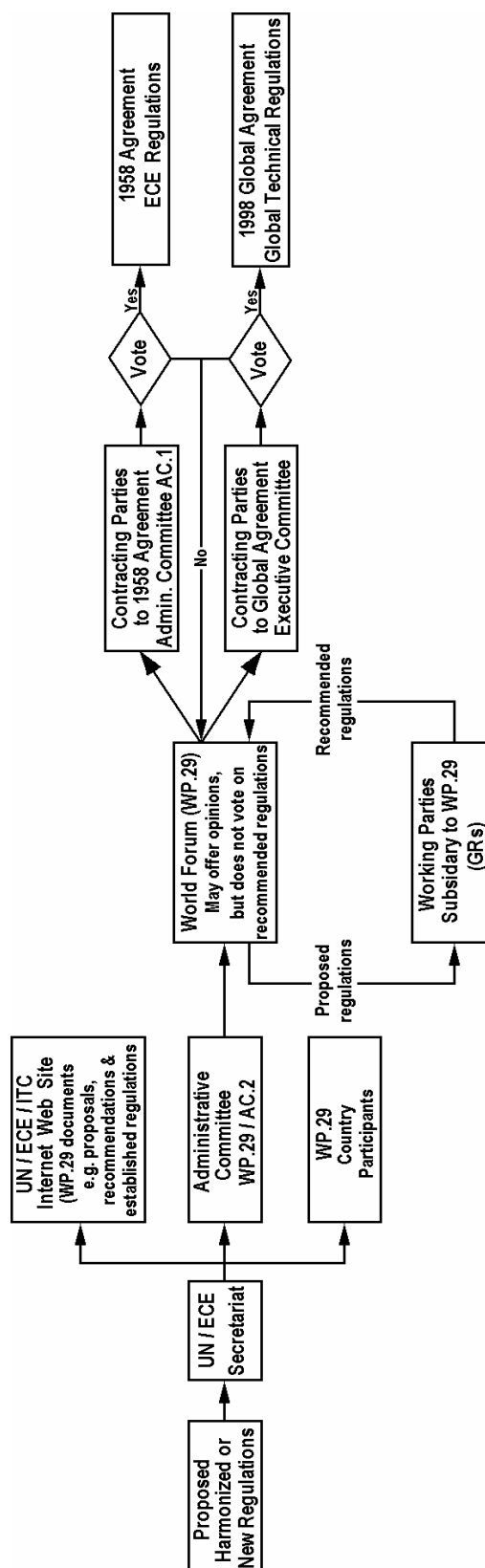


Chart 6

UNECE World Forum WP.29

Consideration and establishment of Regulations



Annex I

Terms of reference and rules of procedure of the World Forum for Harmonization of Vehicle Regulations (WP.29)

(Reproduction of document TRANS/WP.29/690 and TRANS/WP.29/690/Add.1
in a consolidated text)

Terms of reference of WP.29

1. The World Forum for Harmonization of Vehicle Regulations (WP.29) (hereinafter referred to as WP.29), acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE) and subject to the general supervision of the Inland Transport Committee (ITC) shall, provided such actions are in conformity with the Terms of Reference of the ECE (document E/ECE/778 Rev. 4) and consistent with the Agreements listed in Annex 1:
 - (a) Initiate and pursue actions aiming at the harmonization or development of technical regulations or amendments to such regulations which may be accepted world-wide, and which are directed at improving vehicle safety, protecting the environment, promoting energy efficiency and anti-theft performance, providing uniform conditions for periodical technical inspections and strengthening economic relations world-wide, according to the objectives laid down in the respective Agreements.
 - (b) Foster the reciprocal recognition of approvals, certificates and periodical technical inspections among Contracting Parties to the Agreements that expressly provide for such action.
 - (c) Serve as the specialised technical body for the relevant Agreements established under the auspices of the United Nations Economic Commission for Europe, Inland Transport Committee. Its function is to develop recommendations regarding the establishment or amendment of technical regulations which may be accepted world-wide and regarding uniform conditions for periodical technical inspections, consistent with the provisions of those Agreements.
 - (d) Foster world-wide participation in its activities by encouraging cooperation and collaboration with countries and Regional Economic Integration Organizations (REIOs) not yet participating in WP.29 activities, with regard to technical matters that come before WP.29.
 - (e) Encourage all its participants to apply or adopt into their law world-wide harmonized technical regulations and conditions for periodical inspections.
 - (f) Develop a work programme attending the respective Agreements in a coordinated and coherent manner.
 - (g) Create a working environment that facilitates the fulfilment by Contracting Parties of their obligations set forth in the respective Agreements.
 - (h) Ensure openness and transparency during the sessions.
2. These Terms of Reference and the Rules of Procedure apply to WP.29 and do not modify the provisions of the Agreements listed in Annex 1.

Rules of procedure of WP.29

Chapter I

Participation

Rule 1

- (a) Countries which are specified in paragraph 7. of the Terms of Reference of the ECE (document E/ECE/778/Rev.4) shall be participants.

Countries which are covered by paragraph 11. of the Terms of Reference of the ECE and are Contracting Parties to any of the Agreements listed in Annex 1 shall be participants.

Regional Economic Integration Organizations (REIOs) which are set up by countries that are members of the ECE or members of the United Nations and are Contracting Parties to any of the Agreements listed in Annex 1 shall be participants.

- (b) Countries which are covered by paragraph 11. of the Terms of Reference of the ECE may, after notification to the Secretariat, participate in a consultative capacity in WP.29 in the consideration of any matter of particular concern to that member.
- (c) Agencies and organizations which are covered by paragraphs 12. and 13. of the Terms of Reference of the ECE may, after notification to the Secretariat, participate in a consultative capacity in WP.29 in the consideration of any matter of particular concern to those agencies or organizations.

Chapter II

Sessions

Rule 2

Sessions shall be held on dates fixed by the ECE Executive Secretary.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva (UNOG), Switzerland. If WP.29 decides to hold a particular session elsewhere, the relevant UN Rules and Regulations shall apply.

Rule 4

The Secretariat shall, at least six (6) weeks before the commencement of a session, distribute a notice of the opening date of said session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be available on the WP.29 website of the Internet and a hard copy shall be transmitted not less than (6) weeks before the opening of the session. In exceptional cases, the Secretariat may distribute basic documents at the session. Participants, as defined in Rule 1, may distribute informal documents, after the authorization by the Chairperson in consultation with the Secretariat, prior to or during a session. Such informal documents shall relate to items on the adopted agenda of the respective meeting. Where possible, the Secretariat (see Chapter VI) shall make the informal documents available on the WP.29 website of the Internet.

Chapter III

Agenda

Rule 5

The provisional agenda for each session of WP.29 shall be drawn up by the Secretariat in consultation with the Administrative Committee for the Coordination of Work (WP.29/AC.2) (see Chapter IX).

Rule 6

The provisional agenda for any session of WP.29 shall include:

- (a) Items related to any of the Agreements listed in Annex 1.
- (b) Items arising from previous sessions of WP.29;
- (c) Items proposed by any WP.29 participant and accepted for the programme of work of WP.29;
- (d) Items proposed by the Chairperson or Vice-Chairperson of any subsidiary body of WP.29;
- (e) Any other items which the Chairperson or Vice-Chairperson of WP.29, or the Secretariat sees fit to include.

Rule 7

The first item upon the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

WP.29 may amend the agenda at any time.

Rule 9

The provisional agenda for each session of any subsidiary body of WP.29 (see Chapter X and Annex 2) shall be drawn up by the Secretariat in consultation with the Chairperson and/or Vice-Chairperson of that body, and shall correspond with the programme of work adopted by WP.29. Previous meetings shall, in general, establish the framework for the agenda of the next meeting.

Chapter IV

Representation and Credentials

Rule 10

Each participant, as defined in Rule 1, shall be represented at sessions of WP.29 and its subsidiary bodies by an accredited representative(s).

Rule 11

The representative defined in Rule 10 above may be accompanied to the sessions of WP.29 by an alternate representative and advisors and, when absent, the representative may be replaced by an alternate representative.

Rule 12

The accreditation of each representative appointed to WP.29, together with a designation of an alternate representative, shall be submitted to the Secretariat prior to the date of each session of WP.29 and its subsidiary bodies.

Chapter V

Officers

Rule 13

WP.29 shall, at the end of its last session of the year, elect from the representatives of participants as defined in Rule 1(a) a Chairperson and Vice-Chairperson(s), who shall take office at the start of the first session of the following year. The number of Vice-Chairpersons may vary from year to year depending upon need. The officers shall be eligible for re-election.

Rule 14

If the Chairperson ceases to represent a participant, or can no longer hold office, one of the Vice-Chairpersons, designated by the participants as defined in Rule 1(a), shall become Chairperson for the unexpired portion of the term. In that case, or if one of the Vice-Chairpersons ceases to represent a participant, or can no longer hold office, WP.29 shall elect another Vice-Chairperson for the unexpired portion of the term.

Rule 15

The Vice-Chairperson acting as Chairperson shall have the same powers and carry out the same duties as the Chairperson.

Rule 16

The Chairperson or the Vice-Chairperson acting as Chairperson shall participate in WP.29 in this capacity and not as the representative of the participant, as defined in Rule 1(a), by whom he or she was accredited. WP.29 shall admit an alternate representative to represent that participant, and to exercise its right to vote.

Chapter VI

Secretariat

Rule 17

The Secretariat, acting in the framework of the Transport Division of the ECE Secretariat, shall provide administrative support for all sessions, including preparation of the session reports. Reports of WP.29 shall be adopted at the end of each session. Reports of the subsidiary bodies of WP.29 shall be prepared by the Secretariat for subsequent consideration and endorsement by WP.29.

Rule 18

During the sessions, the Secretariat shall assist WP.29 and its subsidiary bodies in complying with these Rules of Procedure.

Chapter VII

Conduct of Business

Rule 19

The sessions of WP.29 and its subsidiary bodies shall be held in public.

Rule 20

The Secretariat, in consultation with WP.29/AC.2, may decide not to hold a session if the substance of the provisional agenda or the number of accredited representatives is determined to be insufficient.

Rule 21

The conduct of business shall be in accordance with Rules 27 to 37 of the Rules of Procedure of the ECE, unless otherwise provided herein.

Rule 22

The Chairperson may limit the time allowed to each speaker.

Rule 23

Every representative has the right to declare his or her position and have it reflected in the session report.

Chapter VIII

Voting

Rule 24

Each participant, as defined in Rule 1(a), other than REIOs, shall have one vote. REIOs, as defined in Rule 1(a), may only vote in lieu of their Member States and with the number of votes of their Member States that are participants in WP.29.

Rule 25

Decisions of WP.29 shall be made by a majority of the participants as defined in Rule 1(a), present and voting, and in accordance with Rule 24 above.

Rule 26

The voting shall be in accordance with Rules 34 to 39 of the Rules of Procedure of the ECE, unless otherwise provided herein.

Rule 27

Voting under the Agreements listed in Annex 1 shall be in accordance with the voting rules specified in the respective Agreement.

Chapter IX

Administrative Committee

Rule 28

WP.29 shall form an Administrative Committee for the Coordination of Work, to be known as WP.29/AC.2. In particular, WP.29/AC.2 shall:

- (a) Develop and recommend a programme of work to WP.29, giving consideration to requests from participants, as defined in Rule 1, and the relevance and priority of such requests, in particular with regard to the Agreements listed in Annex 1;
- (b) Consider the reports and recommendations from the subsidiary bodies, and identify those items that require action by WP.29 and the time frame for their consideration;
- (c) Provide recommendations to WP.29 on any other work that is within the scope of WP.29's activities; and
- (d) Develop and recommend to WP.29 the provisional agenda for sessions of WP.29.

Rule 29

Participants in WP.29/AC.2 shall be:

- (a) The Chairperson and the Vice-Chairperson(s) of WP.29;
- (b) The Chairperson and the Vice-Chairperson(s) of the Administrative or Executive Committee attendant to each Agreement listed in Annex 1, and representatives of the European Community, Japan, and the United States of America; and
- (c) The Chairperson and the Vice-Chairperson of each subsidiary body of WP.29 in accordance with Chapter X of these Rules of Procedure.

Rule 30

WP.29/AC.2. may invite other persons to participate in a consultative capacity.

Rule 31

WP.29/AC.2 shall meet prior to each session of WP.29, with notice given by the Secretariat in accordance with Rule 4.

Rule 32

The meetings of WP.29/AC.2 shall be convened by the Secretariat in consultation with the Chairperson, and the Secretariat shall participate in accordance with the Rules of Chapter VI.

Rule 33

The Chairperson of WP.29 shall serve as the Chairperson of WP.29/AC.2 unless decided otherwise by WP.29/AC.2.

Chapter X

Subsidiary bodies of WP.29

Rule 34

WP.29 may propose to the ITC to establish a new subsidiary body or to dissolve an existing one, and shall provide justification for such action.

Rule 35

Subsidiary bodies of WP.29 shall apply the Rules of Procedure of WP.29, as appropriate.

Rule 36

Each subsidiary body shall be comprised of experts accredited by participants, as defined in Rule 1.

Rule 37

Each subsidiary body of WP.29 shall, at the end of its last session of each year, elect from the experts accredited by participants, as defined in Rule 1(a), a Chairperson, and, if desired, a Vice-Chairperson.

Rule 38

In carrying out its work and developing its recommendations, each subsidiary body shall give consideration to technical issues as elaborated in the Agreements listed in Annex 1 and other relevant technical matters. Any documentation relating to its recommendation shall be provided to the Secretariat, and shall be made available to the public.

Chapter XI

Amendments

Rule 39

Any of these Rules of Procedure may be amended, in accordance with Rule 25.

Annex 1

List of Agreements administered by WP.29

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, done at Geneva on 20 March 1958 (including the amendments entered into force on 16 October 1995)

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

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, done at Vienna on 13 November 1997

(document ECE/RCTE/CONF./4)

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, done at Geneva on 25 June 1998

(documents ECE/TRANS/132 and ECE/TRANS/132/Corr.1)

Annex 2

Subsidiary bodies of WP.29

Working Party on Pollution and Energy	(GRPE)
Working Party on General Safety Provisions	(GRSG)
Working Party on Brakes and Running Gear	(GRRF)
Working Party on Lighting and Light-Signalling	(GRE)
Working Party on Passive Safety	(GRSP)
Working Party on Noise	(GRB)

Annex II

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^{*}**

Revision 2

(Including the amendments entered into force on 16 October 1995)

(reproduction of document E/ECE/324 – E/ECE7TRANS/505/Rev.2)

^{*}

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.

Preamble

THE CONTRACTING PARTIES,

HAVING DECIDED to amend 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, and

DESIRING to define uniform technical prescriptions that it will suffice for certain wheeled vehicles, equipment and parts to fulfil in order to be used in their countries,

DESIRING to adopt these prescriptions whenever possible in their countries, and,

DESIRING to facilitate the use in their countries of the vehicles, equipment and parts, where approved according to these prescriptions by the competent authorities of another Contracting Party,

HAVE AGREED as follows:

Article 1

1. The Contracting Parties shall establish through an Administrative Committee made up of all the Contracting Parties in conformity with the rules of procedure set out in Appendix 1 and on the basis of the following articles and paragraphs, Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. Where necessary the technical requirements will include alternatives and when possible they will be performance oriented and include test methods. Conditions for granting type approvals and their reciprocal recognition will be included for use by Contracting Parties who choose to implement Regulations through type approval.

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 and energy saving;

The term "type approval pursuant to a Regulation" indicates an administrative procedure by which the competent authorities of one Contracting Party declare, after carrying out the required verifications, that a vehicle, equipment or parts submitted by the manufacturer conform to the requirements of the given Regulation. Afterwards the manufacturer certifies that each vehicle, equipment or parts put on the market were produced to be identical with the approved product.

For the application of the Regulations there could be various administrative procedures alternative to type approval. The only alternative procedure generally known and applied in certain Member States of the Economic Commission for Europe is the self-certification by which the manufacturer certifies, without any preliminary administrative control, that each product put on the market conforms to the given Regulation; the competent administrative authorities may verify by random sampling on the market that the self-certified products comply with the requirements of the given Regulation.

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

The 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 Regulation.

The Regulation shall cover the following:

- (a) Wheeled vehicles, equipment or parts concerned;
- (b) Technical requirements, which if necessary may include alternatives;
- (c) Test methods by which any performance requirements are to be demonstrated;
- (d) Conditions for granting type approval and their reciprocal recognition including any approval markings and conditions for ensuring conformity of production.
- (e) The date(s) on which the Regulation enters into force.

The Regulation may, if needed, include references to the laboratories accredited by the competent authorities where acceptance tests of the types of wheeled vehicles, equipment or parts submitted for approval must be carried out.

3. When a Regulation has been adopted the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected and in respect of which the Regulation shall not enter into force.

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

5. When depositing its instrument of accession, any new Contracting Party may declare that it is not bound by certain Regulations then annexed to this Agreement or that it is not bound by 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 Regulation, the Secretary-General shall communicate such draft or adopted Regulation to the new Contracting Party and it shall enter into force as a Regulation for the new Contracting Party only under the conditions specified in paragraph 4 of this Article. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. The Secretary-General shall also communicate to them all declarations concerning the non-application of certain Regulations that any Contracting Party may make in accordance with the terms of this paragraph.

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

Approvals granted shall remain valid until their withdrawal;

If a Contracting Party ceases to issue approvals to a Regulation it shall:

Maintain proper supervision on conformity of production of products for which it previously granted type approval;

Take the necessary steps set out in Article 4 when advised of non-conformity by a Contracting Party that continues to apply the Regulation;

Continue to notify the competent authorities of other Contracting Parties of withdrawal of approvals as set out in Article 5;

Continue to grant extensions to existing approvals.

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

8. The Contracting Parties for which a Regulation is in force shall hereinafter be referred to as "the Contracting Parties applying a Regulation".

Article 2

Each Contracting Party applying Regulations largely through type approval shall grant the type approvals and approval markings described in any Regulation for the types of wheeled vehicles, equipment or parts covered by the Regulation, provided that it has the technical competence and is satisfied with the arrangements for ensuring conformity of the product with the approved type as set out in Appendix 2. Each Contracting Party applying a Regulation through type approval shall refuse the type approvals and approval markings covered by the Regulation if the above-mentioned conditions are not complied with.

Article 3

Wheeled vehicles, equipment or parts for which type approvals have been issued by a Contracting Party in accordance with Article 2 of this Agreement and manufactured either in the territory of a Contracting Party applying the Regulation concerned, or in such other country as is designated by the Contracting Party which has duly approved the types of wheeled vehicles, equipment or parts concerned shall be held to be in conformity with the legislation of all the Contracting Parties applying the said Regulation through type approval.

Article 4

Should the competent authorities of a Contracting Party applying a Regulation through type approval 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, they shall advise the competent 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 and shall advise the other Contracting Parties applying the Regulation through type approval 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) shall inform thereof all other Contracting Parties about the situation. Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory.

Article 5

The competent authorities of each Contracting Party applying Regulations through type approval shall send monthly to the competent authorities of the other Contracting Parties a list of the wheeled vehicle, equipment or parts, approvals of which it has refused to grant or has withdrawn during that month; in addition, on receiving a request from the competent authority of another Contracting Party applying a Regulation through type approval, it shall send forthwith to that competent 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 parts to that Regulation.

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

Article 7

1. The amended 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 Agreement shall be deemed not to enter into force if any objection from the Contracting Parties to the 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 Agreement, this amended 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 new 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 new 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.

Article 11

1. Each new Contracting Party may, at the time of acceding to this Agreement, declare that it does not consider itself bound by Article 10 of the Agreement. Other Contracting Parties shall not be bound by Article 10 in respect of any new 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 Regulations annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, declare that it does not propose to apply certain of the Regulations or that it does not propose to apply any of them.

Article 12

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

1. Amendments to 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. Where necessary an amendment may include the existing requirements as an alternative. Contracting Parties shall specify which alternatives within the Regulations they will apply. Contracting Parties applying alternative(s) within a Regulation shall not be obliged to accept approvals to preceding alternative(s) within the same Regulation. Contracting Parties applying only the most recent amendments shall not be obliged to accept approvals to preceding amendments or to unamended Regulations. Contracting Parties applying an earlier series of amendments or the unamended Regulation shall accept approvals granted to a later amendment series. An amendment to the 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 Regulation.
2. An amendment to a Regulation will be considered to be adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties applying the 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 Regulation who did not declare themselves opposed to it. When a Regulation is amended and at least one-fifth of the Contracting Parties applying the unamended Regulation subsequently declare that they wish to continue to apply the unamended Regulation, the unamended Regulation will be regarded as an alternative to the amended Regulation and will be

incorporated formally as such into the Regulation with effect from the date of adoption of the amendment or its entry into force. In this case the obligations of the Contracting Parties applying the Regulation shall be the same as set out in paragraph 1.

3. 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 its Appendices. The text of any proposed amendment to the Agreement and its Appendices 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.

Article 14

In addition to the notifications provided for in Articles 1, 12 and 13 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 amendment in accordance with paragraphs 1 and 2 of Article 12;
- (g) The entry into force of any amendment in accordance with paragraph 3 of Article 13.

Article 15

1. If at the date the above provisions come into effect the procedures envisaged in Article 1, paragraphs 3 and 4 of the unamended Agreement are under way for adopting a new Regulation, the said new Regulation shall enter into force under the provisions of paragraph 5 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 unamended Agreement are under way for the adoption of an amendment to a 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 Regulation adopted under the terms of the unamended Agreement may be treated as though it were a 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.

Appendix 2

Conformity of production procedures

1. Initial assessment

- 1.1. The approval authority of a Contracting Party must verify - before granting 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. The requirement in paragraph 1.1. must be verified to the satisfaction of the authority granting type approval but may also be verified, on behalf and at the request of the authority granting type approval, by the approval authority of another Contracting Party. In that case, the latter approval authority prepares a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type approved.
- 1.3. The approval authority must also accept the manufacturer's registration to harmonized standard ISO 9002 (the scope of which covers the product(s) to be approved) or an equivalent accreditation standard as satisfying the requirements of paragraph 1.1. The manufacturer must provide details of the registration and undertake to inform the approval authority of any revisions to its validity or scope.
- 1.4. On receiving an application from the authority of another Contracting Party the approval authority shall send forthwith the statement of compliance mentioned in the last sentence of paragraph 1.2. or advise that it is not in a position to provide such a statement.

2. Conformity of production

- 2.1. Every vehicle, equipment or part approved under Regulation annexed to this Agreement must be so manufactured as to conform to the type approved by meeting the requirements of this Appendix and of the said Regulation.
- 2.2. The approval authority of a Contracting Party granting a type approval pursuant to a 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 approval must in particular:
 - 2.3.1. Ensure the existence of procedures for effective control of the conformity of products (vehicles, equipment or parts) to the type approval;
 - 2.3.2. Have access to the testing equipment necessary for checking the conformity to each approved type;
 - 2.3.3. Ensure that test results' data are recorded and that annexed documents remain available for a period to be determined in agreement with the approval authority. This period must not exceed 10 years;
 - 2.3.4. Analyze results of each type of test, 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 this Appendix and the tests prescribed in the applicable 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.
 - 2.4. The authority which has granted type approval may at any time verify the conformity control methods applied in each production facility. The normal frequency of these verifications must be consistent with the arrangements (if any) accepted under paragraph 1.2. or 1.3. of this Appendix and be such as to ensure that the relevant controls are reviewed over a period consistent with the climate of trust established by the approval authority.
 - 2.4.1. At every inspection, the test records and production records must be available to the visiting inspector.
 - 2.4.2. Where the nature of the test is appropriate, the inspector may select samples at random to be tested in the manufacturer's laboratory (or by the Technical Service where the Regulation annexed to this Agreement so provides). The minimum number of samples may be determined according to the results of the manufacturer's own verification.
 - 2.4.3. 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 2.4.2., the inspector must select samples to be sent to the Technical Service which conducts the type approval tests.
 - 2.4.4. The approval authority may carry out any check or test prescribed in this Appendix or in the applicable Regulation annexed to this Agreement.
 - 2.4.5. In cases where unsatisfactory results are found during an inspection, the approval authority must ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.
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Annex III

**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,
done at Geneva on 25 June 1998**

(Reproduction of documents ECE/TRANS/132 and Corr.1)

Preamble

THE CONTRACTING PARTIES,

HAVING DECIDED to adopt an Agreement to establish a process for promoting the development of global technical regulations ensuring high levels 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;

HAVING DECIDED that such process shall also promote the harmonization of existing technical regulations, recognizing the right of subnational, national and regional authorities to adopt and maintain technical regulations in the areas of health, safety, environmental protection, energy efficiency and anti-theft performance that are more stringent than those established at the global level;

HAVING AUTHORIZATION to enter into such an Agreement under paragraph 1(a) of the Terms of Reference of the UN/ECE and Chapter XIII of the Rules of Procedure of the UN/ECE, Rule 50;

RECOGNIZING that this Agreement does not prejudice the rights and obligations of a Contracting Party under existing international agreements on health, safety and environmental protection;

RECOGNIZING that this Agreement does not prejudice the rights and obligations of a Contracting Party under the agreements under the World Trade Organization (WTO), including the Agreement on Technical Barriers to Trade (TBT), and intending to establish global technical regulations under this agreement, as a basis for their technical regulations in a manner consistent with these agreements;

INTENDING that Contracting Parties to this Agreement use the global technical regulations established under this Agreement as a basis for their technical regulations;

RECOGNIZING the importance to public health, safety and welfare of continuously improving and seeking high levels 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, and the potential value to international trade, consumer choice and product affordability of increasing convergences in existing and future technical regulations and their related standards;

RECOGNIZING that governments have the right to seek and implement improvements in the level of health, safety and environmental protection, and to determine whether the global technical regulations established under this Agreement are suitable for their needs;

RECOGNIZING the important harmonization work already carried out under the 1958 Agreement;

RECOGNIZING the interest and expertise in different geographic regions regarding safety, environmental, energy and anti-theft problems and methods of solving those problems, and the value of that interest and expertise in developing global technical regulations to aid in achieving those improvements and in minimizing divergences;

DESIRING to promote the adoption of established global technical regulations in developing countries, taking into account the special issues and circumstances for those countries, and in particular the least developed of them;

DESIRING that the technical regulations applied by the Contracting Parties be given due consideration through transparent procedures in developing global technical regulations, and that such consideration include comparative analyses of benefits and cost effectiveness;

RECOGNIZING that establishing global technical regulations providing high levels of protection will encourage individual countries to conclude that those Regulations will provide the protection and performance needed within their jurisdiction;

RECOGNIZING the impact of the quality of vehicle fuels on the performance of vehicle environmental controls, human health, and fuel efficiency; and

RECOGNIZING that the use of transparent procedures is of particular importance in developing global technical regulations under this Agreement and that this development process must be compatible with the regulatory development processes of the Contracting Parties to this Agreement;

HAVE AGREED as follows:

Article 1

Purpose

- 1.1. The purpose of this Agreement is:
 - 1.1.1. To establish a global process by which Contracting Parties from all regions of the world can jointly develop global technical regulations regarding the 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;
 - 1.1.2. To ensure that, in developing global technical regulations, due and objective consideration is given to the existing technical regulations of Contracting Parties, and to the UN/ECE Regulations;
 - 1.1.3. To ensure that objective consideration is given to the analysis of best available technology, relative benefits and cost effectiveness as appropriate in developing global technical regulations;
 - 1.1.4. To ensure that the procedures used in developing global technical regulations are transparent;
 - 1.1.5. To achieve high levels of safety, environmental protection, energy efficiency, and anti-theft performance within the global community, and to ensure that actions under this Agreement do not promote, or result in, a lowering of these levels within the jurisdiction of Contracting Parties, including the subnational level;
 - 1.1.6. To reduce technical barriers to international trade through harmonizing existing technical regulations of Contracting Parties, and UN/ECE Regulations, and developing new global technical regulations governing 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, consistent with the achievement of high levels of safety and environment protection and the other above-stated purposes; and
 - 1.1.7. To ensure that, where alternative levels of stringency are needed to facilitate the regulatory activities of certain countries, in particular developing countries, such needs are taken into consideration in developing and establishing global technical regulations.
- 1.2. This Agreement is to operate in parallel with the 1958 Agreement, without affecting the institutional autonomy of either Agreement.

