



REPUBLIC OF HUNGARY
MINISTRY OF ECONOMY AND TRANSPORT
1055 BUDAPEST V., HONVÉD UTCA 13-15.
☎: 374-2700, 302-2355 Telefax: 302-2394

DIVISION OF ROAD TRANSPORT

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Ref.: 1997 Agreement (Inspections)

Mr. J. Ramos Garcia
UNECE WP 29. Secretary

Dear Mr. Ramos Garcia,

Lately some dispute arose on the item of the „International Technical Inspection Certificate” among the Contracting Parties of the Vienna Agreement of 1997. The question was , whether the vehicles under age of one year should need the „International Technical Inspection Certificate” while in international traffic or not.

The item of „International Technical Inspection Certificate” is regulated by three international laws, which are the following:

A.) European Agreement Supplementing the Convention on Road Traffic opened for Signature at Vienna on 8 November 1968 done at Geneva on 1 May 1971 Amendment 2 (E/ECE/813 E/ECE/TRANS/567 AMEND.2)

B.) 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 (the Vienna Agreement of 1997 (ECE/RCTE/CONF./4)

C.) 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, Addendum 1 - Rule No. 1: Uniform Provisions for Periodical Technical Inspection of Wheeled Vehicles with Regard of the Protection of the Environment (ECE/RCTE/CONF/4/Add.1).

According to the relevant part of paragraph 26 bis of the Annex of the above Law A.):

“4. (a) Motor vehicles in international traffic whose permissible maximum mass exceeds 3,500 kg, except those used for the carriage of persons and having not more than eight seats in addition to the driver's seat, shall satisfy specific requirements with regard to noise and pollutant emissions.

In this respect:

(i) Such motor vehicles shall have met as a minimum the technical requirements and limits of the series of amendments to the relevant ECE Regulations in force for the purpose of the 1958 Geneva Agreement at the date of their first registration after the manufacture;

(ii) Such motor vehicles shall meet the minimum inspection requirements specified in the relevant ECE Rule(s); the compliance with the said requirements shall be checked during periodic technical inspections referred to in paragraph 2 of this Article.”

„5. (a) The driver of a motor vehicle referred to in subparagraph 4 (a) above shall, in proof of its passing a periodic technical inspection, referred to in the aforesaid subparagraph as well as of its being in good working order, carry a valid, duly completed international technical inspection certificate.”

According to the above, motor vehicles in international traffic must meet two requirements:

- those of certain ECE Regulations (subparagraph (i)) and
- certain minimum inspection requirements (subparagraph (ii)).

The „International Technical Inspection Certificate” should proof the compliance with these two provisions. It is true, that the above para. 5. (a) refers only to requirements

- „ its passing a periodic technical inspection, referred to in the aforesaid subparagraph (this technical inspection as well as its periodicity are regulated in the above Law C.) and
- „ its being in good working order”.

But, if we do not include in the latter requirement, that the vehicle must meet „as a minimum the technical requirements and limits of the series of amendments to the relevant ECE Regulations in force for the purpose of the 1958 Geneva Agreement at the date of their first registration after the manufacture” (subparagraph (i)), than meeting of this requirement could be proved in practice (during a control) by the driver only one year after the first registration.

Because the meeting of this requirement can be proved during a control only by the „International Technical Inspection Certificate”, not even by the licence of the vehicle. Namely, outside the EU there is no international law, that stipulates a type-approval system for the countries, or such a type-approval system which is based on ECE Regulations or EC directives. Neither the existence of such a type-approval system is the condition of the accession to the Law B.) above. So in the frame of the above Laws every country may implement theoretically an optional registration system.

That is why a newly registered (under age of one year) vehicle does yet not meet unconditionally the requirement of subparagraph (i) above. If the „International Technical Inspection Certificate” is completed for the first time (that is the meeting of requirement of subparagraph (i) above would be controlled) only 1 year after its registration, then in principles, a new, but not environment-friendly vehicle (see requirement of subparagraph (i)) could take part for one year in the international traffic, which is contrary to the above Laws .

That is why the „International Technical Inspection Certificate” must be completed at the first registration. We prepared our national regulation according to this principle. I.e. in Hungary the „International Technical Inspection Certificate” is completed at the first registration of the vehicles, which are under the scope of the Laws, and meet the requirements above.

I inform you, that we entered into negotiations with the Contracting Parties of the Vienna Agreement of 1997 (Law B.) at experts' level. In order to avoid more difficulties we suspended temporarily, on 10.12.2004, until further notice, the execution of our decree regarding the International Technical Inspection Certificate in the case of foreign vehicles under the age of one year.

Dear Mr. Ramos, you are requested to put this item on the Agenda of the next Session of WP 29. (8-11 March 2005) under Agenda item 6., and to edit the above text as official document for the sake of clarification of the above discussion.

Budapest 25. January 2005

Yours sincerely

András Székely
Head of Division