Article 2

Contracting Parties and consultative status

- 2.1. Countries that are members of the Economic Commission for Europe (UN/ECE), regional economic integration organizations that are set up by ECE member countries 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.
- 2.2. Countries that are members of the United Nations and that participate in certain activities of the ECE in accordance with paragraph 11 of the ECE's Terms of Reference, and regional economic integration organizations set up by such countries, may become Contracting Parties to this Agreement.
- 2.3. Any specialized agency and any organization, including intergovernmental organizations and non-governmental organizations, that have been granted consultative status by the Economic and Social Council of the United Nations, may participate in that capacity in the deliberations of any Working Party during consideration of any matter of particular concern to that agency or organization.

Article 3

Executive Committee

- 3.1. The representatives of Contracting Parties shall constitute the Executive Committee of this Agreement and shall meet at least annually in that capacity.

The Rules of Procedure of the Executive Committee are set forth in Annex B to this Agreement.
- 3.3. The Executive Committee shall:
 - 3.3.1. Be responsible for the implementation of this Agreement, including the setting of priorities for activity under this Agreement;
 - 3.3.2. Consider all recommendations and reports by Working Parties regarding the establishment of global technical regulations under this Agreement; and
 - 3.3.3. Fulfil such other functions as may be appropriate under this Agreement.
- 3.4. The Executive Committee shall have the final authority to decide whether to list regulations in the Compendium of Candidate global technical regulations and to establish global technical regulations under this Agreement.
- 3.5. The Executive Committee shall, in discharging its functions, use information from all relevant sources when the Committee deems it appropriate to do so.

Article 4

Criteria for technical regulations

- 4.1. To be listed under Article 5 or established under Article 6, a technical regulation shall meet the following criteria:
 - 4.1.1. Provide a clear description of the wheeled vehicles, equipment and/or parts which can be fitted and/or be used on wheeled vehicles and which are subject to the regulation.

- 4.1.2. Contain requirements that:
 - 4.1.2.1. Provide for high levels of safety, environmental protection, energy efficiency or anti-theft performance; and
 - 4.1.2.2. Wherever appropriate, are expressed in terms of performance instead of design characteristics.
- 4.1.3. Include:
 - 4.1.3.1. The test method by which compliance with the regulation is to be demonstrated;
 - 4.1.3.2. For regulations to be listed under Article 5, where appropriate, a clear description of approval or certification markings and/or labels requisite for type approval and conformity of production or for manufacturer self-certification requirements; and
 - 4.1.3.3. If applicable, a recommended minimum period of lead time, based upon considerations of reasonableness and practicability, that a Contracting Party should provide before requiring compliance.
- 4.2. A global technical regulation may specify alternative non-global levels of stringency or performance, and appropriate test procedures, where needed to facilitate the regulatory activities of certain countries, in particular developing countries.

Article 5

Compendium of candidate global technical regulations

- 5.1. A compendium of technical regulations of Contracting Parties other than UN/ECE Regulations that are candidates for harmonization or adoption as global technical regulations (to be known as the Compendium of Candidates) shall be created and maintained.
- 5.2. Listing technical regulations in the Compendium of Candidates

Any Contracting Party may submit a request to the Executive Committee for the listing in the Compendium of Candidates of any technical regulation that such Contracting Party has applied, is applying or has adopted for future application.

 - 5.2.1. The request specified in paragraph 5.2. shall contain:
 - 5.2.1.1. A copy of such regulation;
 - 5.2.1.2. Any available technical documentation supporting such regulation, including documentation concerning best available technology, relative benefits, and cost effectiveness; and
 - 5.2.1.3. The identification of any known existing or imminent relevant international voluntary standards.
 - 5.2.2. The Executive Committee shall consider all requests that satisfy the requirements of Article 4 and paragraph 5.2.1. of this Article. The technical regulation shall be listed in the Compendium of Candidates if supported by an affirmative vote in accordance with paragraph 7.1. of Article 7 of Annex B. The documentation submitted with the request for that regulation shall be appended to the listed technical regulation.
 - 5.2.3. The requested regulation shall be considered to be listed by the Secretary-General on the date on which it is supported by an affirmative vote under paragraph 5.2.2. of this Article.

5.3. Removing listed technical regulations from the Compendium of Candidates

A listed technical regulation shall be removed from the Compendium of Candidates either:

- 5.3.1. Upon the establishment in the Global Registry of a global technical regulation embodying product requirements addressing the same elements of performance or design characteristics as the listed technical regulation;
- 5.3.2. At the end of the 5-year period following the regulation's listing under this Article, and at the end of each subsequent 5-year period, unless the Executive Committee reaffirms, by an affirmative vote in accordance with paragraph 7.1. of Article 7 of Annex B, the listing of the technical regulation in the Compendium of Candidates; or
- 5.3.3. In response to a written request from the Contracting Party at whose request the technical regulation was originally listed. Such request shall include the bases for the removal of the regulation.

5.4. Availability of documents

All documents considered by the Executive Committee under this Article shall be publicly available.

Article 6

Registry of global technical regulations

- 6.1. A registry shall be created and maintained for the global technical regulations developed and established under this Article. The registry shall be known as the Global Registry.
- 6.2. Establishing global technical regulations in the Global Registry through harmonization of existing regulations

A Contracting Party may submit a proposal to develop a harmonized global technical regulation concerning elements of performance or design characteristics addressed either by technical regulations listed in the Compendium of Candidates, or by any UN/ECE Regulations, or both.

 - 6.2.1. The proposal specified in paragraph 6.2. shall contain:
 - 6.2.1.1. An explanation of the objective of the proposed global technical regulation.
 - 6.2.1.2. A narrative description or, if available, the draft text of the proposed global technical regulation;
 - 6.2.1.3. Available documentation that may facilitate the analysis of the issues to be addressed in the report required by paragraph 6.2.4.2.1. of this Article;
 - 6.2.1.4. A list of all technical regulations in the Compendium of Candidates, and any UN/ECE Regulations, that address the same elements of performance or design characteristics to be addressed by the proposed global technical regulation; and
 - 6.2.1.5. The identification of any known existing relevant international voluntary standards.
 - 6.2.2. Each proposal specified in paragraph 6.2.1. of this Article shall be submitted to the Executive Committee.

- 6.2.3. The Executive Committee shall not refer to any Working Party any proposal that it determines does not satisfy the requirements of Article 4 and paragraph 6.2.1. of this Article. It may refer all other proposals to an appropriate Working Party.
- 6.2.4. In response to a proposal referred to it for developing a global technical regulation through harmonization, the Working Party shall use transparent procedures to:
- 6.2.4.1. Develop recommendations regarding a global technical regulation by:
- 6.2.4.1.1. Giving consideration to the objective of the proposed global technical regulation and the need for establishing alternative levels of stringency or performance;
- 6.2.4.1.2. Reviewing all technical regulations that are listed in the Compendium of Candidates, and any UN/ECE Regulations, that address the same elements of performance;
- 6.2.4.1.3. Reviewing any documentation that is appended to the regulations specified in paragraph 6.2.4.1.2. of this Article;
- 6.2.4.1.4. Reviewing any available assessments of functional equivalence relevant to the consideration of the proposed global technical regulation, including assessments of related standards;
- 6.2.4.1.5. Verifying whether the global technical regulation under development satisfies the stated objective of the regulation and the criteria in Article 4; and
- 6.2.4.1.6. Giving due consideration to the possibility of the technical regulation being established under the 1958 Agreement.
- 6.2.4.2. Submit to the Executive Committee:
- 6.2.4.2.1. A written report that presents its recommendation regarding the global technical regulation, includes all technical data and information that were considered in the development of its recommendation, describes its consideration of the information specified in paragraph 6.2.4.1. of this Article, and sets forth the rationale for its recommendations, including an explanation for rejecting any alternative regulatory requirements and approaches considered; and
- 6.2.4.2.2. The text of any recommended global technical regulation.
- 6.2.5. The Executive Committee shall, using transparent procedures:
- 6.2.5.1. Determine whether the recommendations regarding the global technical regulation, and the report are based upon a sufficient and thorough performance of the activities specified in paragraph 6.2.4.1. of this Article. If the Executive Committee determines that the recommendations, report and/or the text of the recommended global technical regulation, if any, are inadequate, it shall return the regulation and report to the Working Party for revision or additional work.
- 6.2.5.2. Consider the establishment of a recommended global technical regulation in accordance with the procedures set forth in paragraph 7.2. of Article 7 of Annex B. A consensus vote by the Executive Committee in favour of the regulation shall establish the Regulation in the Global Registry.
- 6.2.6. The global technical regulation shall be considered to be established in the Global Registry on the date of the consensus vote by the Executive Committee in favour of the regulation.

- 6.2.7. The Secretariat shall, upon the establishment of a global technical regulation by the Executive Committee, append copies of all relevant documentation, including the proposal submitted pursuant to paragraph 6.2.1. of this Article and the recommendations and report required by paragraph 6.2.4.2.1. of this Article, to that regulation.
- 6.3. Establishing new global technical regulations in the Global Registry
- A Contracting Party may submit a proposal to develop a new global technical regulation concerning elements of performance or design characteristics not addressed by technical regulations in the Compendium of Candidates or UN/ECE Regulations.
- 6.3.1. The proposal specified in paragraph 6.3. shall contain:
- 6.3.1.1. An explanation of the objective of the proposed new global technical regulation, based on objective data to the extent possible;
- 6.3.1.2. A narrative description or, if available, the draft text of the proposed new global technical regulation;
- 6.3.1.3. Any available documentation that may facilitate the analysis of the issues to be addressed in the report required by paragraph 6.3.4.2.1. of this Article; and
- 6.3.1.4. The identification of any known existing relevant international voluntary standards.
- 6.3.2. Each proposal specified in paragraph 6.3.1. of this Article shall be submitted to the Executive Committee.
- 6.3.3. The Executive Committee shall not refer to any Working Party any proposal that it determines does not satisfy the requirements of Article 4 and paragraph 6.3.1. of this Article. It may refer all other proposals to an appropriate Working Party.
- 6.3.4. In response to a proposal referred to it for developing a new global technical regulation, the Working Party shall use transparent procedures to:
- 6.3.4.1. Develop recommendations regarding a new global technical regulation by:
- 6.3.4.1.1. Giving consideration to the objective of the proposed new global technical regulation and the need for establishing alternative levels of stringency or performance;
- 6.3.4.1.2. Considering technical feasibility;
- 6.3.4.1.3. Considering economic feasibility;
- 6.3.4.1.4. Examining benefits, including those of any alternative regulatory requirements and approaches considered;
- 6.3.4.1.5. Comparing potential cost effectiveness of the recommended regulation to that of the alternative regulatory requirements and approaches considered;
- 6.3.4.1.6. Verifying whether the new global technical regulation under development satisfies the stated objective of the Regulation and the criteria in Article 4; and
- 6.3.4.1.7. Giving due consideration to the possibility of the technical regulation being established under the 1958 Agreement.

- 6.3.4.2. Submit to the Executive Committee:
- 6.3.4.2.1. A written report that presents its recommendation regarding the new global technical regulation, includes all technical data and information that were considered in the development of its recommendation, describes its consideration of the information specified in paragraph 6.3.4.1. of this Article, and sets forth the rationale for its recommendations, including an explanation for rejecting any alternative regulatory requirements and approaches considered; and
- 6.3.4.2.2. The text of any recommended new global technical regulation.
- 6.3.5 The Executive Committee shall, using transparent procedures:
- 6.3.5.1. Determine whether the recommendations regarding the new global technical regulation and the report are based upon a sufficient and thorough performance of the activities specified in paragraph 6.3.4.1. of this Article. If the Executive Committee determines that the recommendations, report and/or the text of the recommended new global technical regulation, if any, are inadequate, it shall return the regulation and report to the Working Party for revision or additional work.
- 6.3.5.2. Consider the establishment of a recommended new global technical regulation in accordance with the procedures set forth in paragraph 7.2. of Article 7 of Annex B. A consensus vote by the Executive Committee in favour of the regulation shall establish the Regulation in the Global Registry.
- 6.3.6. The global technical regulation shall be considered to be established in the Global Registry on the date of the consensus vote by the Executive Committee in favour of the regulation.
- 6.3.7. The Secretariat shall, upon the establishment of a new global technical regulation by the Executive Committee, append copies of all relevant documentation, including the proposal submitted pursuant to paragraph 6.3.1. of this Article and the recommendations and report required by paragraph 6.3.4.2.1. of this Article, to that Regulation.
- 6.4. Amending established global technical regulations
- The process for amending any global technical regulation established in the Global Registry under this Article shall be the procedures specified in paragraph 6.3. of this Article for establishing a new global technical regulation in the Global Registry.
- 6.5. Availability of documents
- All documents considered or generated by the Working Party in recommending global technical regulations under this Article shall be publicly available.

Article 7

Adoption, and notification of application, of established global technical regulations

- 7.1 A Contracting Party that votes in favour of establishing a global technical regulation under Article 6 of this Agreement shall be obligated to submit the technical Regulation to the process used by that Contracting Party to adopt such a technical Regulation into its own laws or regulations and shall seek to make a final decision expeditiously.
- 7.2. A Contracting Party that adopts an established global technical regulation into its own laws or regulations shall notify the Secretary-General in writing of the date on which it will begin applying that Regulation. The notification shall be provided within 60 days after its decision to

adopt the Regulation. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is selected by the Contracting Party.

- 7.3. A Contracting Party that is specified in paragraph 7.1. of this Article and that decides not to adopt the established global technical regulation into its own laws or regulations, shall notify the Secretary-General in writing of its decision and the basis for its decision. The notification shall be provided within sixty (60) days after its decision.
- 7.4. A Contracting Party that is specified in paragraph 7.1. of this Article and that has not, by the end of the one-year period after the date of the establishment of the Regulation in the Global Registry, either adopted that technical regulation or decided not to adopt the Regulation into its own laws or regulations, shall provide a report on the status of the Regulation in its domestic process. A status report shall be submitted for each subsequent one-year period if neither of those actions has been taken by the end of that period. Each report required by this paragraph shall:
 - 7.4.1. include a description of the steps taken during the past year to submit the Regulation and make a final decision and an indication of the anticipated date of such a decision; and
 - 7.4.2. be submitted to the Secretary-General not later than 60 days after the end of the one-year period for which the report is submitted.
- 7.5. A Contracting Party that accepts products that comply with an established global technical regulation without adopting that Regulation into its own laws or regulations shall notify the Secretary-General in writing of the date on which it began to accept such products. The Contracting Party shall provide the notification within sixty (60) days after the beginning of such acceptance. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is selected by the Contracting Party.
- 7.6. A Contracting Party that has adopted into its own laws or regulations an established global technical regulation may decide to rescind or amend the adopted Regulation. Prior to making that decision, the Contracting Party shall notify the Secretary-General in writing of its intent and the reasons for considering that action. This notice provision shall also apply to a Contracting Party that has accepted products under paragraph 7.5. and that intends to cease accepting such products. The Contracting Party shall notify the Secretary-General of its decision to adopt any amended or new regulation within 60 days after that decision. Upon request, the Contracting Party shall promptly provide copies of such amended or new regulation to other Contracting Parties.

Article 8

Issue resolution

- 8.1. Questions concerning the provisions of an established global technical regulation shall be referred to the Executive Committee for resolution.
- 8.2. Issues between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be resolved through consultation or negotiation between or among them. 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 Article 7 of Annex B.

Article 9

Becoming a Contracting Party

- 9.1. Countries and regional economic integration organizations specified in Article 2 may become Contracting Parties to this Agreement by either:
 - 9.1.1. Signature without reservation as to ratification, acceptance or approval;
 - 9.1.2. Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;
 - 9.1.3. Acceptance; or
 - 9.1.4. Accession.
- 9.2. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.
- 9.3. Upon becoming a Contracting Party:
 - 9.3.1. After this Agreement has entered into force, each country or regional integration organization shall give notification in accordance with Article 7 as to which, if any, global technical regulation(s) established pursuant to Article 6 it will adopt, and as to any decision to accept products that comply with any of those global technical regulations, without adopting those Regulations into its own laws or regulations. If the established global technical regulation contains more than one level of stringency or performance, the notification shall specify which of those levels of stringency or performance is adopted or accepted by the Contracting Party.
 - 9.3.2. Each regional economic integration organization shall declare in matters within its competence that its Member States have transferred powers in fields covered by this Agreement, including the power to make binding decisions on their Member States.
- 9.4. Regional economic integration organizations that are Contracting Parties shall cease being Contracting Parties when they lose the powers declared in accordance with paragraph 9.3.2. of this Article and shall inform the Secretary-General thereof.

Article 10

Signature

- 10.1. This Agreement shall be open for signature beginning 25 June 1998.
- 10.2. This Agreement shall remain open for signature until its entry into force.

Article 11

Entry into force

- 11.1. This Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of five (5) countries and/or regional economic integration organizations have become Contracting Parties pursuant to Article 9. This minimum of five (5) must include the European Community, Japan, and the United States of America.

- 11.2. If, however, paragraph 11.1 of this Article is not satisfied fifteen (15) months after the date specified in paragraph 10.1., then this Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of eight (8) countries and/or regional economic integration organizations have become Contracting Parties pursuant to Article 9. Such date of entry into force shall not be earlier than sixteen (16) months after the date specified in paragraph 10.1. At least one (1) of these eight (8) must be either the European Community, Japan or the United States of America.
- 11.3. For any country or regional economic integration organization that becomes a Contracting Party to the Agreement after its entry into force, this Agreement shall enter into force sixty (60) days after the date that such country or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession.

Article 12

Withdrawal from Agreement

- 12.1. A Contracting Party may withdraw from this Agreement by notifying the Secretary-General in writing.
- 12.2. Withdrawal from this Agreement by any Contracting Party shall take effect one year after the date on which the Secretary-General receives notification pursuant to paragraph 12.1. of this Article.

Article 13

Amendment of Agreement

- 13.1. A Contracting Party may propose amendments to this Agreement and the Annexes to this Agreement. Proposed amendments shall be submitted to the Secretary-General, who shall transmit them to all Contracting Parties.
- 13.2. A proposed amendment transmitted in accordance with paragraph 13.1. of this Article shall be considered by the Executive Committee at its next scheduled meeting.
- 13.3. If there is a consensus vote in favour of the amendment by the Contracting Parties present and voting, it shall be communicated by the Executive Committee to the Secretary-General who shall then circulate the amendment to all Contracting Parties.
- 13.4. An amendment circulated under paragraph 13.3. of this Article shall be deemed to be accepted by all Contracting Parties if no Contracting Party expresses an objection within a period of six (6) months after the date of such circulation. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three (3) months after the expiry of the period of the six (6) months referred in this paragraph.
- 13.5. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If such objection has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatever.

Article 14

Depositary

The Depositary of this Agreement shall be the Secretary-General of the United Nations. In addition to other depositary functions, the Secretary-General shall, as soon as possible, notify the Contracting Parties of:

- 14.1. The listing or removing of technical regulations under Article 5.
- 14.2. The establishing or amending of global technical regulations under Article 6.
- 14.3. Notifications received in accordance with Article 7.
- 14.4. Signatures, acceptances, and accessions in accordance with Articles 9 and 10.
- 14.5. Notifications received in accordance with Article 9.
- 14.6. The dates on which this Agreement shall enter into force for Contracting Parties in accordance with Article 11.
- 14.7. Notifications of withdrawal from this Agreement received in accordance with Article 12.
- 14.8. The date of entry into force of any amendment to this Agreement in accordance with Article 13.
- 14.9. Notifications received in accordance with Article 15 regarding territories.

Article 15

Extension of Agreement to territories

- 15.1. This Agreement shall extend to any territory or territories of a Contracting Party for whose international relations such Contracting Party is responsible, unless the Contracting Party otherwise specifies, prior to entry into force of the agreement for that Contracting Party.
- 15.2. Any Contracting Party may denounce this Agreement separately for any such territory or territories in accordance with Article 12.

Article 16

Secretariat

The Secretariat of this Agreement shall be the Executive Secretary of the UN/ECE. The Executive Secretary shall carry out the following secretariat functions:

- 16.1. Prepare the meetings of the Executive Committee and the Working Parties;
- 16.2. Transmit to the Contracting Parties reports and other information received in accordance with the provisions of this Agreement; and
- 16.3. Discharge the functions assigned by the Executive Committee.

Annex A

Definitions

For the purposes of this Agreement, the following definitions shall apply:

1. With regard to the global technical regulations developed under this Agreement, the term "*accept*" means the action by a Contracting Party of allowing the entry of products that comply with a global technical regulation into its market without having adopted that global technical regulation into its respective laws and regulations.
2. With regard to the global technical regulations developed under this Agreement, the term "*adopt*" means the promulgation of a global technical regulation into the laws and regulations of a Contracting Party.
3. With regard to the global technical regulations developed under this Agreement, the term "*apply*" means the action of requiring compliance with a global technical regulation by a Contracting Party as of a certain date; in other words, the effective date of the regulation within a Contracting Party's jurisdiction.
4. The term "*Article*" means an article of this Agreement.
5. The term "*consensus vote*" means a vote on a matter in which no Contracting Party present and voting objects to the matter in accordance with paragraph 7.2. of Article 7 of Annex B.
6. The term "*Contracting Party*" means any country, or regional economic integration organization, that is a Contracting Party to this Agreement.
7. The term "*equipment and parts which can be fitted and/or be used on wheeled vehicles*" means equipment or parts whose characteristics have a bearing on safety, environmental protection, energy efficiency, or anti-theft performance. Such equipment and parts include, but are not limited to, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices, and child restraint systems.
8. The term "*established global technical regulation*" means a global technical regulation that has been placed on the Global Registry in accordance with this Agreement.
9. The term "*listed technical regulation*" means a national or regional technical regulation that has been placed on the Compendium of Candidates in accordance with this Agreement.
10. The term "*manufacturer self-certification*" means a Contracting Party's legal requirement that a manufacturer of wheeled vehicles, equipment and/or parts which can be fitted and/or be used on wheeled vehicles must certify that each vehicle, item of equipment or part that the manufacturer introduces into commerce satisfies specific technical requirements.
11. The term "*regional economic integration organization*" means an organization which is constituted by, and composed of, sovereign countries, and which has competence in respect of matters covered by this Agreement, including the authority to make decisions binding on all of its Member Countries in respect of those matters.
12. The term "*Secretary-General*" means the Secretary-General of the United Nations.

13. The term "*transparent procedures*" means procedures designed to promote the public awareness of and participation in the regulatory development process under this Agreement. They shall include the publication of:
- (1) Notices of meetings of the Working Parties and of the Executive Committee; and
 - (2) Working and final documents.
- They shall also include the opportunity to have views and arguments represented at:
- (1) Meetings of Working Parties through organizations granted consultative status; and
 - (2) Meetings of Working Parties and of the Executive Committee through pre-meeting consulting with representatives of Contracting Parties.
14. The term "*type approval*" means written approval of a Contracting Party (or competent authority designated by a Contracting Party) that a vehicle and/or any item of equipment and/or part that can be fitted and/or be used on a vehicle, satisfies specific technical requirements, and is used as a precondition to the introduction of the vehicle, equipment or part into commerce.
15. The term "*UN/ECE Regulations*" means United Nations/Economic Commission for Europe Regulations adopted under the 1958 Agreement.
16. The term "*Working Party*" means a specialized technical subsidiary body under the ECE whose function is to develop recommendations regarding the establishment of harmonized or new global technical regulations for inclusion in the Global Registry and to consider amendments to the global technical regulations established in the Global Registry.
17. The term "*1958 Agreement*" means the 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.
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Annex B

Composition and rules of procedure of the Executive Committee

Article 1

Membership in the Executive Committee shall be limited to Contracting Parties.

Article 2

All Contracting Parties shall be members of the Executive Committee.

Article 3

- 3.1. Except as provided in paragraph 3.2. of this Article, each Contracting Party shall have one vote.
- 3.2. If a regional economic integration organization and one or more of its Member States are Contracting Parties to this Agreement, the regional economic integration organization shall, in matters within its competence, exercise its right to vote with a number of votes equal to the number of its Member States that are Contracting Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 4

In order to cast its own vote, a Contracting Party shall be present. A Contracting Party need not be present for the casting of a vote by its regional economic integration organization.

Article 5

- 5.1. A quorum consisting of not less than half of all the Contracting Parties shall be present for the taking of a vote.
- 5.2. For purposes of determining a quorum under this Article, and determining the number of Contracting Parties needed to constitute one-third of the Contracting Parties present and voting under paragraph 7.1. of Article 7 of this Annex, a regional economic integration organization and its Member States shall be counted as one Contracting Party.

Article 6

- 6.1. The Executive Committee shall, at its first session each calendar year, elect a Chairman and Vice-Chairman from its membership. The Chairman and Vice-Chairman shall be elected by a two-thirds affirmative vote of all Contracting Parties present and voting.
- 6.2. Neither the Chairman, nor the Vice-Chairman, shall come from the same Contracting Party more than two years in succession. In any year, the Chairman and Vice-Chairman shall not come from the same Contracting Party.

Article 7

- 7.1. A national or regional regulation shall be listed in the Compendium of Candidates by an affirmative vote of either at least one-third of the Contracting Parties present and voting (as defined in Article 5.2. of this Annex), or one-third of the total number of votes cast, whichever is more favourable to achieving an affirmative vote. In either case, the one-third shall include the vote of either the European Community, Japan or the United States, if any of them are Contracting Parties.
- 7.2. Establishing a global technical regulation in the Global Registry, amending an established global technical regulation and amending this Agreement shall be by a consensus vote of the Contracting Parties present and voting. A present and voting Contracting Party that objects to a matter for which a consensus vote is necessary for adoption shall provide a written explanation of its objection to the Secretary-General within sixty (60) days from the date of the vote. If such Contracting Party fails to provide such explanation during that period, it shall be considered as having voted in favour of the matter on which the vote was taken. If all Contracting Parties that objected to the matter so fail, the vote on the matter shall be considered to have been a consensus vote in favour of the matter by all persons present and voting. In that event, the date of the vote shall be considered to be the first day after that 60-day period.
- 7.3. All other matters requiring resolution may, at the discretion of the Executive Committee, be resolved by the voting process set forth in paragraph 7.2. of this Article.

Article 8

Contracting Parties that abstain from voting are considered as not voting.

Article 9

The Executive Secretary shall convene the Executive Committee whenever a vote is required to be taken under Article 5, 6 or 13 of this Agreement or whenever necessary to conduct activities under this Agreement

Annex IV

**Agreement
concerning the adoption
of uniform conditions for periodical technical
inspections of wheeled vehicles and the
reciprocal recognition of such inspections
done at Vienna on 13 November 1997**

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

Preamble

THE CONTRACTING PARTIES,

RECOGNIZING the growth of road traffic and the resultant increase in danger and nuisance which presents all Contracting Parties with safety and environmental problems of a similar nature and seriousness;

DESIRING to achieve greater uniformity in the rules governing road traffic in Europe and to ensure a higher level of safety and protection of the environment;

DESIRING to define for this purpose uniform conditions on Periodical Technical Inspections of wheeled vehicles that it will suffice for these vehicles to fulfil in order to be certified in their countries;

WHEREAS the time needed to carry out such Periodical Technical Inspections of certain wheeled vehicles and the expense thereby incurred are factors which can affect the competitive conditions between road-transport operators in the territories of the Contracting Parties; whereas the present systems of testing vary from one territory to another;

WHEREAS it is therefore necessary to harmonize as far as possible the frequency of tests and the compulsory items to be tested;

WHEREAS the fixing of the date of application of the measure referred to in this Agreement should allow time for the administrative and technical arrangements required for carrying out the tests to be set up or extended in scope;

HAVE AGREED as follows:

Article 1

The Contracting Parties shall establish Rules for periodical technical inspections of wheeled vehicles registered or taken into service in their territory and shall reciprocally recognize the inspections carried out in accordance with those Rules. The Rules shall be established through an Administrative Committee made up of all the Contracting Parties in conformity with the Rules of Procedure set out in Appendix 1 and on the basis of the following paragraphs and articles.

For the purposes of this Agreement,

The term "wheeled vehicles" shall include any motor vehicles and their trailers;

The term "technical inspection" shall include the inspection of any equipment and parts which are used on wheeled vehicles and whose characteristics have a bearing on road safety, protection of the environment and energy saving; the term "rules for periodical technical inspections of wheeled vehicles" shall include provisions for the proof of the periodical administrative uniform procedure by which the competent authorities of a Contracting Party declare, after the required verifications have been carried out, that the wheeled vehicle conforms to the requirements of the given Rules. As proof shall serve a technical inspection certificate the model of which is reproduced in Appendix 2 to this Agreement.

Article 2

1. A Rule, 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 Rule to the Contracting Parties.

The Rule 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 Rule.

The Rule shall cover the following:

- (a) The categories of wheeled vehicles concerned and the frequency of its inspection;
- (b) The equipment and/or parts to be inspected;
- (c) Test methods by which any performance requirements are to be demonstrated;
- (d) Conditions for granting inspection certificate and their reciprocal recognition
- (e) The date(s) on which the Rule enters into force.

The Rule may, if needed, include references to the test centres accredited by the competent authorities where the inspections of wheeled vehicles may be carried out.

2. When a Rule has been adopted the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected and in respect of which the Rule shall not enter into force.

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

4. Any new Contracting Party may, when depositing its instrument of accession, declare that it is not bound by certain Rules then annexed to this Agreement or that it is not bound by any of them. If, at that time, the procedure laid down in paragraphs 1, 2 and 3 of this Article is in progress for a draft rule, the Secretary-General shall communicate such draft rule to the new Contracting Party and the draft shall enter into force as a Rule for the new Contracting Party only on the conditions specified in paragraph 3 of this Article, the time allowed being counted from the date of the communication of the draft to that Party. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. He shall also communicate to them all declarations concerning the non-application of certain Rules that any Contracting Party may make in accordance with the terms of this paragraph.

5. Any Contracting Party applying a Rule may at any time notify the Secretary-General, subject to one year's notice, that its administration intends to cease applying it. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

6. Any Contracting Party not applying a Rule may at any time notify the Secretary-General that it intends henceforth to apply it, and the Rule 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 Rule for a new Contracting Party effected in accordance with the terms of this paragraph.

7. The Contracting Parties for which a Rule is in force shall hereinafter be referred to as "the Contracting Parties applying a Rule."

8. The Rules annexed to this Agreement as Addenda to this Agreement shall form an integral part thereof.

Article 3

The Rules annexed to this Agreement may be amended in accordance with the following procedure:

1. Amendments to Rules shall be established by the Administrative Committee as described in Articles 1 and 2 and in accordance with the procedure indicated in Appendix 1. An amendment to the Rule, 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 Rule.
2. An amendment to a Rule will be considered to be adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties applying the Rule 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 Rule, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the Rule who did not declare themselves opposed to it. When a Rule is amended and at least one-fifth of the Contracting Parties applying the unamended Rule subsequently declare that they wish to continue to apply the unamended Rule, the unamended Rule will be regarded as an alternative to the amended Rule and will be incorporated formally as such into the Rule with effect from the date of adoption of the amendment or its entry into force. In this case the obligations of the Contracting Parties applying the Rule shall be the same as set out in paragraph 1.
3. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a Rule by the Secretary-General and its entry into force, the Rule 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 4

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 2, paragraph 1 and in Article 3, 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 2, paragraph 1 and in Article 3, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being Members of the United Nations.

3. Countries under paragraphs 1 and 2 of this Article may become Contracting Parties to the Agreement:

- (a) By signing it without reservation to a ratification;
- (b) By ratifying it after signing it subject to ratification;
- (c) By acceding to it.

4. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

5. The Agreement shall be open for signature from 12 November 1997 until 30 June 1998 inclusive. Thereafter, it shall be open for accession.

Article 5

1. This Agreement shall come into force on the sixtieth day after five of the countries referred to in paragraph 1 of Article 4 thereof have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any country ratifying or acceding to the Agreement after its entry into force this Agreement shall enter into force on the sixtieth day after the said country has deposited its instrument of ratification or accession.

Article 6

1. Any Contracting Party may denounce this Agreement by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of such notification.

Article 7

1. Any country may, at the time of signing this Agreement without reservation of ratification or of depositing its instrument of ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that this Agreement shall extend to all or any of the territories for the international relations of which 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 or, if on that day the Agreement has not yet entered into force, as from its entry into force.

2. Any country 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 6.

Article 8

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 of the United Nations 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.

Article 9

1. Each Contracting Party may, at the time of signing, ratifying or acceding to this Agreement, declare that it does not consider itself bound by Article 8 of the Agreement. Other Contracting Parties shall not be bound by Article 8 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 of the United Nations.

3. No other reservation to this Agreement or to the Rules annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, declare that it does not propose to apply certain of the Rules or that it does not propose to apply any of them.

Article 10

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 its Appendices. The text of any proposed amendment to the Agreement and its Appendices 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 4 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.

Article 11

In addition to the notification provided for in Articles 2, 3 and 5 of this Agreement, the Secretary-General of the United Nations shall notify the Contracting Parties of:

- (a) Signatures, ramifications and accessions in accordance with Article 4;
- (b) The dates of entry into force of this Agreement in accordance with Article 5;
- (c) Denunciations in accordance with Article 6;
- (d) Notifications received in accordance with Article 7;

- (e) Declarations and notifications received in accordance with paragraphs 1 and 2 of Article 9;
- (f) The entry into force of any amendment in accordance with paragraphs 1 and 2 of Article 3;
- (g) The entry into force of any amendment in accordance with paragraph 3 of Article 5*.

Article 12

Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of an other Contracting Party.

Article 13

After 30 June 1998 the original of this Agreement shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the countries mentioned in paragraphs 1 and 2 of Article 4 thereof.

* * *

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Vienna on 13 November 1997 in a single copy in the English, French and Russian languages, each text being equally authentic.

* Read "paragraph 3 of Article 10" (see TRANS/WP.29/815, para. 115).

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 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 Rule or an amendment to a Rule is required to be established.

Article 5

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

Article 6

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

Appendix 2

International Technical Inspection Certificate

1. Accredited Technical Inspection Centres are responsible for conducting the inspection tests, granting the approval of compliance with the inspection requirements of the relevant Rule(s) annexed to the 1997 Vienna Agreement, and specifying the latest date of next inspection to be indicated in line No. 12.5 of the International Technical Inspection Certificate, the model of which is reproduced hereafter;
 2. The International Technical Inspection Certificate shall contain the information indicated hereafter. It may be a booklet in format A6 (148x105 mm), with a green cover and white inside pages, or a sheet of green or white paper of format A4 (210x197) folded to format A6 in such a way that the section containing the distinguishing sign of the state or of the United Nations forms the top of the folded Certificate.
 3. Items of the certificate and their content shall be printed in the national language of the issuing Contracting Party by maintaining the numbering.
 4. The periodical inspection reports which are in use in the Contracting Parties to the Agreement may be used as an alternative. A sample of them shall be transmitted to the Secretary-General of the United Nations for information to the Contracting Parties.
 5. Handwritten, typed or computer generated entries on the International Technical Inspection Certificate to be made exclusively by the competent authorities, shall be in Latin characters.
-

Appendix 2 (cont'd)

Content of the International Technical Inspection Certificate

<p>Space for the distinguishing sign of the state or of the UN</p>
<p>..... (Administrative Authority responsible for technical inspection)</p>
<p>.....¹ CERTIFICAT INTERNATIONAL DE CONTRÔLE TECHNIQUE²</p>

¹ Title "INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE" in national language.

² Title in French.

Appendix 2 (cont'd)

INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

1. Licence plate (Registration) No
2. Vehicle identification No
3. First registration after the manufacture (State, Authority)¹
4. Date of first registration after the manufacturer
5. Date of the technical inspection

CERTIFICATE OF COMPLIANCE

6. This certificate is issued for the vehicle identified under Nos. 1 and 2 which complies at the date under No 5 with the Rule(s) annexed to the 1997 Agreement on the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections.
7. The vehicle has to undergo its next technical inspection according to the Rule(s) under No. 6 not later than:

Date: (month/year)
8. Issued by
9. At (Place)
10. Date
11. Signature

²

¹ If available, authority and state where the vehicle was registered for the first time after its manufacture.

² Seal or stamp of the authority issuing the certificate.

Appendix 2 (cont'd)

12.	Subsequent periodical technical inspection(s) ¹
12.1.	Done by (Technical inspection Centre) ²
12.2. (stamp)
12.3.	Date
12.4.	Signature
12.5.	Next inspection due not later than (month/year)

¹ Items 12.1 to 12.5 to be repeated if the Certificate is to be used for subsequent annual periodical technical inspections.

² Name, Address, State of the Technical Inspection Centre accredited by the competent Authority.

Annex V

List of non-governmental organizations currently participating on a regular basis in the activities of WP.29

AECC	Association for Emissions Control by Catalyst
AEGPL	European LPG Association
AIT/FIA	International Alliance of Tourism/International Automobile Federation - This is an international organization of national Automobile Clubs.
ETRMA	European Tyre and Rubber Manufacturers' Association - The international umbrella organization of tyre and rubber manufacturers and their national associations.
BIPAVÉR	Bureau internationale permanent des associations de vendeurs et rechangeurs de pneumatiques
CEA	European Insurance Committee
CEMA	European Committee of Associations of Manufacturers of Agricultural Machinery
CI	Consumers International - This is the international organization of national consumer associations.
CIDADEC	International Confederation of Experts and Consultants
CITA	International Motor Vehicle Inspection Committee
CLEPA/MEMA/JAPIA	International Working Group of Associations of components and suppliers manufacturers from Europe, USA and Japan
CONCAWE	The Oil Companies European Organization for Environment, Health and Safety
EEVC	European Enhanced Vehicle-safety Committee
ENGVA	European Natural Gas Vehicle Association
ETRTO	European Tyre and Rim Technical Organization - This is an international technical organization of tyre, rim and valves manufacturers and their national associations.
EUROMOT	European Association of Internal Combustion Engine Manufacturers
EUWA	Association of European Wheel Manufacturers
FEMFM	Federation of European Manufacturers of Friction Materials
GTB	Working Party "Brussels 1952" - This is an international association of lighting experts and lighting equipment manufacturers.
IEC	International Electrotechnical Commission

IMMA	International Motorcycle Manufacturers Association - This is an international organization of national motorcycle manufacturers associations and manufacturers.
ISO	International Organization for Standardization - This is a global organization that develops voluntary technical standards in many areas.
IRU	International Road Transport Union
OICA	International Organization of Motor Vehicle Manufacturers - This is the global umbrella organization of national motor vehicle manufacturer associations.
SAE	Society of Automotive Engineers
UITP	International Union of Public Transport
UNATAC	Union of Technical Assistance for Motor Vehicle and Road Traffic

Annex VI

National and regional regulatory development and enforcement processes

Section 1 - European Community

Section 2 - Japan

Section 3 - Russian Federation

Section 4 - United States of America

Section 5 - Canada

Section 6 - India

Section 7 - Korea

Section 1

World Forum for Harmonization of Vehicles Regulations Regulatory Environment – European Union

I. European Automotive Industry and the overall legal Framework of approval

The automotive industry is one of Europe's key industrial sectors. Its importance is largely derived from its links within the domestic and international economy and its complex value chain of vehicle manufacturers but also upstream suppliers and downstream importers, distributors, authorised and non authorised dealers. The automotive sector has a turnover of several hundred billion €. Value added in the European automotive sector amounts to around €140 billion, representing about 8% of European manufacturing value added. It directly employs more than 2 million people and is responsible for more than 12 million jobs in total across the European Union (EU), which is equivalent to about 5.5% of employment in the EU.

Given the vehicle industry's societal role and economic importance, it interacts with many key areas of EU policy. Apart from the obvious link to competitiveness and industrial policy as spelled out in the "Europe 2020" strategy, the European automotive industry is particularly important for its interaction with the EU internal market policy, the transport and energy policies, the environmental and climate policies, the trade policy and the research and development policy.

In an effort to regularly monitor and evaluate developments in relation to the car industry and also to set up a realistic vision for this industry in the 2020-2030 perspective, the European Commission launched the "CARS 21" stakeholder consultation process. Through this process, representatives from the automotive industry, trade unions, non-governmental organisations, users, relevant Ministries of the EU Member States, the European Commission and other EU institutions can elaborate recommendations on policy actions needed to maintain competitiveness and sustainability of the EU automotive industry. Those recommendations enable the European Commission to come up with tailor-made sectoral industrial policy.

A dedicated sectoral industrial policy comprises also trade aspects where the issue of international technical harmonization is of key importance. Since its creation, CARS 21 has been a strong advocate of international harmonization, stating that *"efforts with a view to increasing international harmonization of motor vehicle regulations should be maintained where appropriate, with a view to involve the key vehicle markets and to extend harmonization to areas not yet covered, notably both in the framework of the 1958 and the 1998 Agreements of the United Nations European Commission for Europe (UNECE)"*. The European Commission (EC) therefore continuously increases its involvement in the UNECE technical legislative process, in particular by its work within the WP.29 and its subsidiary bodies, realising that international harmonization through UN Regulations and UN GTRs concerning the construction and functioning of motor vehicles is an essential factor in reducing the regulatory costs for all manufacturers and enhancing competitiveness. The efforts undertaken by the European Commission gradually allow for an alignment of EU legislation to the internationally adopted UN Regulations and UN GTRs. The EU goes even a step further by making a more direct link in its own legislation to UN Regulations (see in this respect Regulation (EC) No 661/2009 on the "General Safety of Motor vehicles). This facilitates international trade and offers at least an equally high level of safety and environmental protection to European citizens and consumers world-wide.

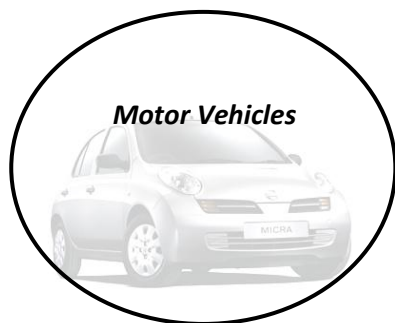
II. The European Whole Vehicle Type Approval System (EU WVTA)

At a time when the UNECE had already started the harmonization process for vehicle regulations, the European Union Members States still had their own national legislations and type-approval systems for motor vehicles. This caused significant variations in requirements between countries, unilateral accessions to international regulations and diverging implementation dates for new requirements. To achieve the current state of legal harmonization for motor vehicle requirements, several decades were necessary.

Technical harmonization for motor vehicles and their trailers, implemented at EU level pursuant to Article 114 of the Treaty on the Functioning of the European Union, is based on the EU Whole Vehicle Type-Approval system (EU WVTA). Under this system, exclusively applicable for new vehicles, manufacturers can obtain approval for a new vehicle type in one EU Member State if it meets the EU technical requirements, and then market it EU-wide with no need for further approval tests or checks in other Member States. This approval is granted by a national authority in charge of type-approval. Issuing of a certificate of conformity (CoC) results as the completion of a type-approval examination: the CoC is in effect a statement by the manufacturer that the vehicle conforms to the relevant legal requirements as stipulated by the EU WVTA legislation. Registration of a vehicle must be granted on simple presentation of a certificate of conformity.

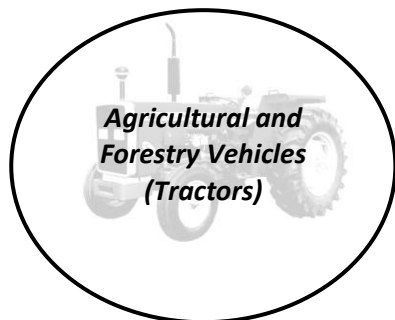
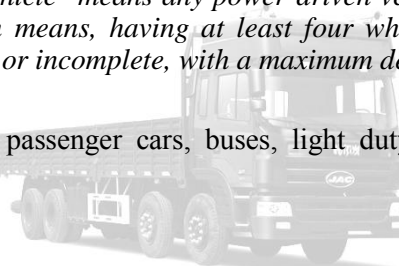
III. The three pillars of the European Union motor vehicle type approval legislation

The European Union motor vehicle legislation covers three essential areas with regard to whole vehicle type approval:



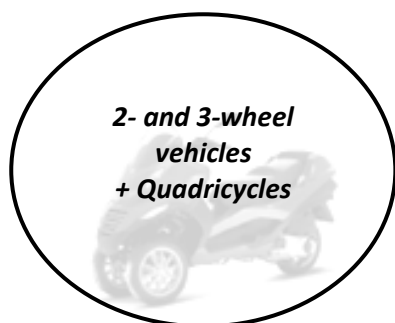
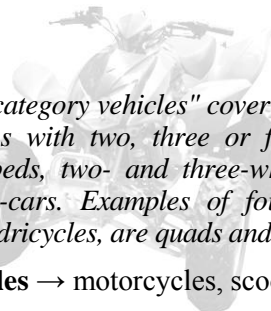
- *"Motor Vehicle" means any power-driven vehicle which is moved by its own means, having at least four wheels, being complete, completed or incomplete, with a maximum design speed exceeding 25 km/h*

Examples → passenger cars, buses, light duty trucks, heavy duty trucks, trailers



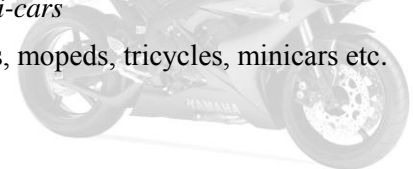
- *"Tractor" means any motorised, wheeled or tracked agricultural or forestry vehicle having at least two axles and a maximum design speed of not less than 6 km/h, the main function of which lies in its tractive power and which has been especially designed to pull, push, carry and actuate certain interchangeable equipment designed to perform agricultural or forestry work, or to tow agricultural or forestry trailers or equipment; it may be adapted to carry a load in the context of agricultural or forestry work and/or may be equipped with one or more passenger seats*

Examples → agricultural and forestry tractors, their trailers, interchangeable towed equipment



- *"L-category vehicles" cover a wide range of different "Light" vehicle types with two, three or four wheels, e.g. two- and three-wheel mopeds, two- and three-wheel motorcycles and motorcycles with side-cars. Examples of four-wheel vehicles, also referred to as quadricycles, are quads and mini-cars*

Examples → motorcycles, scooters, mopeds, tricycles, minicars etc.



IV. Interaction EU type approval legislation and the UNECE regulatory system

The European Commission disposes of a mandate in order to negotiate new UN Regulations and UN GTRs in the name of all 27 Member States. The legal texts of the EU read that draft UN Regulations and UN GTRs will receive a favourable vote of the Union if after the consent of the European Parliament, the Council of the EU approves the draft by a qualified majority. An interesting fact to be pointed out is that in some technical areas where a UNECE requirement co-exists with EU legislation, a manufacturer can choose which one to apply. In other areas, UN Regulations/UN GTRs are applicable on a compulsory basis as the corresponding EU legislation has been repealed.

Reliance on international standards, as indicated, not only represents a clear commitment of the EU policy in support of the competitiveness of the automotive industrial sector, but it is also seen as a key element in support of the development and deployment of new technologies.

V. Conclusion/Perspectives

Even though the internal combustion engine is likely to remain dominant in road vehicles in the short and medium term perspective, alternative fuels and propulsion technologies will be increasingly important in the future. Green vehicles have very low environmental impacts throughout their lifecycle: they use low-carbon energy sources, have very low air pollutant and noise emissions and can be easily recycled. In its effort to create an economy based on smart and sustainable growth, the EU strongly promotes "green" vehicles by encouraging research, setting common UNECE standards and developing the international regulatory environment needed to support the shift towards a resource efficient and low-carbon economy.

VI. Links

1. Website of the Automotive Industry Unit of the European Commission
→ http://ec.europa.eu/enterprise/sectors/automotive/index_en.htm#
 2. Legislative Documents regarding the European Automotive Industry sector
→ http://ec.europa.eu/enterprise/sectors/automotive/documents/directives/index_en.htm
-

Section 2

Regulatory development and enforcement process in Japan

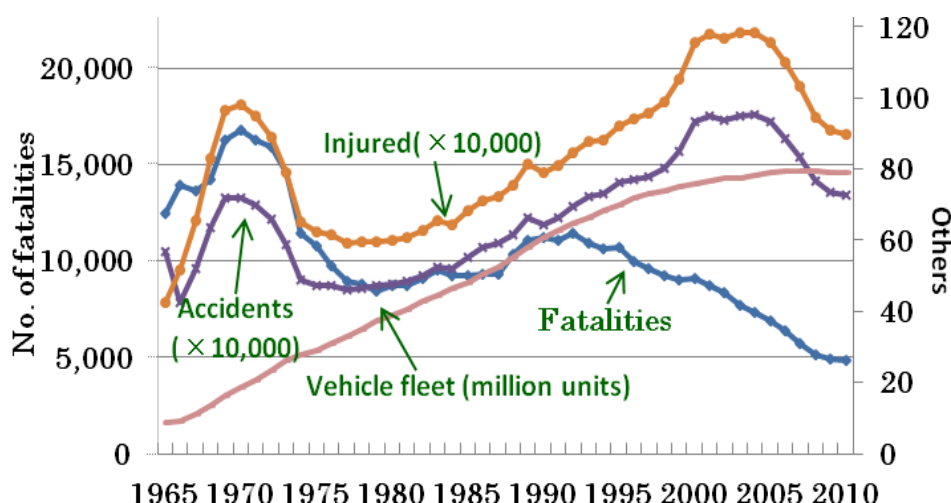
1. Safety Regulations

1.1. Trends in Road Traffic Accidents

The number of fatalities (those who died within 24 hours) resulting from traffic accidents in 2010 was 4,863. This represents the tenth consecutive year that the number of fatalities has decreased. This number is less than one-third of the 16,765 fatalities in 1970, which was the year in which traffic fatalities reached a peak. In addition, the number of traffic accidents resulting in injury or death and the number of injured persons has decreased for the sixth consecutive year since 2004, when the numbers were at their worst.

However, the number of fatalities and injured persons and the number of accidents resulting in injury or death still remained high in 2010, as there were approximately 900,000 fatalities and injured persons, and approximately 730,000 traffic accidents resulting in injury or death.

Figure 1 - Trends in road traffic accidents in Japan



1.2. Policy on Traffic Safety

In order to achieve the national government's mid-term goal of "reducing the number of traffic fatalities to below 5,000 people by 2012" as announced in the Prime Minister's policy speech in 2003, two targets aimed at reducing the number of fatalities to below 5,500 and reducing the number of injured persons to below one million people by 2010 were established in the Eighth Fundamental Traffic Safety Program for 2006–2010.

Both the mid-term goal and the two targets were reached two years early.

New targets were established: to reduce the number of fatalities to below 3,000 (those who died within 24 hours) and to below around 3,500 (those who died within 30 days) by 2015 in the Ninth Fundamental Traffic Safety Program for 2011–2015.

The road transport environment is beginning to change greatly due to the change in types of traffic accident victims reflecting the aging society and the introduction of new technologies including electric vehicles for a low carbon society.

Therefore, the Working Group on Technology and Vehicle Safety of the Council for Transport Policy of the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) is working on a new target for 2020 to reduce the number of fatalities by implementing vehicle safety measures and evaluating their effect, and setting the policy for reaching the new target.

Examples of measures include the following:

- (1) Reduction of injury by traffic accidents involving senior citizens and pedestrians
 - Support system for senior drivers
 - Dissemination of ITS technologies that can detect pedestrians and other vehicles
- (2) Response to development and dissemination of new technologies such as EV
 - Ensuring safety of batteries and measures for quiet road transport vehicles (QRTV)
 - Safety measures against ultra small sized mobility such as collision safety and preventive safety technologies

1.3. Effective Vehicle Safety Measures

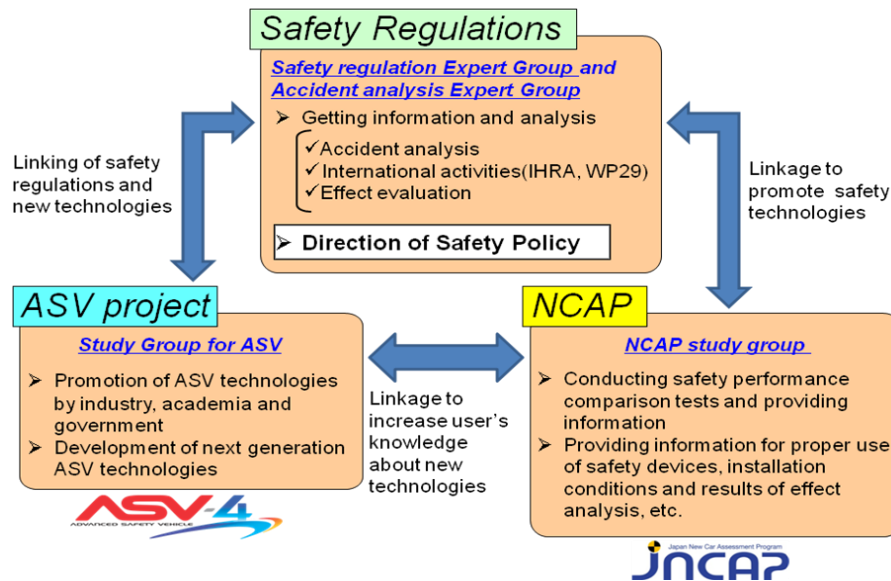
To spread active safety and other safety technologies and to enhance development, it is necessary not only to establish safety regulations, but also to implement various rational measures. These should be based on quantitative assessment of the effects and performance as well as the required costs.

It has therefore been decided to promote linkage between the safety regulations, the Advanced Safety Vehicle (ASV) project and the New Car Assessment Program (NCAP).

- (I) Development of vehicle assessment based on the current trends in safety regulations and dissemination schemes
- (II) Linkage with NCAP in view of the dissemination of ASV technology
- (III) Establishment of safety regulations and dissemination schemes based on practical application and dissemination trends in ASV technology

In addition to these vehicle safety measures, it is important to encourage the use of safety devices such as seatbelts.

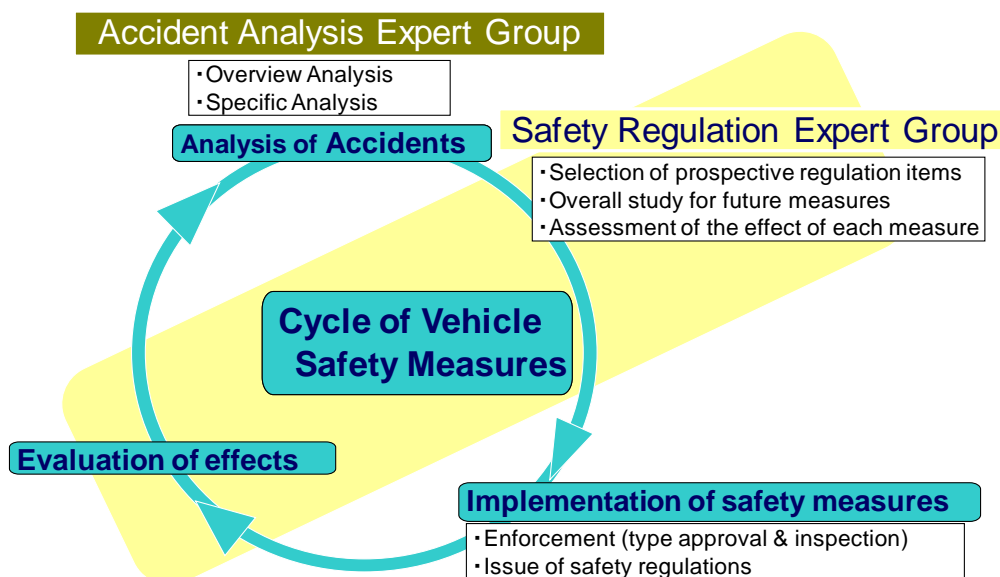
Figure 2 - Linkage of safety measures



1.4. Enhancement of Safety Regulations

Safety regulations are being tightened, reflecting the work of two study groups of academic experts and other specialists: the Accident Analysis Expert Group is analyzing the conditions of traffic accidents, and the Safety Regulation Expert Group is studying the enhancement of safety regulations, taking into consideration both importance and technological maturity, and also assessing their effects. Based on their results, the MLIT selects items to be introduced into the safety regulations after conducting research in cooperation with research institutes. When the safety regulations are introduced, the objective of international harmonization is also thoroughly considered. Accordingly, the MLIT is actively contributing to the development of UN Regulations and Global Technical Regulations (GTR) in the World Forum for Harmonization of Vehicle Regulations (WP.29) of the United Nations.

Figure 3 - Safety regulation enhancement process before and after rulemaking

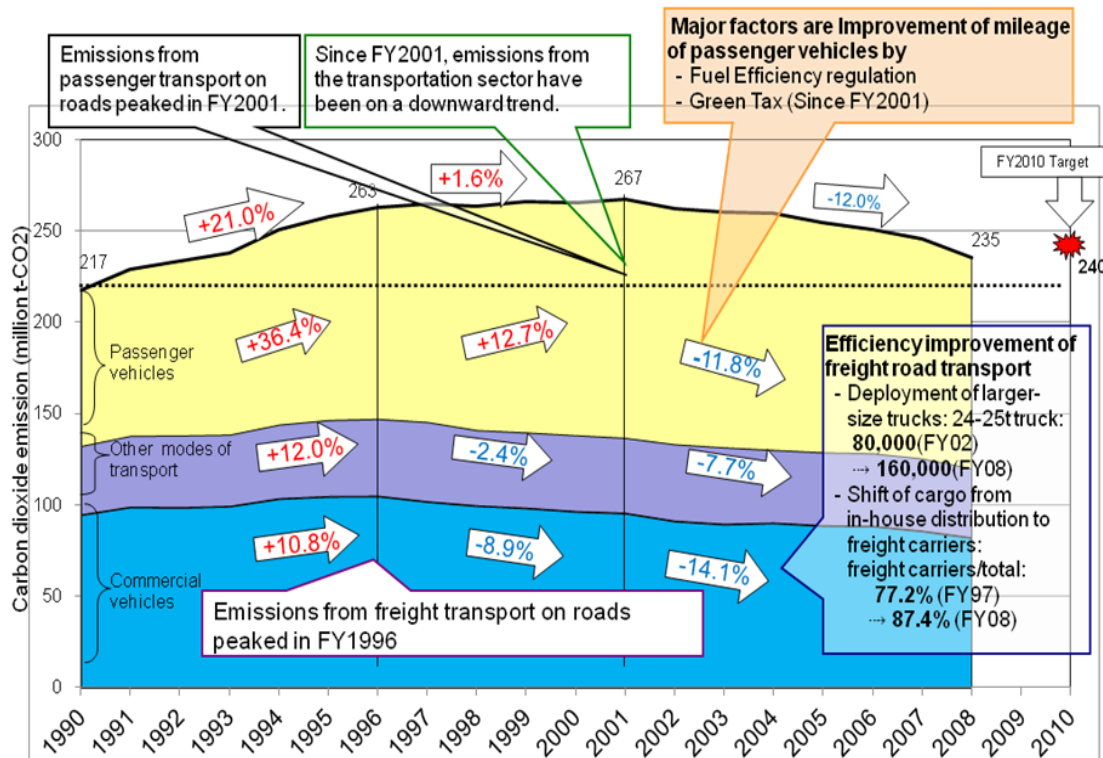


2. Environmental Regulations

2.1. Trends in Emissions from the Transport Sector

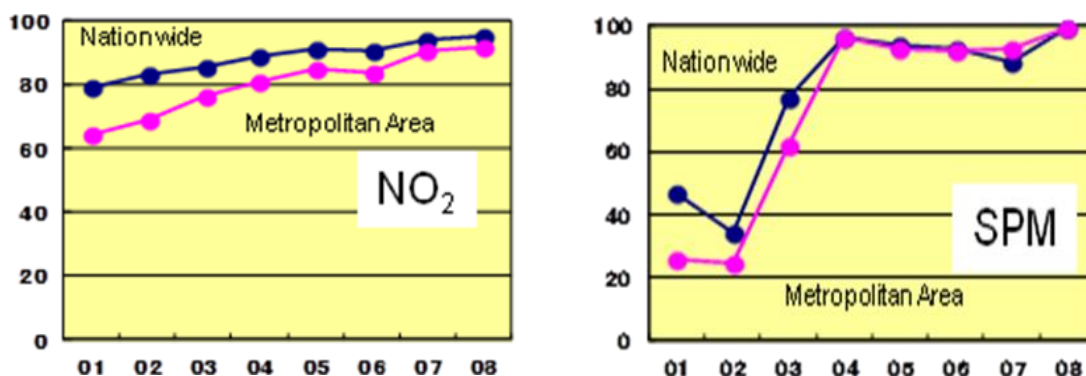
CO₂ emissions from the transportation sector account for 20% of Japan's total, which was 2.35 billion tons according to the report for FY 2008. This is the first time that the reported figure was under the estimated target (2.4–2.43 billion tons) for FY 2010 stated in the target achievement plan. Measures for further reduction of emissions are underway.

Figure 4 - CO₂ emissions from the transport sector



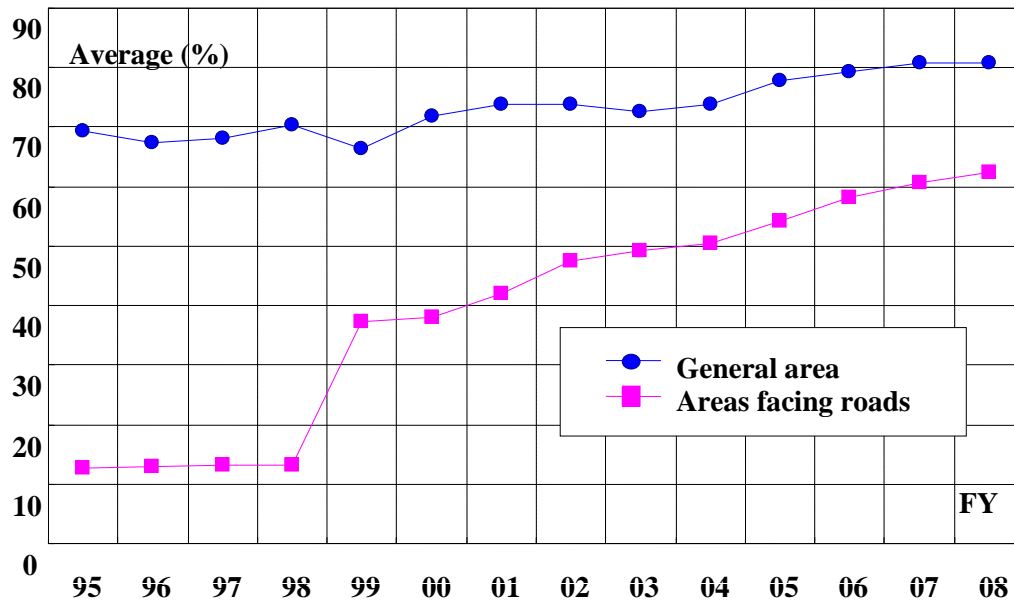
Based on the Air Pollution Control Act, stations have been set up in each prefecture to monitor the air pollution in various areas, and the Ministry of the Environment (MOE) announces the results. The overall trend in air pollution of nitrogen oxides (NO_x) and particulate matter (PM) is improving, but there are some monitoring stations in metropolitan areas that have not yet achieved the environmental regulations.

Figure 5 - Achievement ratio of NO₂ and SPM regulations (2001–2008)



In addition, based on the Noise Regulation Law, stations have been set up in each prefecture to monitor the noise pollution in various areas, and the MOE announces the results. The trend in noise pollution shows an improvement both in general areas and in areas facing public streets, but some monitoring stations have not yet achieved the noise regulations.

Figure 6 - Achievement ratio of noise regulations (1995–2008)



2.2. Policy on Vehicle Environment

2.2.1. Global Warming Policies

In 1997, the United Nations Framework Convention on Climate Change Third Conference of the Parties adopted the Kyoto Protocol, which obligated Japan to reduce greenhouse gas emissions (CO₂) by 6% below FY 1990 levels between FY 2008 and FY 2012.

The target achievement plan (revised by Cabinet on 28 March 2008) on the Kyoto Protocol prescribes target values for each sector such as transportation and consumer sectors (private sector and office sector), and the following measures were taken to ensure the reduction target would be achieved:

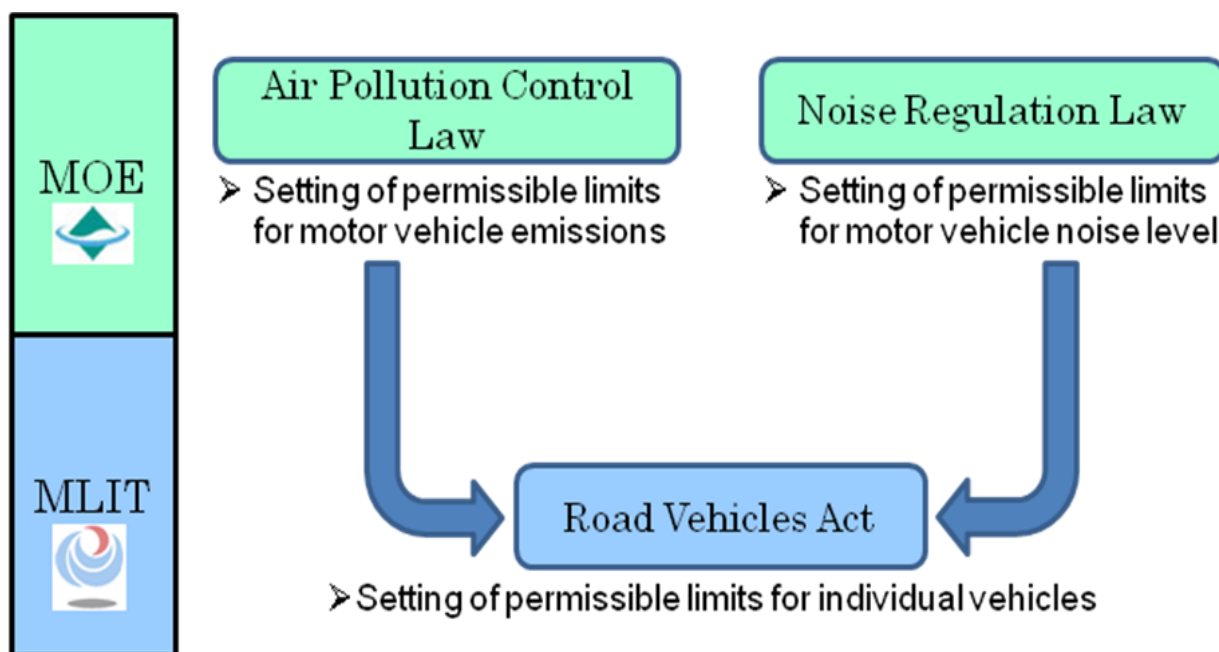
- The transportation sector carries out 1) measures for improving vehicle fuel efficiency, promoting environmentally- friendly vehicles, and promoting eco-driving; 2) measures to improve traffic flow; 3) enhancement of logistics efficiency; 4) promotion of public transport use; and 5) improvement of energy efficiency of railways, ships and airways are being carried out.
- In terms of residential housing and construction in consumer sector, the enhancement of heat-insulating functionality and efficiency of appliances (e.g., air-conditioners) is being carried out.
- For compact cities, greening measures such as new energy and energy-saving measures in sewerage, as well as the maximization of burning efficiency and greenhouse gas absorption are being carried out.
- In the industrial sector, popularization of low energy-consuming construction machinery is being pushed forward.

2.2.2. Air Pollution Policies

The MOE has set environmental quality regulations for individual air pollutants [sulfur dioxide (SO₂), carbon monoxide (CO), suspended particulate matter (SPM), nitrogen dioxide (NO₂), photochemical oxidants, etc.] and noise level in accordance with the Basic Environment Control Law. Moreover, in accordance with the Air Pollution Control Law, the MOE has stipulated the permissible limit for each type of emission [CO, HC, NO_x (nitrogen oxides) and PM (particulate matter)] from motor vehicles operated under certain prescribed conditions. The permissible limit is also set for each level of motor vehicle noise (proximity stationary noise, steady running noise and acceleration running noise) based on the Noise Reduction Law.

In turn, the MLIT has enacted motor vehicle emission control regulations and motor vehicle noise control regulations in the Safety Regulations for Road Vehicles to ensure compliance with the permissible limits stipulated in the Air Pollution Control Law and the Noise Regulation Law.

Figure 7 - Legal system for motor vehicle environmental pollution control



2.3. Implementation of Effective Vehicle Environmental Measures

2.3.1. Measures against Global Warming

1) Improving vehicle fuel efficiency

The national government has introduced the "Top-Runner" style fuel efficiency regulations based on the Act on the Rational Use of Energy and has also announced each vehicle's fuel efficiency. The Top-Runner regulations are determined based on vehicles with the optimum performance ("Top-Runner") in the national market and various other factors. About 80% of the gasoline vehicles manufactured in 2008 achieved the fuel efficiency regulations for 2010, and the average fuel efficiency figure increased by 34% when compared with that of 1995. In 2007, the fuel efficiency regulations for light-duty vehicles targeted for 2015 was introduced. Moreover, in 2006 the national government introduced fuel efficiency regulations for heavy-duty vehicles targeted for 2015 for the first time in the world. Furthermore, new fuel efficiency regulations for light-duty vehicles targeted for 2020 have been considered since June 2010.

2) Promoting low exhaust emission and improving fuel efficiency

Vehicles that produce lower emissions than the newest regulation can obtain certification as low emission vehicles depending on the level of reduction. In addition, the MLIT evaluates and publishes each vehicle's fuel efficiency levels in order to enable consumers to identify and select fuel efficient vehicles easily.

3) Promoting environmentally-friendly vehicles

The tax rate has been lowered for vehicles that have excellent fuel efficiency and reduced exhaust emissions, and the rate has been raised for vehicles that are over a certain age. Through technological development and product sales efforts by automobile manufacturers and increased consumer interest in the environment, the number of registered low emission vehicles accounts for about 41% (1.18 million units) of the total number of new registered vehicles.

4) Promoting the development and dissemination of next-generation environmentally friendly vehicles (next-generation EFVs)

Concerning next-generation EFVs such as inductive power supply (IPS) hybrid vehicles that can replace heavy-duty diesel vehicles and bring a dramatic increase in environmental functionality, evaluation projects have been implemented under actual driving conditions and been improved in practice. Moreover, a research committee was established in 2009 to help develop regional towns where eco-friendly vehicles can easily be used (e.g., electric buses and ultra small-sized mobility). Regarding fuel cell vehicles, the MLIT is actively contributing to WP.29 to establish a UN GTR as soon as possible.

5) Promoting eco-driving

According to the "Eco-Drive Popularization and Promotion Action Plan" formulated by the Eco-Drive Communication Committee, publicity for the annual Eco-Drive promotion month (November) is actively being carried out. In addition, a project to encourage the Eco-Drive Management System (EMS) has been implemented to support the introduction of EMS devices to all vehicle transportation companies.

2.3.2. *Measures against Air Pollution*

1) Development of exhaust emission regulations

Regarding measures for exhaust emissions for new vehicles, in order to reduce NO_x and PM emitted from trucks, buses and passenger vehicles, the "Post New Long-Term Regulation", the world's most stringent regulation, was introduced by the national government in 2008, effective from October 2009.

Additionally, exhaust emission measures for vehicles currently in use have been carried out based on the Act Concerning Special Measures for Total Emission Reduction of NO_x and PM from Vehicles in Specified Areas.

2) Development and practicality enhancement of low pollution vehicles

Heavy-duty diesel vehicles are a major source of air pollution. In order to develop next-generation low-emission vehicles to replace heavy-duty diesel vehicles (e.g., IPS hybrid vehicles), with the cooperation of industry, academia and government, vehicles have been developed and have been evaluated actual driving conditions. Moreover, the environment for dissemination such vehicles has been developed, including technical regulations on safety and environmental preservation.

2.4. *Enhancement of Environmental Regulations*

As mentioned above, the national government has introduced the "Top-Runner" style fuel efficiency regulations based on the "Act on the Rational Use of Energy", and has reviewed regulations on regular basis.

3. *Vehicle Registration and Inspection System*

A motor vehicle is not allowed on the road until it has passed the motor vehicle inspection conducted by the MLIT and obtained a valid motor vehicle inspection certificate.

The MLIT mainly conducts the following types of inspection. The technical vehicle inspections are handled by the National Agency of Vehicle Inspection (NAVI). For light motor vehicles, the Light Motor Vehicle Inspection Organization (LMVIO) conducts inspections and related business on behalf of the MLIT.

1) Initial inspection

New motor vehicles are subject to this inspection, and used vehicles that have been off the road for a certain period are also subject to this inspection. (As for type-designated motor vehicles, the technical inspection conducted by the NAVI or LMVIO can be exempted.)

2) Periodic inspection

Motor vehicles are subject to this inspection when they are to be operated continually after the motor vehicle inspection certificate has expired. (Regarding motor vehicles for which conformity with regulations is certified at a designated maintenance service shop, the technical inspection conducted by the NAVI or LMVIO can be exempted.)

3) Modification inspection

This inspection is required for motor vehicles that have been modified, i.e., change in length, width, height, maximum loading capacity and so forth.

4. *Certification Systems*

4.1. *Type Designation System*

The Type Designation system is applied to cases where a large number of identical model vehicles and other vehicles are produced or imported for sale in Japan. Under this system, sample vehicles having the same structure, equipment, and performance as those of the vehicles intended for sale are examined for compliance with the safety and environmental regulations by the National Traffic Safety and Environment Laboratory (NTSEL); in addition, the uniformity of vehicle quality and performance is examined by the MLIT through an inspection of the applied documents. A type is designated to identical model vehicles that comply with the regulations. After the approval of the type designation, in order to confirm the conformity of production of the vehicles, the MLIT has been audited for manufacturers' plant where manufacturers conduct completed inspections for type-designated vehicles on a regular basis.

When a completed inspection certificate is submitted by the vehicle manufacturer, individual type-designated vehicles are exempted from the technical part of the initial inspection conducted by the NAVI or LMVIO.

4.2. *Type Notification System*

The Type Notification system is widely used for heavy-duty vehicles such as trucks and buses in which many different specifications are required. Under this system, examination of compliance with the safety and environmental regulations for common systems and devices of the base vehicles (sample vehicles)

is conducted by the NTSEL. Consequently, the initial inspection for individual motor vehicles can be effectively performed based on the obtained test results. Thus, this system has been provided to rationalize the initial inspection.

The main difference from the type designation system is that this system does not require conformity of vehicle products (i.e., quality control system) or the completion inspection conducted by the manufacturer system. Therefore, each motor vehicle under this system must pass the initial technical part of the vehicle inspection conducted by the NAVI or LMVIO. It is advisable to streamline the initial inspection by utilizing the Equipment Type Designation system described below along with this system.

4.3. *Preferential Handling Procedure (PHP)*

The PHP has been provided to promote the import of motor vehicles. This system applies to imported vehicles that will be sold in small numbers in Japan.

Examinations will be carried out by the MLIT solely using the documents on conformity with Safety Regulations by the NTSEL and on the appropriateness of the quality control system.

In this system, the documents to be included with the application have been greatly simplified, and the time required for examination has also been reduced. Furthermore, there is no need to present the motor vehicle itself for examination. Therefore, this system is advantageous for motor vehicles sold in small quantity. Nevertheless, each motor vehicle under the PHP must pass the initial technical inspection conducted by the NAVI or the LMVIO.

This system applies to motor vehicles to be sold in Japan up to 2000 units per year per type (3000 units in the case of type that are scheduled to be applied for the Type Designation system).

4.4. *Mutual Recognition and Equipment Type Designation System*

Japan has participated in WP.29 as an observer since 1977 and has contributed to the global harmonization of brake and lighting regulations. In November 1998, Japan became the first Contracting Party outside Europe to accede to the UNECE 1958 Agreement, thus moving toward the globalization of certification systems. As a result, certain equipments that have received certification by other Contracting Party are now exempt from certification in Japan.

Concurrently with the accession to the UNECE 1958 Agreement, Japan introduced the equipment type designation system in response to the increased use of the same equipment in multiple vehicle models. Certain equipment that has received equipment type designation is entitled to mutual recognition by all Contracting Parties to the Agreement. In Japan, equipment that has received equipment type designation is exempt from the examination for vehicle type designation process.

The government of Japan proposes amendments to the UN Regulations when necessary in order to ensure vehicle safety and environmental conservation. Based on these amendments, Japan intends to increase the number of adoption of the UN Regulations.

5. *Recall System*

The motor vehicle recall system was established in 1969 to prevent accidents and pollution caused by malfunctions attributable to vehicle design or manufacturing process. Motor vehicle manufacturers or importers who manufacture or import motor vehicles must notify the MLIT when conditions will likely not comply with the safety or environmental regulations or conditions are not presently complying with those regulations, and when precautionary measures are to be taken to comply with those regulations for certain types of motor vehicle.

Furthermore, in 2004, a recall system was expanded for replacement equipments such as tyres and child restraint systems.

Section 3

National regulatory development and enforcement processes related to provision of complex automotive vehicle safety in the Russian Federation

1. Accession to the 1958 Agreement

Since the middle of 1970th the development of technical norms in regards to products of the Russian automotive industry is conducted in coordination with activities of the World Forum for Harmonization of Vehicle Regulations (WP.29).

The Soviet Union became the full participant of the 1958 Geneva Agreement from 17 February 1987. The important fact is establishing by the governmental decree the priority of application of the technical provisions agreed at the international level concerning safety of vehicles – 43 UN Regulations.

Subsequently in 1992 the Russian Federation Government has declared, that the Russian Federation is the state-continuer of the Union of Soviet Socialist Republic (USSR) on realization of the rights and fulfillment of the obligations following from agreements signed by the USSR, including the 1958 Geneva Agreement.

One of the main consequences of participation of the USSR and, further, the Russian Federation in activities of the World Forum WP.29 was the development of the national certification system for the mechanical vehicles with the base of requirements contained from the UN Regulations.

2. National certification system for the mechanical vehicles

In 1992, the State Committee of the Russian Federation for Standardization, Metrology and Certification at the President of the Russian Federation adopted the "Certification System of Mechanical Vehicles and Trailers". It was based on principles of the 1958 Geneva Agreement and provided for 40 UN Regulations and 7 National Standards for the purpose of vehicle type approval.

In 1998, the number of the UN Regulations included into the list of obligatory requirements reached 57.

In December 2007, the list of obligatory technical requirements was significantly modified. The number of the UN Regulations became 73.

The practice of application of the certification system for automotive vehicles has shown its efficiency as the instrument for protecting the Russian market from product dangerous to the consumers and, as well, for creating incentive motives for manufacturers to develop products of higher technological level, to improve design of produced automobiles, to put new models into production.

3. The new concept of technical regulating in automotive industry at stages of the vehicle life cycle

The Federal Law of 27 December 2002 No. 184-ФЗ "Concerning Technical Regulating" established a new legal mechanism concerning development, adoption, application and execution of obligatory requirements (technical regulations) and voluntary rules (standards) concerning products on all phases of their life cycle.

The legal basis of the concept of technical regulating concerning automotive industry products includes the international agreements with participation of the Russian Federation, in particular, the 1958 Geneva Agreement, the 1998 Global Agreement, the 1997 Vienna Agreement, the 1968 Convention on Road Traffic and the 1971 European Agreement supplementing the said Convention, the 1957 European Agreement concerning the

International Carriage of Dangerous Goods by Road (ADR) and the 1970 Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP) Agreement, and also the Russian federal legislation, in particular, the Federal Laws "Concerning Safety of Road Traffic", "Concerning Preservation of the Environment", "Concerning Protection of Atmospheric Air", "Concerning Sanitary and Epidemiologic Well-Being of the Population", "About Protection of the Consumers' Rights".

Basing on the concept of technical regulating the development of the Technical Regulations "About Requirements to Emissions of Harmful (Polluting) Substances by the Automotive Vehicles Released for Circulation in the Territory of the Russian Federation", adopted by the Russian Federation governmental decree of 12 October 2005 No. 609 (with the changes adopted by the Russian Federation governmental decrees of 27 November 2006 No. 718 and of 26 November 2009 No. 956) and "Concerning Safety of Wheeled Vehicles", adopted by the Russian Federation governmental decree of 10 September 2009 No. 720 (with the changes adopted by the Russian Federation governmental decree of 10 September 2010 No. 706) was carried out.

3.1. *The Technical Regulation Concerning Vehicle Emissions*

In connection with the high social importance of a problem of air pollution by the exhaust gases of the road vehicles equipped with internal combustion engines, first of all the Technical Regulations "About Requirements to Emissions of Harmful (Polluting) Substances by the Automotive Vehicles Released for Circulation in the Territory of the Russian Federation" has been developed.

Vehicles are divided into ecological classes depending on level of emissions of harmful substances. For each ecological class the technical specifications of emissions are established according to the provisions of the UN Regulations Nos. 24, 49, 83 and 96, to which there are direct references in the Technical Regulation. The terms of enforcement of the technical specifications are established as well.

It was provided, that the release of 100% vehicles of the ecological class 2 (Euro-2) was mandated from April 2006. From 1 January 2008 the requirements of the ecological class 3 (Euro-3) were in force, from 1 January 2010 the norms of the ecological class 4 (Euro-4) were enforced, and from 1 January 2014 the introduction of norms of the ecological class 5 (Euro-5) is mandated.

3.2. *The Technical Regulation Concerning Safety of Wheeled Vehicles*

The scope of the Technical Regulation covers the road vehicles, which are released for circulation and being in operation, including, cases of their design modifications affecting safety, and also the vehicle components affecting vehicle safety (Fig. 1).

The Technical Regulations establishes the requirements by means of direct references to 112 UN Regulations and 2 UN Global Technical Regulations. Besides that, the national requirements, which fulfillment is connected with maintenance of vehicle safety under operating conditions typical for the Russian Federation, are included into the Technical Regulation in the form of text.

The course of adoption of the UN Regulations and application of those in the Russian Federation is presented on Fig. 2.

Taking into consideration the established in the Russian legislation principle of conformity of technical requirements to the national economy level of development, a number of the requirements included into the mandatory list, has different levels of stringency, and the target dates of gradual transition to application of the higher level requirements are provided.

The Technical Regulations establishes the necessity of the individual assessment of an individual vehicle released for circulation, when it is:

- 1) A result of an individual technical creativity;
- 2) Imported into the Russian Federation by a physical person for own needs;

- 3) Imported into the Russian Federation after admission to participation in traffic abroad, i.e., had the state registration plates of other country.

Figure 1 - Objects of technical regulating and the forms of assessment

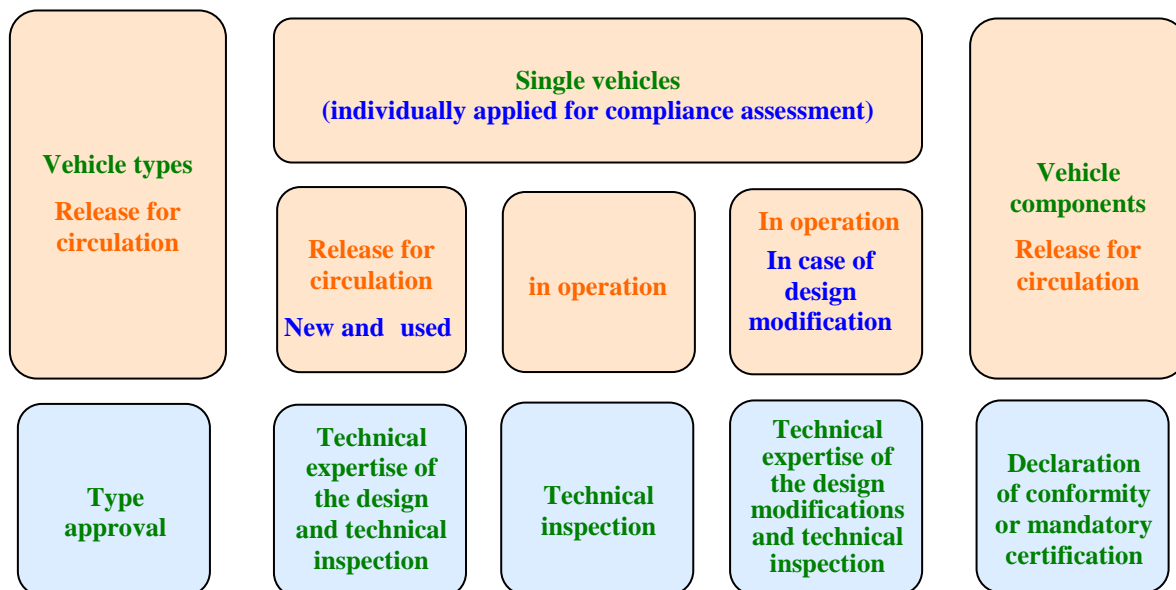
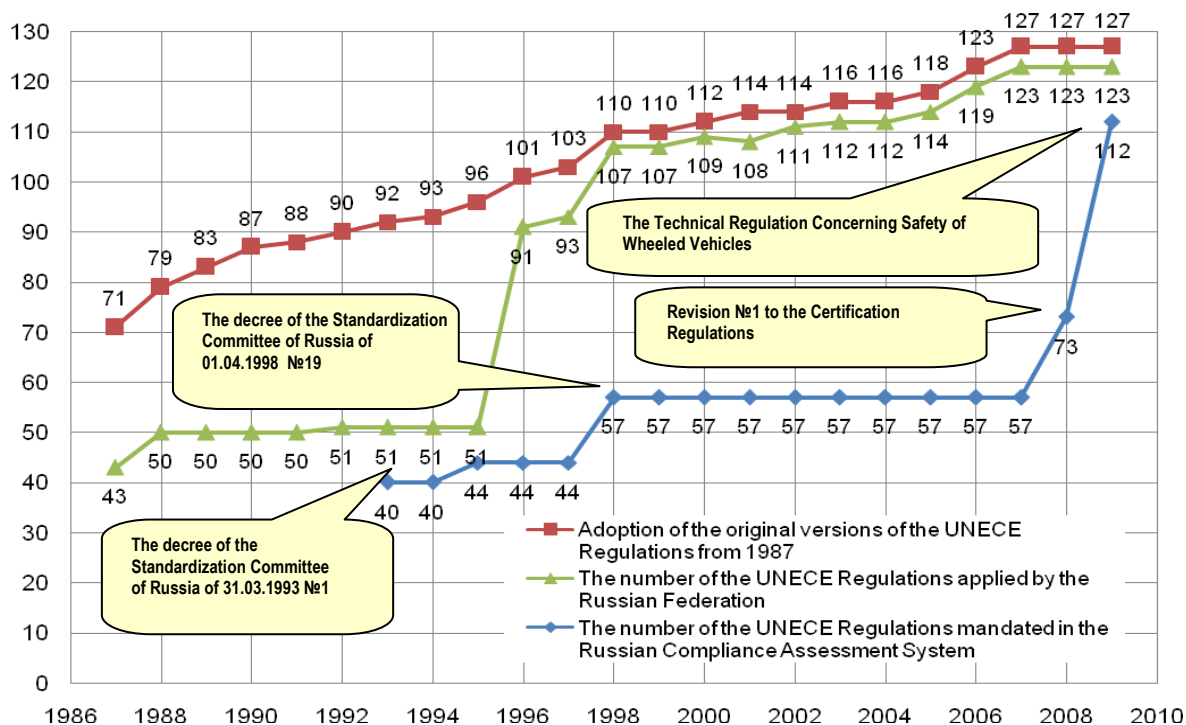


Figure 2 - Adoption of the UN Regulations within the framework of the 1958 Geneva Agreement and application of those in the Russian Federation

The number of the UN Regulations



With respect to such vehicles the base requirements of design safety which do not vary during vehicle operation, shall be checked, in particular, to equipment preventing unauthorized use, heating systems, lighting devices, visibility through rear-view mirrors, seat belts and their anchorages, seats and their anchorages, external projections and interior fittings, rear and lateral under run protection devices, prevention of fire risk. Such requirements were derived from the corresponding UN Regulations. Therefore in case of submitting by the applicant the communications concerning approval of a vehicle type pursuant to the UN Regulations Nos. 10 - 12, 14, 16 - 18, 21, 26, 34, 39, 46, 48, 58, 73 and 107, the technical expertise with respect to the corresponding requirements of the Technical Regulations is not performed. The special attention was given to the safety of vehicle categories M₂ and M₃ (buses). The extended requirements of the Technical Regulation are based on the requirements of the UN Regulation No. 107.

The individual vehicles shall comply with the requirements of operational safety, which to be checked at the state technical inspection with use of technical diagnosing means. The requirements of operational safety applied to individual vehicles, were developed basing on the Russian national standards and included into the Technical Regulation in the form of the separate annex.

The duty of submitting a vehicle to the state technical inspection is assigned to the vehicle owner (the representative of the owner), who is considered as the applicant for the compliance assessment. For that purpose the owner or his (her) representative applies to the organization authorized on inspecting vehicle technical conditions. On completion of the inspection, its results in the form of a diagnostic card are submitted to the territorial division of the State Inspection on Traffic Safety of the Ministry of Internal Affairs of the Russian Federation. Then the owner or his (her) representative is given the coupon (certificate) of the state inspection that is a necessary condition for the admission of such vehicle to participation in traffic in the Russian Federation.

Summary

The Russian Federation pursues a policy of application of the technical provisions agreed at the international level as the national technical requirements with respect to automotive vehicles, which is purposeful on elimination of the barriers interfering international trade with simultaneous maintenance of compliance to modern safety requirements. The UN Regulations are the basis of the national technical requirements of the Russian Federation.

Section 4

Rulemaking process - United States of America

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I. Introduction

Described here is the rulemaking system used in the U.S. by the Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) to establish regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles¹. The description focuses primarily on the informal rulemaking process set forth in the Administrative Procedure Act, 5 U.S.C. " 551, *et seq.* (APA). This focus is appropriate since rules establishing regulations for these products are generally subject to the APA and 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 United States of America (U.S.A.) 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 section 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.

II. Federal Rulemaking

A. Congressional authorization

While Congress could establish the details of individual product regulations legislatively, instead it usually delegates authority to U.S. Federal regulatory agencies to establish such regulations administratively pursuant to congressional guidance. The degree of specificity in the guidance varies from statute to statute. At one end of the spectrum, Congress may specify some of the details of a particular standard. At the other, Congress may provide general direction concerning factors to be considered and policy goals to be achieved. The latter is, by far, the more common practice.

When Congress enacts legislation creating a regulatory agency, or giving new authority to an existing regulatory agency, it typically includes provisions that implicitly or explicitly delegate its rulemaking authority to the agency with respect to a specified policy goal. "Rulemaking" is agency action that regulates the future conduct of governmental agencies and persons², through formulation and issuance of an agency statement designed to implement, interpret or prescribe law or policy. The legislation containing the authority granted by Congress to an agency is known as the agency's "enabling" legislation.

While the enabling legislation specifies the general purposes for which rulemaking may be conducted, it normally does not identify the individual rules to be adopted to achieve those purposes. The legislation often enumerates the factors that an agency must consider in its rulemaking and may specify criteria that the resulting rules must meet. Those factors and criteria often include practicability (often both economic and technological) and address the role, if any, that the cost of compliance is to play in the agency's rulemaking.

Occasionally, Congress supplements an agency's enabling legislation by enacting legislation directing the agency to use its general rulemaking authority in a specific way. In these instances, Congress normally leaves the technical details of the rule to be issued to the discretion of the issuing agency. Congress rarely dictates any of the specific performance requirements to be adopted for products. Further, it does not typically specify any details about regulatory approach, level of stringency or test procedures (although it may impose certain restrictions or define certain parameters).

¹ Given its relative brevity, this section makes general statements about the requirements applicable to the development, issuance and review of product regulations. It is important to note that the statutes authorizing the issuance of some types of product standards create exceptions to those generalizations. This section does not attempt to identify or catalogue those exceptions, although it does note some of them.

² "Persons" are defined broadly in the APA as "an individual, partnership, corporation, association, or public or private organization other than [a U.S. Federal] agency." "Persons" include persons located outside the United States.

In addition to enabling legislation, there are various other sources of requirements that govern the development and issuance by Federal agencies of rules regulating products. These sources include other statutes and Presidential Executive Orders that impose procedural requirements which are intended to ensure reasoned and fair decision-making. Except to the extent inconsistent with an agency's enabling legislation or other source of rulemaking authority, these other statutes and Executive Orders require that the agencies adopt these rules only after thoroughly analyzing their potential impact. This analysis typically, but not always, includes an assessment and comparison of either the benefits and costs or the cost-effectiveness of alternative regulatory approaches or levels of stringency. They also require an open and transparent U.S. regulatory process that seeks to afford all participants the opportunity to participate and to understand what the regulatory agencies are doing and why.

B. Agency action

1. Initiation of Rulemaking

Most rulemaking proceedings by U.S. Federal agencies are initiated in one of the following three circumstances. First, the agencies may begin a rulemaking proceeding on their own initiative within the limits of their existing enabling legislation or other legislation granting them authority to engage in rulemaking. Second, Federal agencies may also initiate rulemaking within the limits of their existing authority in response to a request by the public. The APA provides that each Federal agency shall give interested persons the right to petition for the issuance, amendment, or repeal of a rule. Agencies must respond to such a petition. If the petition is meritorious and consistent with the agency's priorities and available resources, the agency will grant the petition and begin a rulemaking proceeding. The granting of such a petition and the commencement of a rulemaking proceeding do not necessarily mean that the requested rule will be issued. Further, the first step may not be the issuance of any notice, but the conducting of research to determine if appropriate performance criteria or test procedures can be developed. The decision ultimately whether to issue a rule is made later in accordance with statutory criteria and on the basis of all available information developed or received in the course of the rulemaking proceeding. Third, an agency may be statutorily directed by Congress to begin a specific rulemaking proceeding.

2. Information about Rulemaking Plans, Activities and Documents

The official U.S. Government document for publishing regulatory notices is the Federal Register. The Federal Register, which is published each business day, includes all proposed rules, final rules, and notices issued by Federal agencies and organizations, as well as Executive Orders and other Presidential Documents. It is available online (<http://www.access.gpo.gov/nara/#cfr>) without charge.

The Office of Management and Budget (OMB) publishes the Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) in the Federal Register each April and October. The Agenda can be viewed on-line by going to <http://reginfo.gov/>. This document contains a brief description of and schedule for each new rule that each agency is likely to issue in proposed or final form within the next twelve months. It also lists each existing regulation that each agency is likely to review during that same period. By reading the Agenda, persons can learn whether any of the new rules being developed by the agencies are classified as significant under Executive Order 12866, Regulatory Planning and Review, and thus subject to review by OMB. (See below the section on Inter-agency and Inter-governmental Participation and the section on Other Rulemaking Requirements for fuller discussions of the Executive Order. The definition of "significant regulatory actions" appears in a footnote to the former section.) Persons wishing to find out more about a particular rulemaking may contact the individual listed in the Agenda for that rulemaking.

After the publication of a Final Rule in the Federal Register, the rule is codified, along with all existing regulations, in the Code of Federal Regulations (CFR). The CFR is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is further divided into chapters, which usually bear the name of the issuing agency. The CFR is updated annually. It is available free of charge on the Internet at <http://www.access.gpo.gov/nara/#cfr>.

The documents that an agency relies upon or considers in issuing a Final Rule are placed by the agency in a public docket where they are available for public inspection and comment. Each docket is identified by a docket number. These documents include studies generated by the agency to support its position as well as comments submitted in response to the agency's documents (except documents that have been submitted confidentially)³. While some agencies accept and rely upon confidential information in their rulemakings, others do not.

Federal agencies make extensive use of the Internet to provide information related to their regulatory activities and enhance the transparency of their regulatory process. Many agencies either have established or in the process of establishing an electronic docket system. For example, the Department of Transportation has established a system that permits a person anywhere in the world to view and download documents that have been submitted to any of their rulemaking dockets (<http://dms.dot.gov/>). The Department of Transportation system also permits people to file comments electronically. Some agencies, like the Environmental Protection Agency, provide links to electronic versions of all of their recently issued rulemaking documents (see <http://www.epa.gov/epahome/rules.html#proposed>). In addition, agencies are posting a wide variety of information relating to their rulemakings, such as research reports and analyses so that they can be examined online and downloaded without charge (see, e.g. <http://www.nhtsa.dot.gov/>).

Federal agencies are required by the Freedom of Information Act (FOIA) (5 U.S.C. § 552) to make records in their possession available upon receipt of a request that reasonably describes the records desired by the requestor. The purpose of this Act is to expand the areas of public access to information beyond those originally set forth in the APA. The Act gives any person the right to request records from agencies. Upon receipt of a request, an agency must search for records responsive to the request. The agency must then make available copies of all responsive records located in the search, unless the records are protected from disclosure under one of nine statutory exemptions in the FOIA⁴. Public access to government information was broadened in 1996 by the enactment of the Electronic Freedom of Information Act Amendments (E-FOIA).

The E-FOIA requires agencies to make more material available electronically. In addition, the FOIA was supplemented by Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information (1987), which gives private parties, especially business firms (including foreign firms), a right to prior notice before an agency releases information about or received from the firm.

3. *Inter-agency and Inter-governmental Coordination*

Federal agencies have various means for monitoring and coordinating with each other's regulatory activities. Agencies often directly consult on their own initiative with each other, formally and informally, on rulemaking issues of mutual interest, regardless of whether they are significant under Executive Order 12866. Typically, the consultation occurs initially on a working level among technical staff and later, as the agency's development of approaches to addressing the issues progresses, on a policy level as well. There are also inter-agency working groups, such as the Interagency Council on Standards Policy, that meet on an ongoing basis to discuss issues of mutual interest and to share information on their agency's activities.

³ "Trade secrets and confidential business information" mean records or data submitted to the government that arguably contains material exempt from release under exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm to the entity submitting the information. Persons submitting documents confidentially must assert their claim to confidential treatment at the time the documents are submitted. The agency then makes a determination as to whether exemption 4 applies. This exemption applies during all stages of the rulemaking process. As noted above, not all agencies accept documents containing trade secrets or confidential business information in their rulemakings.

⁴ In addition to the exemption noted above for trade secrets and confidential business information, exemptions are also provided for other matters such as inter-agency or intra-agency memorandums or letters, and records or information compiled for law enforcement purposes. (5 U.S.C. § 552(b)(5) and (7)).

Executive Order 12866 provides that each regulatory agency should avoid issuing rules that are inconsistent, incompatible, or duplicative with those of other Federal agencies. OMB is charged, under the Order, with coordinating inter-agency review of significant proposed or final rules prior to their issuance and publication in the *Federal Register*⁵. If the proposed or final rule of one agency would create a serious inconsistency, or otherwise interfere with an action taken or planned by another agency, that rule is treated as a significant rule under the Order, and thus is subject to OMB review. OMB provides a copy of the rule to other interested agencies for comment during the review process.

4. *The Administrative Procedure Act*

The primary mechanism for ensuring transparent and open rulemaking in the U.S. is a standardized system of consultations with the public as rules are developed and revised. The APA specifies requirements for rulemaking, i.e., the process by which Federal agencies formulate, propose, establish, amend, or repeal a regulation. Substantive rules issued by an agency under the APA have the force and effect of law.

If an agency's enabling legislation authorizes it to conduct rulemaking, the legislation typically specifies that either formal or informal procedures are to be followed:

- Informal rulemaking procedures require, with certain limited exceptions, that the agency provide prior notice and an opportunity to comment by submitting written data or arguments in response to the publication of a proposed rule. Any person, regardless of geographical location, may submit comments. This includes, for example, individuals, businesses and government agencies of other countries. These procedures require also that the data and arguments be considered by the agency and that, in issuing any Final Rules, the agency include a statement of the rule's basis and purpose and address the comments. A fuller discussion of informal rulemaking procedures is provided later in the text.
- Formal rulemaking procedures require an agency to conduct a complete oral, evidentiary hearing. The agency must offer persons who wish to participate an opportunity to appear and present oral and documentary evidence and views and to cross-examine other participants in the hearing. The hearings are generally presided over by an Administrative Law Judge. The record consists of the transcripts of the testimony and exhibits presented at the hearing, together with all documents filed in the proceeding.

Informal rulemaking procedures are required for most rulemakings, including most rulemaking involving the establishment of product requirements. Formal rulemaking has been, and continues to be, the exception. An agency must use formal rulemaking procedures if it is rulemaking under a statute requiring that rulemaking be conducted "on the record."

Some statutes require the use of "hybrid" rulemaking procedures, in which informal written comments are supplemented with oral presentations of some kind. In addition, agencies subject to informal rulemaking procedures may, at their discretion, decide to use "hybrid" procedures. For example, they may decide to hold public meetings when they believe that it would be beneficial to have a face-to-face exchange of views and information between the agency and the public. As with formal rulemaking, hybrid rulemaking represents a very small portion of rulemaking government-wide.

⁵ Section 3(f) of the Executive Order defines "significant regulatory action" as "any regulatory action" that is likely to result in a rule that may have any of certain enumerated impacts, including having an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; creating a serious inconsistency or otherwise interfere with an action taken or planned by another agency; and raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Agencies can add to, but never subtract from, procedures required by the APA or other statutes. As mentioned earlier, agencies engaged in informal rulemaking sometimes voluntarily decide to hold public meetings. The additional procedures used by an agency must not violate the procedural requirements in the APA or other statutes, such as the rules concerning consideration of written comments during a rulemaking.

Informal rulemaking proceedings proceed in the manner set forth below. Not all steps, e.g., preliminary notices, must be used in all rulemakings. The vast majority of rulemakings involve only three steps: issuance of an notice of proposed rulemaking soliciting public comment, agency consideration of all relevant information including public comments, and the issuance of a Final Rule after consideration of the relevant information. Since a greater range of steps is particularly likely to be used in some of the more significant rulemakings, the full potential range of steps is outlined below. It should be noted that the duration of rulemaking can vary from a few months to several years depending on the complexity, controversiality and nature of the action.

a. Preliminary Notices

Although the APA does not require or even address the issue of preliminary notices, they are issued by some regulatory agencies. An agency contemplating rulemaking may decide that it wants to obtain additional information before developing and publishing a specific proposal for addressing a problem. In such cases, to obtain more information about the nature and extent of a possible problem or to obtain public views on which regulatory approach would be most effective and desirable, the agency may publish a preliminary notice seeking public comments.

The most common type of preliminary notice is the Advance Notice of Proposed Rulemaking (ANPRM). It provides an opportunity for public comment very early in the rulemaking process. It describes the general area that may be the subject of a proposed rule and usually asks for public comment on the issues and regulatory options being considered. It invites the public to identify any additional relevant issues.

The ANPRM specifies a certain period of time within which the public may submit comments. Comments may be submitted by any person. Some agencies place all comments on the ANPRM in a docket where they are available to the public, while others docket only those comments that support a subsequent Notice of Proposed Rulemaking. In both cases, trade secrets and confidential business information are not revealed. The comment period is usually 60 days, but it can be longer or shorter, depending on the circumstances.

b. Notice of Proposed Rulemaking

In most cases, the initial step in the rulemaking process is to develop and then publish a proposed rule. The proposal is called a Notice of Proposed Rulemaking (NPRM). The purpose of the NPRM is to inform the public about the proposal and request public comment on it. The NPRM typically consists of two parts: a preamble, which is a narrative discussion, and proposed regulatory text. Some, however, do not include regulatory text. The amount of detail in preambles varies. The more detailed preambles identify the problem addressed by the proposal, discuss and analyze information regarding the existence, nature and extent of the problem, explain how the proposal will ameliorate that problem, and analyze the benefits and costs of the proposal. If the NPRM was preceded by the issuance of a preliminary notice, the NPRM may summarize and respond to the public comments on the preliminary notice. To the extent that the NPRM does not set forth and explain the factual assumptions, analyses and methodologies underlying the proposal, the agency places documents containing those matters in a public docket so that the public has an opportunity to comment on them.

The NPRM specifies a certain period of time within which any person who wishes to do so may submit comments. Executive Order 12866 recommends a comment period of 60 days, although the period can be longer or shorter, depending on circumstances. The agency places all comments in a public docket, except that trade secrets and confidential business information are not revealed. This public comment process serves a number of purposes, including giving persons the opportunity to:

- Provide the agency with information that will enhance the agency's knowledge about matters related to the proposal; and
- Challenge the factual assumptions, analyses, and tentative conclusions underlying the agency's proposal and show in what respect they are in error.

If, after the comment period, the agency obtains new information or analysis that is not simply cumulative and has a potentially significant bearing on the substance of the Final Rule, the agency must make it available so that the public may comment. If the agency has an established practice of considering late comments and other new material and will consider any late comments on the new information or analysis, it may not need to re-open the comment period on the NPRM. If, in addition to being non-cumulative, the new information or analysis will lead to significant and unexpected changes in the final rule, the agency must publish a notice in the Federal Register to ensure public awareness that the material has become available.

In response to the comments on the NPRM or developments (e.g., new research results) after the NPRM is issued, the agency generally changes certain aspects of the proposal. In most cases, the changes are within the range of regulatory approaches discussed in the NPRM, and no further opportunity for public comment is required. However, if any of the changes desired by the agency involve matters neither discussed in the NPRM nor a logical outgrowth of those matters, the agency must give the public a chance to comment on a revised proposal before issuing a Final Rule. To provide that chance, the agency issues a Supplemental Notice of Proposed Rulemaking.

c. Supplemental Notice of Proposed Rulemaking

The SNPRM identifies significant changes to the proposed rule that could not have been not reasonably anticipated from reading the NPRM. It also may identify significant new factual information that was not included in the record of the rulemaking at the NPRM stage, and that the agency wishes to rely upon in the Final Rule. The SNPRM explains the reasons for the changed regulatory language and seeks public comment on it. SNPRMs are issued significantly less frequently than ANPRMs.

d. Final Rule

After considering the comments received during the rulemaking, the agency decides whether to issue a Final Rule. Final Rules include a preamble and regulatory text. If the agency issues a Final Rule, the preamble includes a detailed statement of the basis and purpose of the rule, explains why the agency agrees or disagrees with the substantive comments it received and describes the changes, if any, it made to the rule in response to the comments with which it agrees. If the agency allows petitions for reconsideration, it must state that petitions for reconsideration may be submitted and may specify a deadline for doing so. The Final Rule also specifies a date on which the rule will become effective. An interval (known as lead time) between the final rule and the effective date of 1 to 3 years is not unusual, particularly in the case of significant rules or rules governing new technologies or products. If the agency decides not to issue a Final Rule, it may issue a Notice of Withdrawal of the proposal, explaining the reasons for that action.

Normally, the APA requires that a Final Rule be published at least 30 days before it takes effect. However, compliance with the 30-day requirement is not necessary if the rule makes an exemption or relaxes existing requirements, or if the agency makes and publishes a finding that an earlier effective date is required "for good cause."

e. Response to Petitions for Reconsideration

Even after a Final Rule is issued, the public may have a final chance to request the agency to make changes to the rule. Any person can do this by submitting a Petition for Reconsideration. The submission of a Petition for Reconsideration generally does not delay the effective date of the rule.

Some agencies respond to Petitions for Reconsideration by making changes to the Final Rule without first soliciting public comment, if those changes are either within the scope of the NPRM or are a reasonable outgrowth of the NPRM. Other agencies may issue a new NPRM before making any changes in response to Petitions for Reconsideration, regardless of whether the changes are within the scope of the NPRM.

The requirement for prior notice and an opportunity for public comment may be waived in cases in which the agency finds "good cause" that such procedures would be "impracticable, unnecessary, or contrary to the public interest." (5 U.S.C. § 553(b)(3)(B)). Courts have interpreted this language to allow an agency to waive the notice and comment procedures and issue rules when the agency can show it is confronting one or more of the following "emergency" situations: (1) where the agency was subject to a short, statutorily-imposed deadline; (2) where an immediate rule is required to address a serious risk to public health and safety; (3) where advance notice would thwart the purpose of the rule; or (4) where immediate clarification of existing rules and regulations is needed to alleviate confusion. It is important to note that the "good cause" exception is construed narrowly. Further, agencies may not automatically waive informal rulemaking procedures whenever one of these four situations arises or in the agency's judgment an emergency situation exists. Instead, an agency must clearly demonstrate that the waiver is proper in a particular circumstance.

5. *Other Opportunities for Public Participation*

Private citizens, industry, and organizations can participate in an agency's rulemaking activities in variety of ways. In addition to submitting comments and petitions as discussed above in the section on the APA, persons can directly contact the agencies in accordance with the agencies' own particular procedural requirements, participate in advisory committees formed by the agencies, or participate in negotiated rulemakings.

While the APA limits ex parte oral communications in formal rulemakings, it does not do so in informal rulemakings⁶. However, the various Federal agencies have adopted their own policies about such communications during informal rulemakings. These policies vary. Some agencies discourage, but do not prohibit, ex parte oral communication during all stages of a rulemaking proceeding, even before an NPRM is issued. Other agencies discourage ex parte oral communications only after an NPRM has been issued. Still others permit them at any time during a rulemaking proceeding. In all cases, however, to the extent that an agency wishes to rely in its Final Rule on information or data received in ex parte oral communications, it must document the substance of the communications in a memorandum that is made publicly available. Such documentation is necessary to ensure that the public and the courts (in the event of a lawsuit) are aware of the communications.

Federal agencies may meet with committees or groups of persons to augment the opportunity for dialogue and public input in their rulemakings. Some of these committees or groups may be advisory committees within the meaning of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (FACA). Under the Act, an advisory committee is any committee or group containing at least one member who is not a full-time Federal employee, that is established or utilized (i.e., managed or controlled) by a Federal agency, in the interest of obtaining advice or recommendations. Advisory committees may be established under the FACA after public notice is given and a determination is made that the formation is in the public interest. The committees must be chartered by the General Accounting Office and have a clearly defined purpose. Membership must be fairly balanced in terms of the points of view represented and functions performed. Meetings of the advisory committees must be announced in the *Federal Register* and generally open to the public. Minutes of the meetings and all related documents must be made public.

⁶ "Ex parte communication" is defined in the APA as meaning "an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding..." (5 U.S.C. § 551(14)).

The Negotiated Rulemaking Act of 1990 (NRA) establishes a framework for conducting a negotiated rulemaking and encourages agencies to use negotiated rulemaking to enhance the informal rulemaking process. 5 U.S.C. §§ 561, *et seq.* The premise underlying negotiated rulemaking is that bringing together representatives of an agency and the various affected interest groups to negotiate, and reach consensus on, a proposed rule will lessen the likelihood of litigation when a Final Rule is issued. Under the NRA, an agency forms an advisory committee consisting of representatives of the affected interests and representatives of the agency for the purpose of reaching consensus on a rule to be issued in a notice of proposed rulemaking. The committee is subject to the FACA, and thus generally must hold its meetings in public. The negotiations within the committee are generally assisted by a neutral facilitator. The goal of the committee is to reach consensus within the limits of the agency's legal authority and policy objectives for the rulemaking. If consensus is reached, the agency uses the product of the consensus as the basis of its Notice of Proposed Rulemaking. As in the case of rulemaking proceedings that do not involve negotiated rulemaking, the agency must consider the public comments on that notice before issuing a Final Rule.

6. Other Rulemaking Requirements

In addition to the requirements in their enabling legislation, regulatory agencies are subject to other statutory requirements for analyzing various impacts of their proposed and final rules. Among these are requirements to analyze the impacts of any rule on small business (the Regulatory Flexibility Act) or the environment (the National Environmental Policy Act). If the rule will require subfederal governments or the private sector to spend more than \$100 million in any one year, its impacts must be analyzed (the Unfunded Mandates Act). Further, the impact of the information collection requirements in any rule must be analyzed (the Paperwork Reduction Act). These analyses, like the other required analyses, must be made public.

In addition, other requirements are established by the Executive Branch through the issuance of Executive Orders. The most significant of them is Executive Order 12866. The Order, which was issued on 30 September 1993, sets out an overarching regulatory philosophy and principles to guide agencies in developing effective and efficient rules. It provides that agencies should, to the extent permitted by law, assess both costs and benefits (quantitative and qualitative) of an intended rule and propose or adopt a rule only upon making a reasoned determination that the benefits of the intended rule justify its costs⁷. The Order states that, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize benefits. One of the principal objectives of the Order is to make regulatory processes more accessible and open to the public. The Order requires that before regulatory agencies issue proposed and final "significant" rules, they submit them to OMB for review. Significant rules must be accompanied by an extensive regulatory impact analysis. The analysis is placed in the public docket to facilitate public comment on it. The Order can be found at <http://reginfo.gov/eo12866.htm>.

The National Technology Transfer and Advancement Act (NTTAA) of 1995 directs Federal agencies to use voluntary consensus standards, both domestic and international, in lieu of government-developed regulations, as a means to carry out policy objectives or activities determined by the agencies, except when doing so would be inconsistent with law or otherwise impractical. (Public Law 104-113) (15 U.S.C. § 272 note). The Act further directs the agencies to participate in voluntary consensus standards development activities "when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources." Such participation is aimed at contributing to the development of voluntary standards that will minimize the need to develop and maintain separate government regulations.

⁷ Some statutes authorizing the issuance of product regulations limit the extent to which the issuing agency can consider cost in selecting those regulations. Some even provide that the regulations are to be selected and issued without regard to cost.

Federal agencies are also required, in developing their regulations, to take into consideration relevant international standards and, if appropriate, base their regulations on those international standards. Title IV of the Trade Agreements Act of 1979 (Public Law 96-39), as amended in 1994 (Public Law 103-465) and 1996 (Public Law 104-295) (19 U.S.C. § 2532(2)). The Act expressly provides that the reasons for which it may not be appropriate to base a regulation on an international standard include, but are not limited to, the protection of human health or safety, animal or plant life or health, or the environment.

C. Congressional review

Most product regulations issued by agencies as Final Rules must be submitted to Congress for review under the Congressional Review Act, 5 U.S.C. §§ 801, *et seq.* (CRA) and to Congressional oversight⁸. The CRA establishes a special procedure through which Congress may vote to disapprove any such agency rule. The effect of a disapproving vote is to nullify the rule. A rule is rejected if both houses of Congress adopt a joint resolution by majority vote and if the President then signs the resolution. A rule is also rejected if both houses of Congress adopt such a resolution and then override a Presidential veto of the resolution. While Congress can adopt a resolution rejecting a rule in its entirety, Congress cannot adopt a resolution under the CRA either amending a rule or directing that a rule be amended. When acting under the CRA, Congress can either take no action or adopt a disapproving resolution.

When acting outside the CRA, i.e., under its normal legislative procedures, Congress may, in effect, nullify an agency's rule by enacting new legislation that prohibits the agency from using appropriated funds to enforce the rule. Alternatively, Congress may enact legislation identifying the regulatory provisions to which it objects and specifying that the agency cannot maintain an existing rule, or issue a new rule, containing those provisions.

D. Judicial review

All Final Rules establishing, amending or revoking regulations may be judicially reviewed pursuant to either an agency's enabling legislation, the APA or particular agency-specific statutes. In addition, other final actions are judicially reviewable, including denials of petitions for rulemaking, denials of petitions for reconsideration, and decisions to terminate rulemaking after the issuance of an NPRM. Although the percentage of rules issued through informal rulemaking and then judicially reviewed may be relatively small, there is a steady and significant number of cases involving procedural and/or substantive challenges. Further, given the precedential effect of court decisions, judicial review can have a significant and long-lasting effect on agency rulemaking.

Under the APA, any person may seek to have a Final Rule or other final agency action overturned in the Federal courts if he has "standing" to do so. To have standing, a person must first show that the final agency action actually injured him and that it is likely that the injury will be redressed by a favourable decision by the court.

The person must then demonstrate that his injury is within the "zone of interests" which Congress sought to protect in enacting the statute under which the final agency action was taken. Generally, any person directly subject to a product regulation or any person who purchases or uses the products subject to the regulation can demonstrate that his injury is within the zone of interests protected by the statute under which the regulation was issued. An organization which has not itself suffered such an injury may nevertheless have standing if it can demonstrate that its members would otherwise have standing on their own to sue, the interests it seeks to protect are germane to the organization's purpose and neither the claim asserted nor the relief sought requires the participation of individual members in the suit.

⁸ Some statutes authorizing the issuance of product regulations limit the extent to which the issuing agency can consider cost in selecting those regulations. Some even provide that the regulations are to be selected and issued without regard to cost.

Under the APA, a person may seek to have a final agency action overturned on a variety of grounds, including the ground that the action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Suits challenging agency rules typically allege both procedural and substantive grounds for overturning those rules. Among the procedural grounds are lack of adequate notice. Persons alleging lack of adequate notice often argue that the difference between the proposed and final regulatory text was so great that commenters could not reasonably have anticipated, and thus could not comment on, some important part of the Final Rule. Another common argument is that, in order to support the Final Rule, the agency relied on data or analysis that was not made known to commenters in time for them to offer comments before the Final Rule.

To avoid having a rule overturned or remanded as arbitrary or capricious, an agency should: state the factual predicates for its rule; support the factual predicates by linking them to evidence in the rulemaking record; explain how it reasoned from factual predicates to the expected effects of the rule; relate factual predicates and expected effects to each of the relevant statutory goals, purposes or criteria that is made relevant by its statute; avoid basing any aspect of its Final Rule on factors which Congress did not intend to be considered; explain its reasons for agreeing or disagreeing with major comments and for resolving issues raised by commenters as it did; and give reasons for rejecting plausible alternatives to the rule it adopted, especially those that arguably would better promote the goals of the statute under which the rule was issued.

A reviewing court generally will not substitute its judgment for that of the agency or overturn factual conclusions as long as the agency's conclusions have a substantial basis in the administrative record. (See discussion of administrative records below.) This is particularly true when the subject matter is technical, concerns a newly developing technology, or involves exercise of the agency's expertise.

A Final Rule revoking a regulation is subject to the same degree of judicial scrutiny as a Final Rule establishing or amending a regulation. There is a presumption that a settled course of agency behaviour represents that agency's informed judgment that, by pursuing that course, it will carry out the policies committed to it by Congress. Thus, if the agency departed from past agency practices or positions in adopting a new rule, the agency must explain in some detail why it did so.

The court's review is based on the administrative record. The administrative record is compiled by the agency and consists of the Final Rule, and all the information the agency had before it at the time of its issuance of the Final Rule, including the NPRM, all comments on the NPRM, and research results and reports.

If the court overturns a Final Rule, it will return the rule to the agency for further consideration. The court may either vacate the rule, in which case, it has no legal effect; or the court may simply remand the rule, requiring the agency to reconsider its position, but leaving all or part of the rule in effect during that period of reconsideration.

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 sale⁹. 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 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,

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.

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. § 30115¹⁰.

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 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.

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."

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.

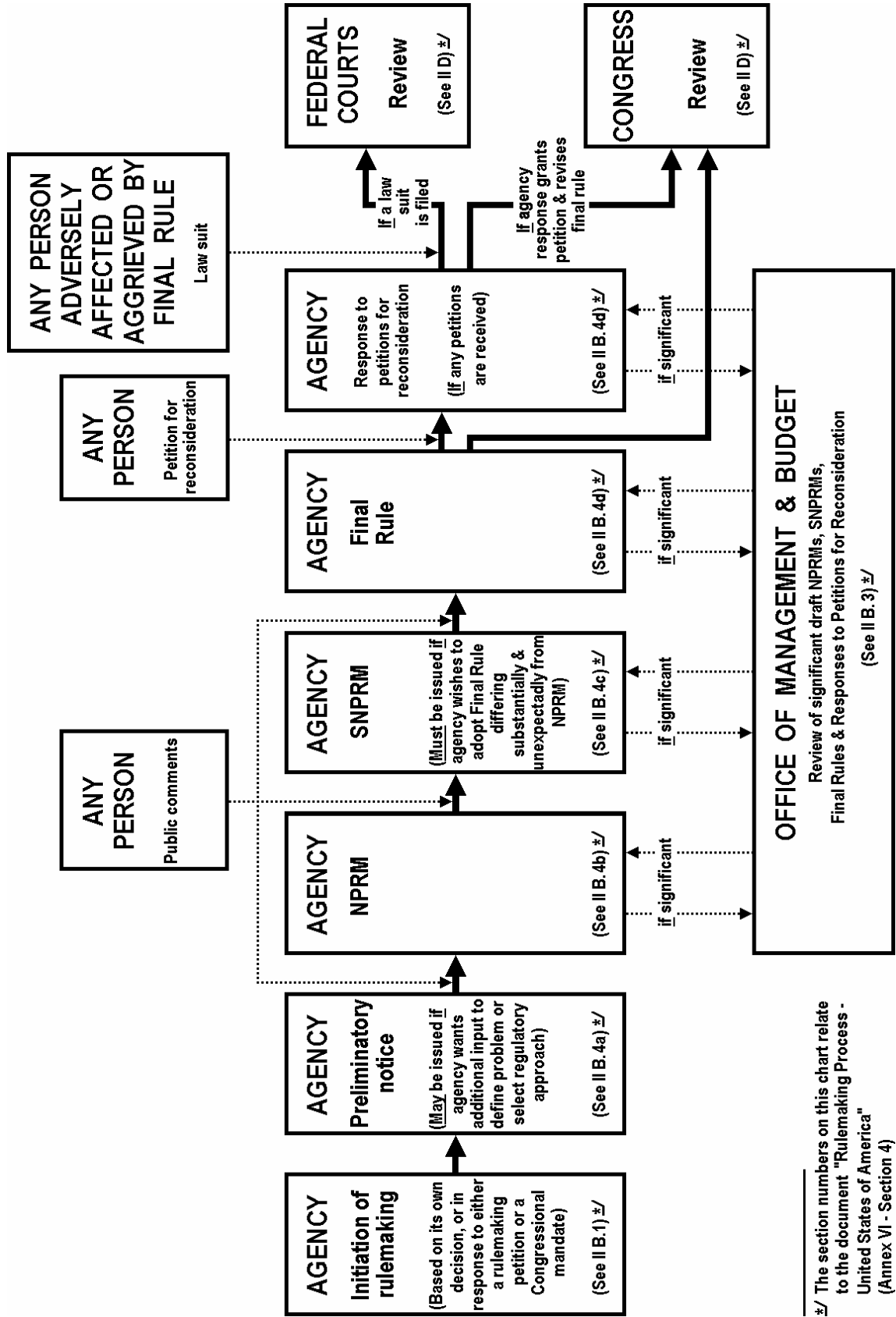
IV. Glossary of Acronyms

ANPRM	Advance Notice of Proposed Rulemaking
APA	Administrative Procedures Act
CFR	Code of Federal Regulations
CRA	Congressional Review Act
FACA	Federal Advisory Committee Act
FOIA	Freedom of Information Act
FR	Federal Register
NIST	National Institute of Standards and Technology
NPRM	Notice of Proposed Rulemaking
NRA	Negotiated Rulemaking Act
NTTAA	National Technology Transfer and Advancement Act
OMB	Office of Management and Budget
RISC	Regulatory Information Service Center
SNPRM	Supplemental Notice of Proposed Rulemaking
USC	United States Code

V. For Further Information, Contact

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EPA	Mr. Kenneth Feith, Senior Policy Advisor/Scientist, Office of Air and Radiation, Environmental Protection Agency, Ariel Rios Building MC 6103A, 1200 Pennsylvania Av. N.W. Washington, D.C. 20460. Telephone: (+1)-202-564-1679; Fax: (+1)-202-564-1554; E-mail: feith.ken@epa.gov .

Rulemaking process - United States of America



Section 5

Regulatory process – Canada

The federal regulatory process in Canada is defined both by specific legal requirements set out in the *Statutory Instruments Act* and by policy requirements that are articulated in the *Cabinet Directive on Streamlining Regulation*.

Regulations as a Policy Instrument

In Canada, regulations are made by the Governor in Council, a minister, or an administrative agency, to whom Parliament has delegated its authority in an act. Regulations are a form of law—they have binding legal effect and usually set out general rules rather than specific ones that are directed toward persons or situations.

The process described herein assumes that officials have evaluated the range of instruments available to them for achieving a given policy objective and have determined that regulation is a necessary part of the instrument mix.

Overview of the Federal Regulatory Development Process

The federal regulatory development process is structured so as to provide a consistent approach to making regulations across government while ensuring that the policy commitments and legal obligations of the Government of Canada are met.

Step 1: The Triage Statement

The first step in the regulatory development process is to assess the level of impact of the regulatory proposal, prepare a Triage Statement, and have the statement approved by Treasury Board Secretariat.

It is also at this stage that the potential impact of a proposal on international trade will be determined. In cases where a regulating organization cannot adequately assess such impact, Treasury Board Secretariat consults with the Department of Foreign Affairs and International Trade.

Step 2: Analysis and Development of the Regulatory Impact Analysis Statement

The Cabinet Directive on Streamlining Regulation requires regulatory organizations to conduct detailed analyses and undertake thorough consultations when developing a regulatory proposal. The results of these processes are summarized and presented to decision makers and the public in the Regulatory Impact Analysis Statement. This document provides a cogent, non-technical synthesis of information that allows the various audiences to understand the issue that is being regulated, the reason the issue is being regulated, the government's objectives, and the costs and benefits of the regulation and who will be affected, who was consulted in developing the regulation, and how the government will evaluate and measure the performance of the regulation against its stated objectives.

The regulatory organizations identifies parties that may be interested in or affected by a regulatory proposal and provides these parties with opportunities to take part in open consultations at all stages of the regulatory process.

When undertaking consultations, the regulatory organization does the following:

- Informs and engage Canadians on the nature and implications of the public policy issue based on available evidence, science, or knowledge;
- Includes Canadians in developing policy objectives;
- Sets out the process and timelines in a clear manner so that affected parties can organize and provide input; and
- Provides timely feedback to Canadians and affected parties on the outcome of the consultations and on the priorities considered in decision-making.

Step 3: Drafting the Regulations

Drafting instructions are prepared in both Canadian official languages (English and French).

Step 4: Examination by the Department of Justice Canada Legislative Counsel and Stamping

The Department of Justice conducts a legal examination of all proposed regulations to ensure that the following:

- The regulation is authorized by the enabling act.
- The regulation does not constitute an unusual or unexpected use of the authority under which it is to be made.
- The regulation does not trespass unduly on existing rights and freedoms and is not inconsistent with the Charter of Rights and Freedoms or with the Constitution Act, 1982.
- The form and drafting of the regulation is in accordance with established standards.

Step 5: Signed Submission Goes to Privy Council Office – Order in Council

Regulatory proposals, once approved for submission by the sponsoring minister, are forwarded to Privy Council Office – Order in Council, which is responsible for putting the proposal before the Treasury Board.

Step 6: Treasury Board Meeting and Decision

Treasury Board Secretariat is responsible for briefing Treasury Board ministers on regulatory proposals. Officials of the regulatory organization are sometimes required to be available during the meeting to provide additional information.

The Treasury Board, as a Cabinet committee, may make any of the following decisions:

- Approve or reject pre-publication of the proposed regulation;
- Approve or reject requests for exemptions from pre-publication;
- Send the item to Cabinet or one of its other committees for consideration;
- Refer the matter back to the responsible minister for further consideration and information; and
- Defer the item to another meeting.

Step 7: Pre-Publication in the Canada Gazette, Part I

If the approval of the Treasury Board is obtained, Privy Council Office – Order in Council forwards the proposed regulation and the accompanying Regulatory Impact Analysis Statement to the Canada Gazette Directorate of Public Works and Government Services Canada.

The proposed regulation and the Regulatory Impact Analysis Statement are then pre-published in the *Canada Gazette*, Part I. It is through publication in Part I that the government includes Canadians in the regulatory process. Pre-publication gives all Canadians a chance to submit their comments about a proposed regulation before it is made.

Seeking Final Approval, Publication, and Registration

Following the pre-publication period, many of the same steps are undertaken again in a modified form to complete the regulatory development process.

Step 8: Post-Pre-Publication Analysis

All comments received during the pre-publication period are given careful consideration to determine whether changes to the text are warranted.

If changes are required to the proposed regulation, the Department of Justice Legislative Counsel will examine them and make those changes that are appropriate. In addition to public and stakeholder comments, any changes that may have occurred, domestically or internationally, that could affect the wording or intent of the proposed regulation are considered.

Step 9: Examination by the Department of Justice Legislative Counsel and Stamping

The Department of Justice Legislative Counsel performs the same legal examination function at this stage as during the pre-publication stage (see Step 4).

Step 10: Final Regulatory Submission Goes to Privy Council Office – Order in Council

Once the final regulatory proposal has been approved by the responsible minister(s), the relevant documents are sent to the Assistant Clerk of the Privy Council. Unless specified otherwise, all documents are required in both official languages of Canada (English and French).

Step 11: Making of the Regulation by the Governor in Council

The Governor in Council is the Governor General of Canada acting on the advice of Cabinet. Since December 2003, the Treasury Board has provided advice to the Governor General on behalf of the Queen's Privy Council.

Similar to proposals seeking pre-publication, Treasury Board Secretariat briefs Treasury Board ministers on submissions seeking final approval. The ministers consider the results of pre-publication along with other information in the regulatory submission and decide whether to recommend that the Governor General make the regulations as presented in their final form.

Step 12: Registering, Coming into Force, Publishing in Canada Gazette, Part II

Registration

Although it is required that a regulation be transmitted to the Clerk for registration within seven days, the registration is usually done within 48 hours of the Treasury Board meeting at which the regulation is considered. The regulation is assigned a number, preceded by the acronym SOR, which stands for statutory orders and regulations, or SI, which stands for statutory instruments.

Coming into Force

Regulations that must be registered generally come into force at midnight on the date of registration or on a day after registration that is specified in the regulations.

Publication

Regulations are published in the *Canada Gazette*, Part II, within 23 days of their registration (Part II is published every second Wednesday).

Section 6

Overview of Automotive Regulations in India

Motor Vehicles Act and its history

The first enactment of law relating to motor vehicle was the Indian Motor Vehicles Motor Act, 1914. It was subsequently replaced by the Motor Vehicles Act, 1939 and still later by Motor Vehicle Act 1988 (MVA). The technical requirements of construction and maintenance of the vehicle are covered by the MVA. Under this Act, specific mandatory requirements in the form of Rules are framed by the Ministry of Road Transport & Highways (MoRTH) from time to time. These Rules are issued as notification and are titled as Central Motor Vehicle Rules-1989, generally referred to as CMVR.

Policy and Intentions

Transportation sector plays a major role in the development of the vast and diverse country i.e. India. Government of India has adopted the policy for establishing adequate and safe road infrastructure and safe, environmentally friendly vehicles. For this purpose Government has finalized *Auto Fuel Policy* in the year 2002 and *Automotive Mission Plan* in the year 2006. Auto Fuel Policy provides a road map for future emission norms to be implemented and also prescribes the fuel standards for compliance to the norms. The policy stresses the need for a holistic approach required for managing the emissions from vehicles, emission data inventory, promotion of new technologies, improvement in the fuel quality, and promotion of public transport and management of in-use vehicles in order to develop a comprehensive approach for handling emissions from automobiles.

Standards related to testing and approval of vehicles/components and subsystems, are prepared by the technical expert committees. India has a policy to align our national standards with UN Regulations to the extent possible. Out of 126 UN Regulations, currently India has considered UN GTR's for technical alignment of our country's standards.

Transportation challenges

India has a large network of roads comprising national highways, state highways and urban/rural roads. The characteristics and distribution of all road patterns is quite peculiar. Also high density of traffic and mixed pattern of vehicle population in urban areas is another peculiarity.

Two wheelers are very extensively used as a means of personalized transport. Therefore, their population is very high. 3 wheelers are used on a large scale as public transport vehicles. Density of passenger cars has been increasing on urban as well as rural roads. Passenger cars are more often used for meeting family transportation needs rather than for individual use.

India has a vast network of roads, 3.34 millions km in length, which spreads across the length and breadth of the country. Out of the total land transport, roads support 65% of freight movement and 85% of passenger traffic. Heavy commercial vehicles are therefore the backbone of mobility requirements. In rural areas Agriculture Tractors, in addition to their field operations, are also used extensively for haulage of goods on the roads.

Emission Regulations in India

Development of IDC (Indian Driving Cycle) - Automotive Research Association of India (ARAI) developed an Indian Driving Cycle in the year 1985. The mass emission norms for various categories of vehicles were based on this driving cycle and they were notified under CMVR in 1989.

Standing Committee on Implementation of Emission Legislation (SCOE) - Realizing the need for a permanent body to coordinate the emission regulations and their implementation Ministry of Road Transport & Highways (MoRTH) in 1991 appointed this committee with Jt. Secretary MoRTH as chairman to advise the government in the matters related to emission regulations. In May 1991, Ministry of Environment and Forests (MoEF) appointed a committee chaired by Prof. H. B. Mathur for recommending the next stage norms for working out the mass emission norms to be implemented in 1995 and 2000.

In summary emission regulations were implemented in following manner:

- The first mass emission norms for vehicles were enforced from 1st April 1991 for Petrol vehicles and from 1st April 1992 for Diesel vehicles.
- Based on the recommendations of Mathur committee the next stage norms were implemented from 1st April 1996.
- Subsequently, after introduction of Lead Free fuel across the country, the fitment of catalytic converters on passenger cars was mandated with effect from 1st April 1998. New mass emission norms were also notified for the passenger cars with catalytic converters with a deterioration factor of 1.2.
- Supreme Court of India in its orders dated 29th April 1999 and 13th May 1999 directed that in National Capital Region (NCR) all private vehicles need to conform to Euro I norms with effect from 1st June 1999 and Euro II norms with effect from 1st April 2000. Accordingly, MoRTH notified these norms. During this period based on intervention by various courts, several initiatives were taken for mandatory conversion of commercial vehicles (new as well as retrofitted vehicles) to CNG.
- Further, Bharat Stage II norms were notified for NCT for commercial vehicles with effect from 24th October 2001. Also the BS II norms effective in NCR were also extended to other metro cities vide series of notifications during 2001 to 2003.
- Based on the Auto Fuel Policy, the Bharat Stage III norms (equivalent to Euro III) were notified for implementation from 1st April 2005 in 11 metros. At the same time, Bharat Stage II norms (equivalent to Euro II) were implemented in the rest of India. Also, Bharat Stage II norms for 2/3 wheelers were implemented across the country with effect from 1st April 2005.
- Further, in the year 2010, Bharat Stage IV norms (equivalent to Euro IV) were implemented for 4 wheeled vehicles in 13 major cities from 1st April 2010 and Bharat Stage III norms (equivalent to Euro III) in rest of India from 1st October 2010. Simultaneously, for 2 and 3 wheeled vehicles Bharat Stage III norms were notified across the country from 1st October 2010.

Safety Regulations in India

CMVR - Technical Standing Committee (CMVR-TSC), permanent Technical Standing Committee was constituted by government in year 1997. This Committee advises MoRTH on various technical aspects related to CMVR. This Committee has representatives from various organizations viz. Ministry of Heavy Industries & Public Enterprises (MoHI&PE), Testing Agencies, Vehicle and Component Manufacturers' Associations, Bureau of Indian Standards (BIS), State Transport Authorities etc. The Committee has played a major role in development of the Safety Regulations for vehicles and auto components in India. The Committee is chaired by Joint Secretary (Transport), Ministry of Road Transport & Highways, Government of India.

Automotive Industry Standards Committee (AISC) - CMVR-TSC is assisted in preparing the technical standards related to Safety by the Automotive Industry Standards Committee (AISC). The Committee is chaired by Director, ARAI and it publishes AIS standards. Till date AISC has published over 112 AIS standards.

Bureau of Indian Standards

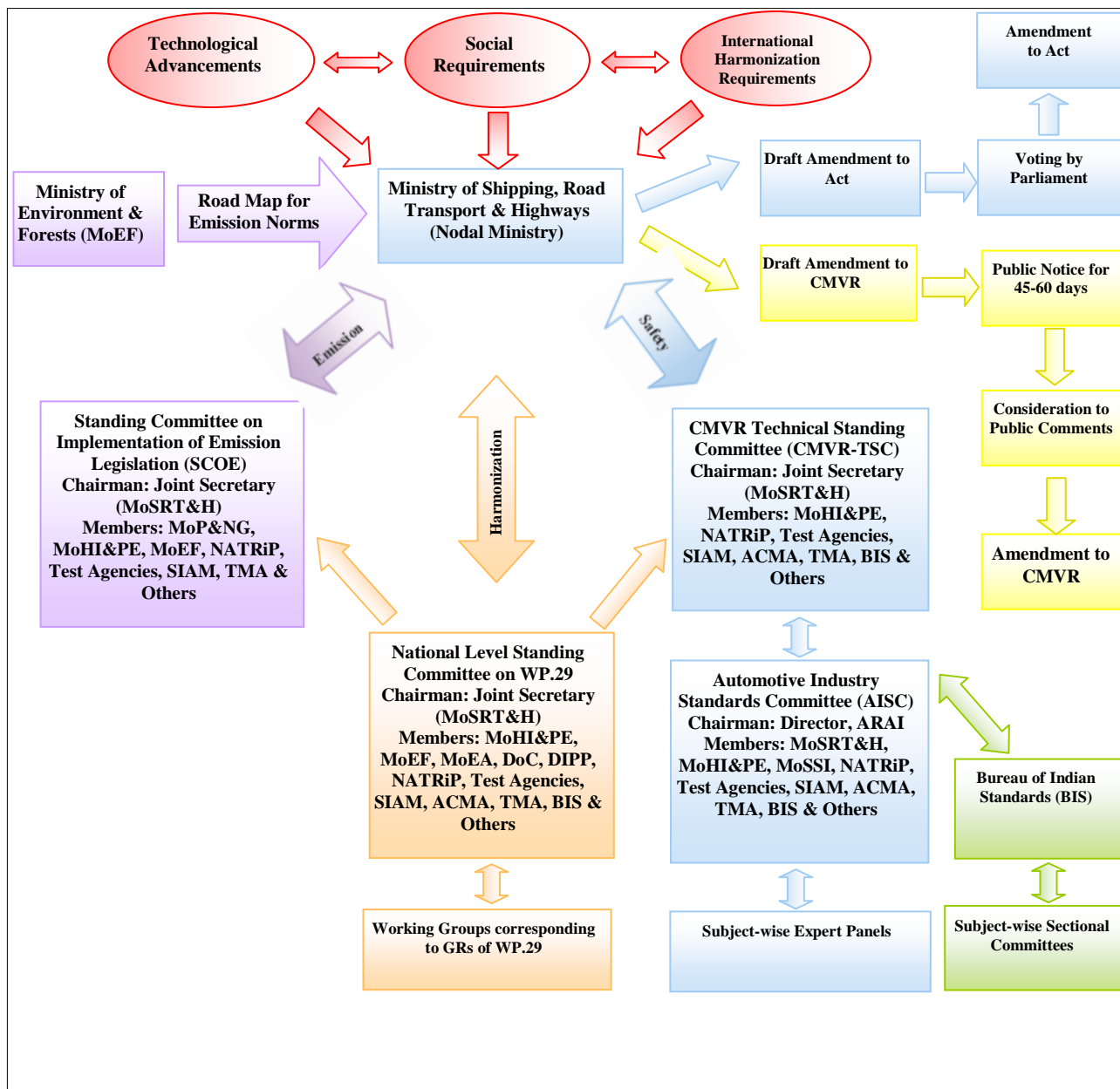
The Bureau of Indian Standards (BIS) as the National Standards Body of India has been successfully promoting and nurturing the standardization movement in the country since 1947. Amongst the umbrella of varied activities, formulation of Indian Standards (IS) for various disciplines such as Transport Engineering, Mechanical Engineering Electrotechnical, Food and Agriculture etc. is major function of BIS. These activities are carried out in Sectional Committees working under respective Division Councils. Sectional Committee consists of members from organizations viz. Research & Development, Testing Agencies, Regulatory Authority, Manufactures, Consumers/Users, Non-Government Organizations etc. Formulation of Indian Standards on automotive systems and components meet need of the industry and consumer continuously. The standards, which are related to automotive sector, are dealt by Transport Division Council of BIS.

Safety Standards (AIS) that are formulated under AISC, as stated earlier, are adopted by BIS as per their approval procedure.

National Level Standing Committee on Harmonization of Regulation under WP.29 - Recognising the importance of harmonization of regulations at international level in October 2002, Union cabinet approved India's joining of UNECE WP.29 as an observer country. Also, Government constituted a National Level Standing Committee under the Chairmanship of Joint Secretary, MoRTH. The Secretarial service is provided by Automotive Research Association of India (ARAI). Various stakeholders such as concerned ministries, test agencies and industry are members of the standing committee. India joined 1998 Agreement with effect from April 2006.

Overview of Current Regulatory Structure in India

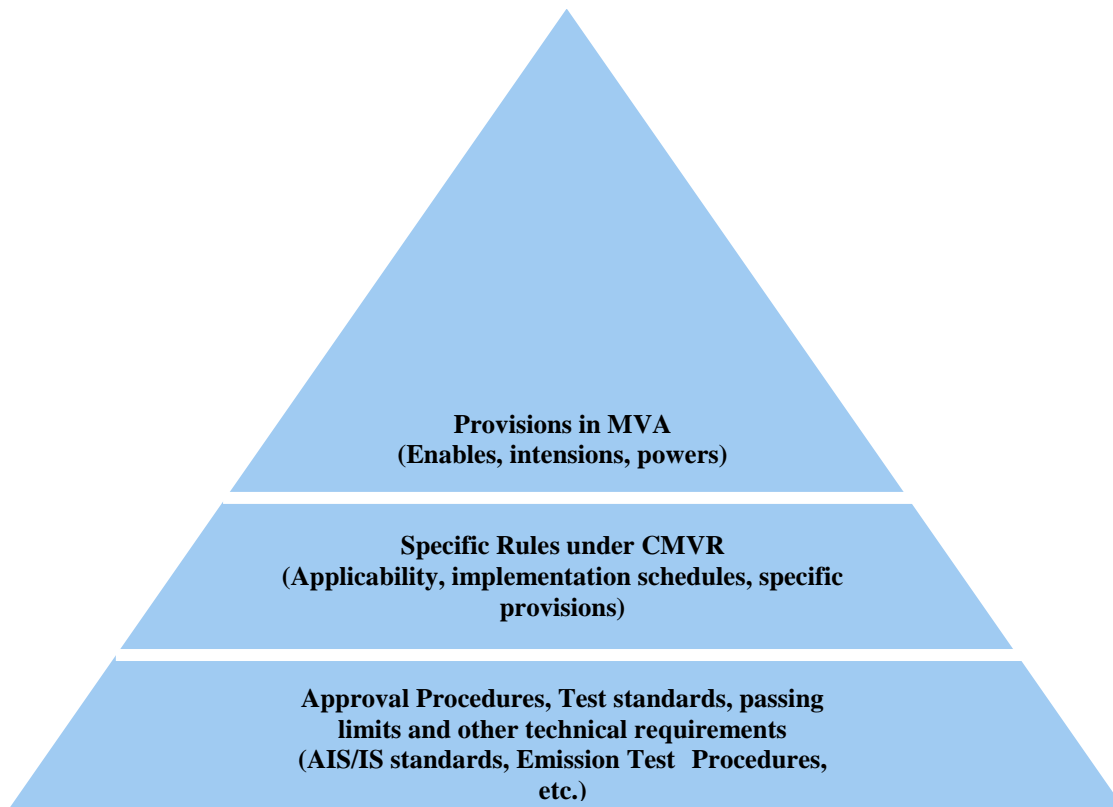
As outlined above, the Regulatory Structure for Automotive Sector in India has emerged over the decades. The procedure intended to be followed for defining the regulations for the Automotive Sector is depicted in the figure below.



Legal Procedure for notifying new standard

Technical requirements and test procedures are established in the form of a new standard by the technical committees. The concerned ministry issues draft notification, inviting comments from the stakeholders. After the mandatory period is over, the ministry takes the final review and issues notification under Motor Vehicle Act.

Hierarchy of Act, Laws and standards is as indicated in the figure below:



Enforcement of Law

Ministry of Road Transport & Highways is the nodal agency for enforcement of the Motor Vehicle Act and CMVR. Registration of vehicles is under the purview of State Ministries.

Certification System

India has adopted 3rd party type approval system similar to that of the 1958 Agreement. Under CMVR, Government has authorized various test agencies to carry out testing and grant approvals on behalf of Government of India. Vehicle manufacturer is responsible to ensure compliance to safety, emission and other requirements as notified under CMVR from time to time.

Type approval certificate is mandatory for any new model, approval for any engineering changes in running models or for compliance to any newly notified requirement. For this purpose, vehicle manufacturer submits technical documentation and prototype vehicle to the test agency, which is authorized to grant type approval.

Continued compliance to the mandatory requirements (Conformity of Production) is verified by carrying out testing/verification of the randomly selected vehicle/engine (as the case may be).

Exchange of Reports

India is not a Contracting Party to the 1958 Agreement

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Section 7

Korea Motor Vehicle Safety Standards Enactment/Revision Procedure for Automobile Management Act and Self Certification System

1. Overview

Korean 'Automobile Management Act' specifies the new, change, transfer and attachment registration of vehicles, assignment of registration number and license plate, markings of vehicle identification number, safety standards and self certification, correction of manufacturing deficits, operation restriction and enforcement, vehicle inspection and automobile management business for the purpose of improving public welfare through the security of performance and safety of vehicles as well as efficient management of vehicles.

The automobile management act consists of 88 articles over 10 chapters and supplementary provisions including general rules, vehicle registration, safety standards and self certification of vehicles, examination and maintenance of vehicles, vehicle inspection, management of motorcycle, automobile management business, supplementary provision, penalty and special cases for violation of law. (refer to Fig. 1)

The Korea Motor Vehicle Safety Standards (KMOVSS) consists of total four chapters, where chapter 1 is general rules, chapter 2 is safety standards for vehicles and motorcycles, chapter 3 is safety standards for manufactured vehicles and chapter 4 contains supplementary provisions.

Chapter 1 contains three articles including purpose, definition and security of structure & equipment safety, chapter 2 contains 94 articles including safety standards for vehicles and motorcycles, chapter 3 contains 37 articles about safety criteria for manufactured vehicles and chapter 4 contains 4 articles including the notifications on passenger capacity, maximum loading capacity, special rules on rule application and tolerance and test methods of specification. (refer to Fig. 2)

And Korea has adopted self certification system since 2003 in relation to the follow-up service. Under the self certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify themselves whether the manufactured vehicles meet the safety standards internally and sell them. And government conducts self certification compliance test later and orders recall if there is an item that does not meet the safety standards.

2. Automobile Management Act

The 'Road Traffic Act' was modified and 'Automobile Management Act' was established as of December 31, 1986 for the purpose of improving public welfare through the regulations on the registration of vehicles, safety standards, self certification, correction of manufacturing deficits, examination, maintenance, inspection and automobile management business (sales, maintenance and scrapping business) as a law for securing the performance and safety and systematic maintenance of vehicles.

Figure 1 - Configuration of Automobile Management Acts

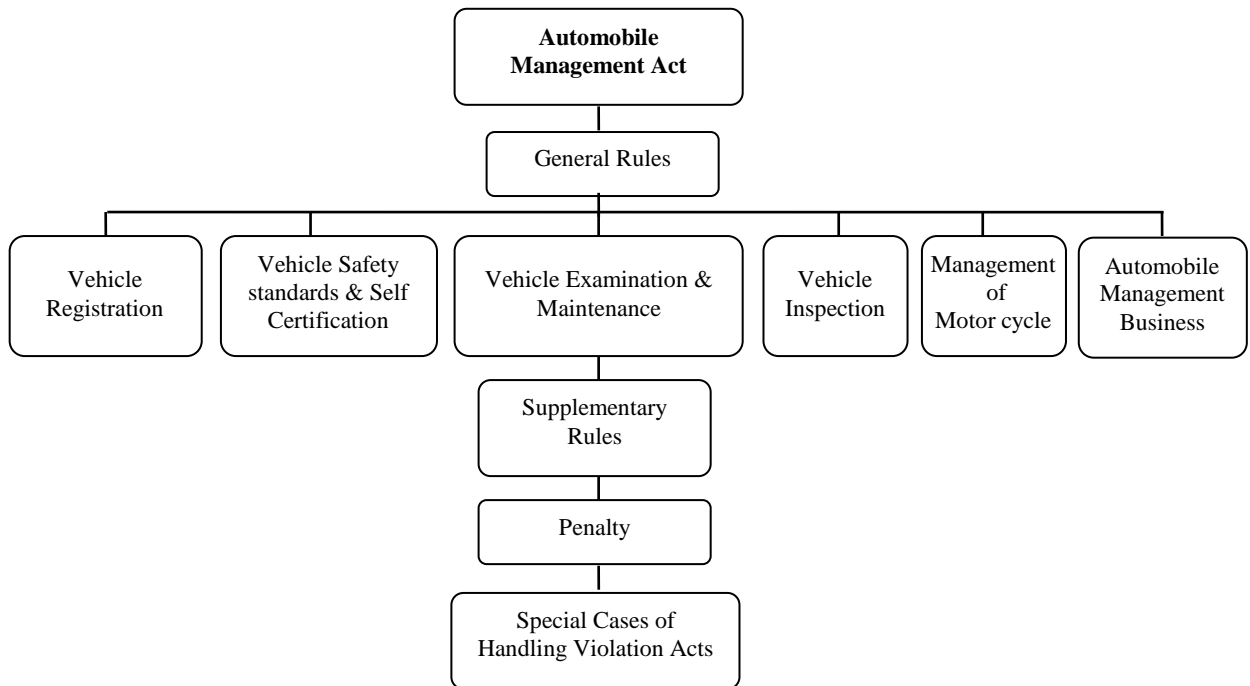
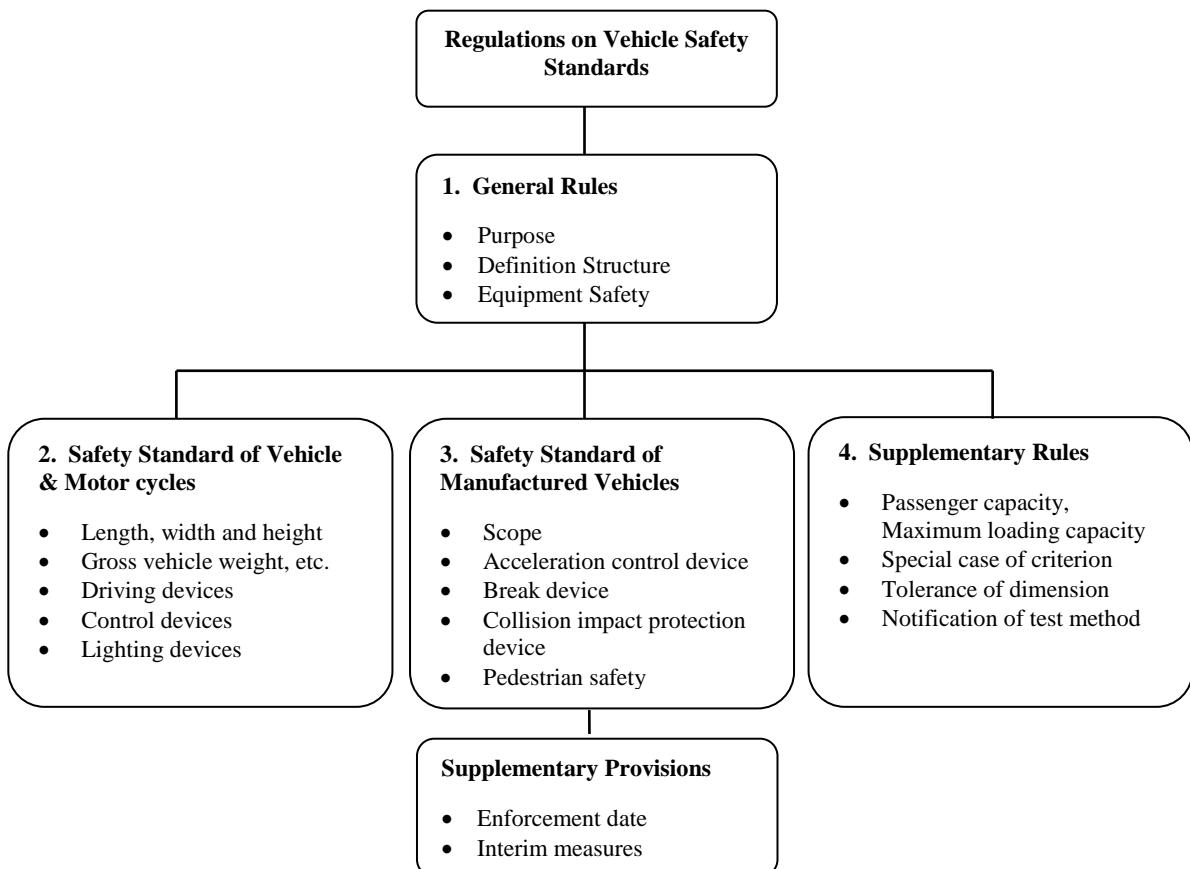


Figure 2 - Configuration of Korea Motor Vehicle Safety Standards

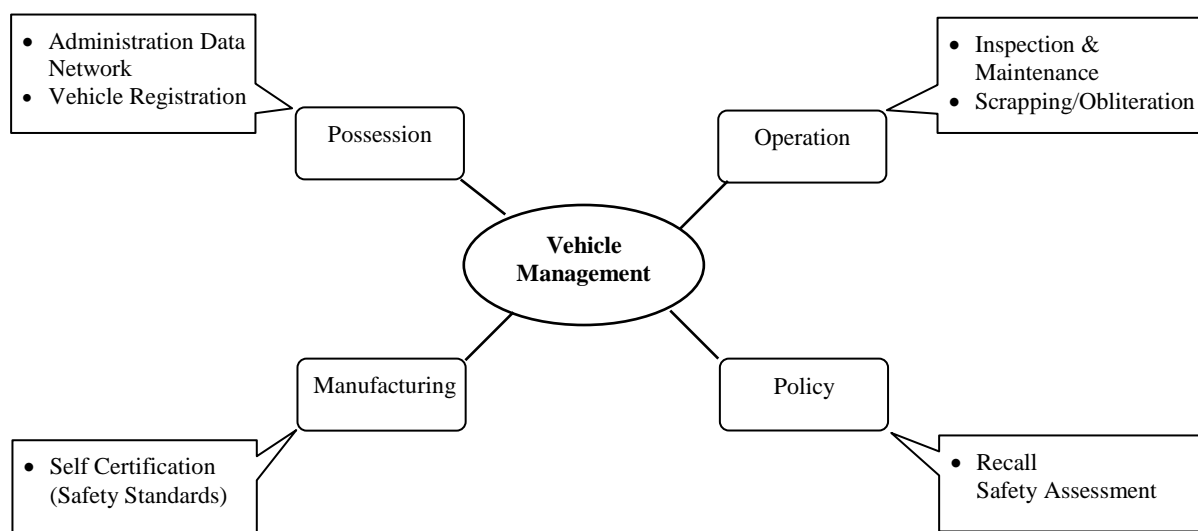


Korea has operated the automatic management system as shown in the Fig. 3 and Automobile Management Act is configured as followings for this purpose.

There are several lower level regulations under the Automobile Management Act including "Enforcement Decree of the Automobile Management Act" as Presidential decree, "Automobile Management Enforcement Regulations" and "Rules on Vehicles Safety Standards" as Enforcement Ordinance of the Ministry of Land, Transportation and Maritime (MLTM) Affairs, and "Regulations for Execution of Automobile Safety Standards", "Automobile Self Certification Procedure" and "Automobile Safety Evaluation Procedure" as notifications of the MLTM Affairs.

Certification during manufacturing stages and management system during operation stages are governed by these regulations. Self certification system, a safety standards certification system, is applicable to newly manufactured vehicles for securing the safety, while scheduled inspection, computerized management and vehicle management system are in operation for the safety of existing vehicles.

Figure 3 - Vehicle Management System



3. Safety Standards Enactment and Revision Procedure

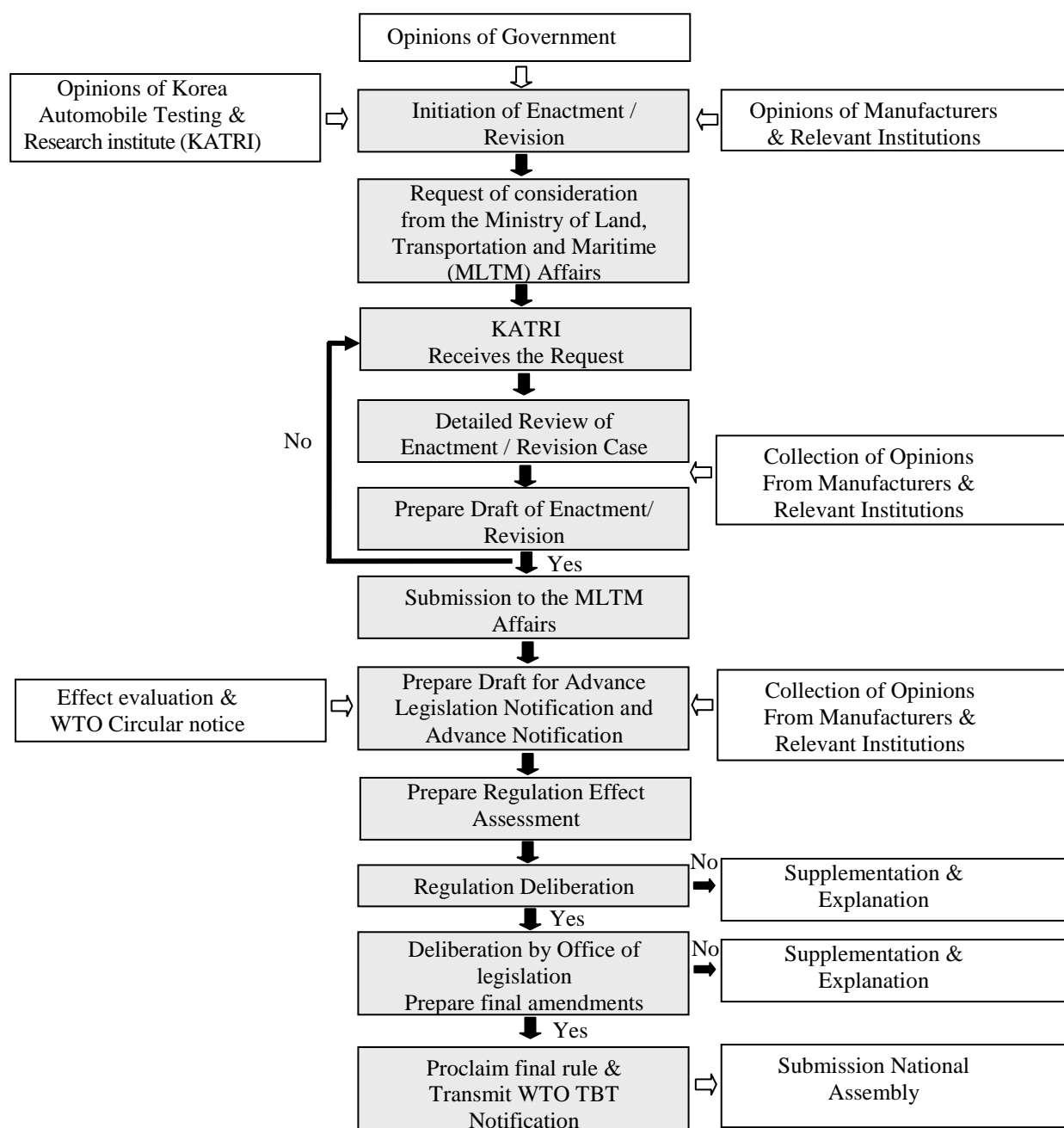
The procedure for enactment and/or revision of Korea Motor Vehicle Safety Standards (KMOVSS) is as shown in the Table. 1 and the details are described in 3.1~3.10.

3.1. Consideration of enactment and/or revision

Items of enactment and/or revision of safety standards are received through various channels and main sources are as followings. In case of improvement of the regulations, items are evaluated and actions are taken.

- Government policies on system improvement : social issues, improvement, etc.
- Opinions from the Korea Automobile Testing & Research Institute (KATRI): Safety standards improvement plan, other supplemental measures in the operation of safety standards.

Table 1 - Enactment & Revision Procedure



- Request of system improvement from manufacturers and end users: Mitigation of standards, applications of new technologies, etc.
- Accommodation of changes in environment including technology development
- Improvement requests by international agreements or trade negotiation
- Other improvement needed in the operation of regulations

3.2. *Proposal of government*

When there is a case of enactment and/or revision of vehicle safety standards including Automobile Management Act, the MLTM Affairs provides a proposal to KATRI.

MLTM Affairs handles the case internally for policy decision or other matters that do not require technical consideration.

3.3. *Receives and processes the request*

KATRI receives and processes the work order from the MLTM Affairs, and makes assessment for submission due date and evaluation strategy through the discussion on the background and the importance of the case with the MLTM Affairs in advance.

The strategy will be determined through the meeting of the committee if the case is critical or overall consideration by KATRI is required.

3.4. *Detailed consideration (Investigation/Research)*

After assigning the execution department and contact person, a technical evaluation will be conducted, and the evaluation should include the following items at least. Opinions from manufacturers and relevant institutions should be collected and reflected through the discussion with them, if necessary.

- Current status of the system and operation conditions for the case
- Issues
- Examples of other countries
- Provide improvement plan
- Include reference

3.5. *Preparation and consideration of draft standard enactment/revision*

Prepare the draft standard enactment/revision draft with sufficient considerations for the stance of government, end users and manufacturers. Secure sufficient explanation reference and data along with the comparison table between old and new articles for the enactment and/or revised statement when submitting the draft to the MLTM Affairs.

3.6. *Preparation and execution of advance legislation notification*

When the final advance legislation notification details are determined through the discussion with the MLTM Affairs, opinions on the advance legislation notification should be collected, evaluation result and explanation materials should be prepared for the collected opinions, and the decision should be made about whether to reflect the advance legislation notification through the discussion with the MLTM Affairs, and the documents should be prepared in accordance with the form of advance legislation notification and submitted to the MLTM Affairs.

3.7. *Preparation of documents of the assessment of the effects of the draft*

Assessment of the effects of the draft should be conducted for the items with reinforced safety standard by the establishment/revision and it should be prepared in accordance with the form of effects assessment results and submitted to the MLTM Affairs. This assessment should be conducted at almost same point as the advance legislation notification.

Upon receiving the request of meeting attendance or supplementary data from the MLTM Affairs during this evaluation, they should be handled promptly and submitted.

3.8. *Preparation and deliberation of draft for the office of legislation*

When the assessment of draft effects is completed, the MLTM Affairs will be subject to the deliberation by the officers in the Office of Legislation for detailed and interpretative assessment about the revised statements for the final safety standards establishment/revision draft.

Deliberation of the office of legislation demands highly accurate and clear description as it is about the statements that will be included in the law eventually.

3.9. *Proclamation of safety standards enactment/revision*

When the final draft is ready through the deliberation of the Office of Legislation, it should be proclaimed within few days. KATRI directly notifies the information to the relevant contact people inside KATRI, circulate the information to all employees and establish the plan for future works.

3.10. *TBT notification transmission*

Since the established/revised safety standards will become part of the non-tariff barrier, TBT notification should be prepared and sent according to the agreement with WTO member countries.

4. *Self certification compliance test*

4.1. *Definition*

Korean government has adopted self certification system for securing the safety of vehicles. Under the self certification system, government provides the safety standards for manufactured vehicles for securing the safety of vehicles and manufacturers certify whether the manufactured vehicles meet the safety criteria internally and sell them. And government conducts self certification compliance test later and orders recall if there is an item that does not meet the safety standards.

4.2. *Execution procedure*

Procedure of manufacturer self certification is as shown in the Fig. 4.

4.2.1. *Manufacturer registration*

Personal details of the president of the manufacturer and the safety test facilities should be registered to the MLTM Affairs in order to enforce the responsibility of follow-up service including recall to the companies conducting self certification, and the decision to grant self certification will be made based on the contents of the registration submission material.

In case of imported vehicles, if the Korea representative of the foreign manufacturer is designated, the corresponding manufacturer is assumed to have the self certification capability.

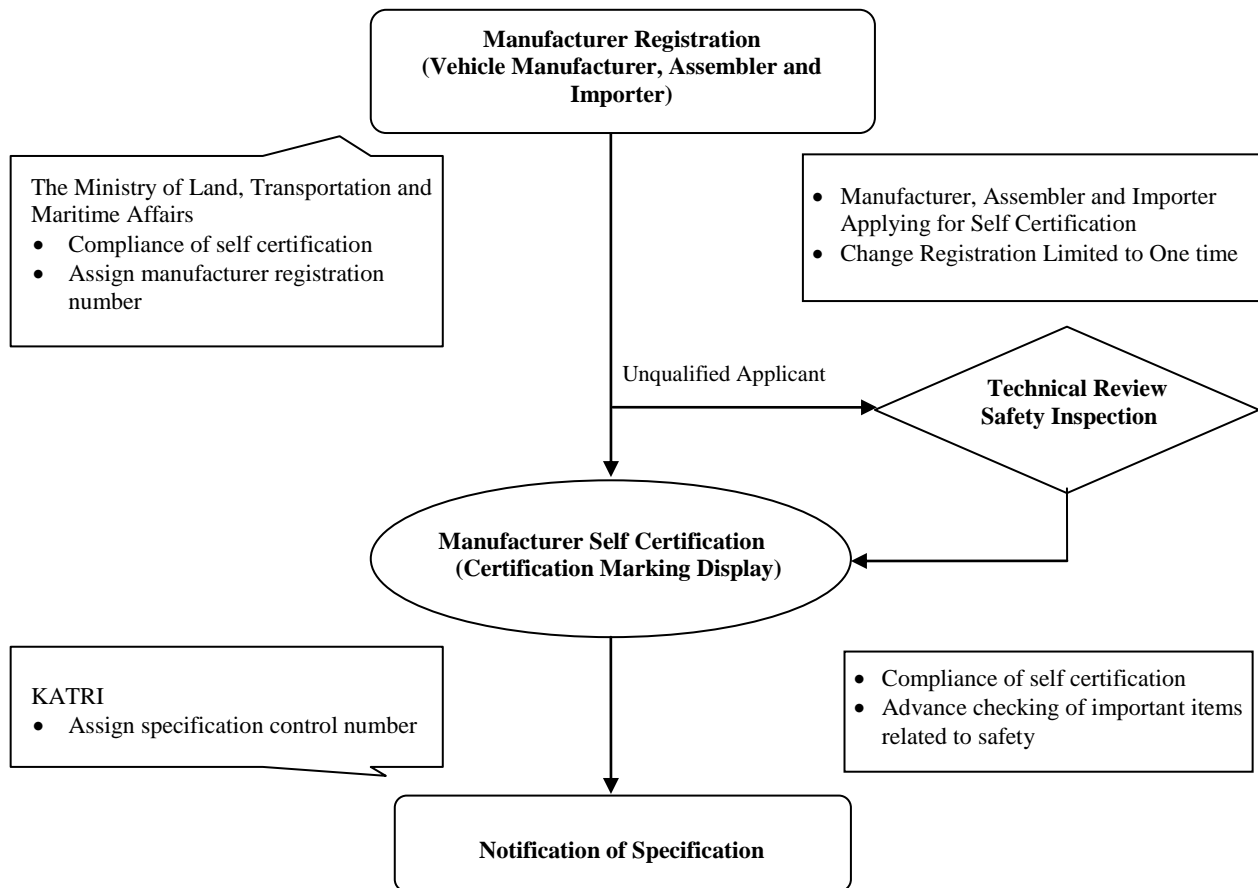
4.2.2. *Self certification marking*

The evidence of certification should be displayed in the vehicle if the self certification is completed by the manufacturer.

4.2.3. *Notification of specification*

Upon the completion of the self certification by manufacturer, the specification of the vehicle to be on the market should be managed by the automotive management computer system so that it can be notified to KATRI. In the automotive management computer system, the original registration is used in order for proving the ownership of the vehicle, inspection, structural equipment change, tax imposition and checking criminal acts.

Figure 4 - Procedure of manufacturer self certification



5. Recall of manufacturing defect of vehicles

This is a system for correcting the defects free of charge when the vehicles sold by manufacturer has a defect that the manufacturer is accounted for, which does not meet the safety standards or affects the safe operation, and the government conducts the test to verify whether the vehicle complies with the automotive safety standards and whether safe operation is compromised due to defect.

A series of tests are conducted by KATRI and the procedure is as shown in the Fig. 5.

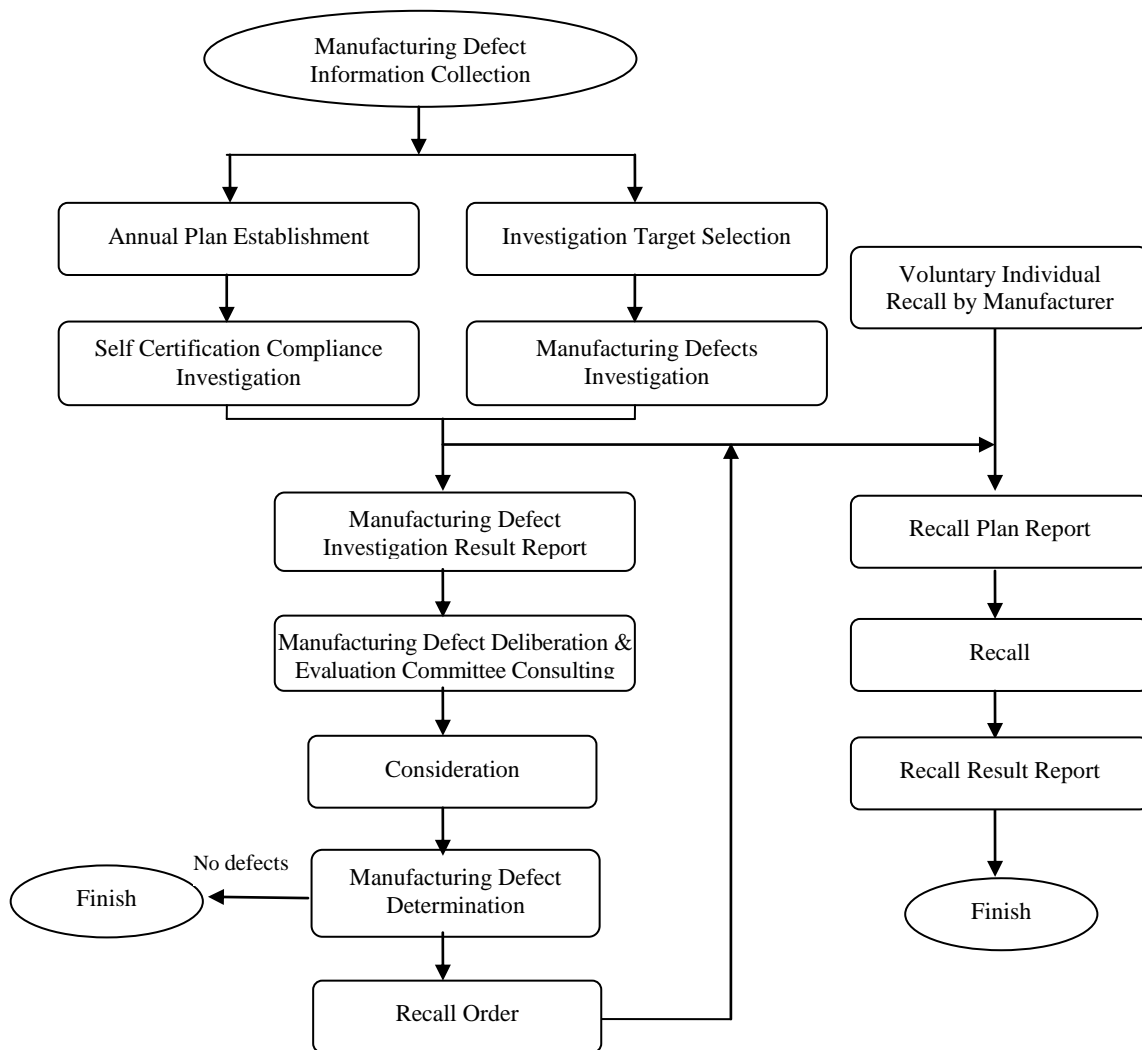
5.1. Summary of investigation procedure

5.1.1. Investigation Institute

Performance test agent (Korea Automobile Testing & Research Institute, Korea Transportation Safety Authority)

- Whether false or other illegal methods are involved in self certification
- Whether there was a violation of self certification procedure such as the violation of automobile safety standards
- Whether there was a violation in the execution of recall order
- Whether vehicle manufactured in different way from the details of self certification was sold.

Figure 5 - Recall procedure



5.1.2. Investigation method

The MLTM Affairs establishes an annual plan including the target vehicle types and test items and orders investigation to the performance test agent.

Performance test agent (KATRI) establishes the investigation plan, reports it to the MLTM Affairs, conducts the investigation and reports the results to the MLTM Affairs.

When the manufacturer voluntarily accepts the defects during the self certification compliance test and reports the recall plan, the MLTM Affairs evaluates the compliance and finishes the investigation.

When the result of the investigation shows incompliance to the safety standards, penalty will be imposed and recall will be ordered.