

Comments on ECE/TRANS/WP.29/2006/72

**“RESOLVING OF INTERPRETATION ISSUES AND REQUIREMENTS FOR THE
TECHNICAL SERVICES IN THE FRAMEWORK OF THE 1958 AGREEMENT”**

(Transmitted by the representative from Japan)

Japan appreciates European Commission’s effort to resolve the interpretation issues very much as a Contracting Party of 1958 Agreement. Japan generally agrees with the proposal and is very happy to make the following comments directed by the WP.29.

A. Resolving of interpretations issues

A. PROPOSAL

1.Paragraphs 2.(a), amend to read:

”In any event, if the Approval Authority finds that certain wheeled vehicles, equipment or parts bearing approval marking do not conform to the approved types, the contracting party shall take the necessary step set out in article 4 of 1958 agreement.”

B. JUSTIFICATION

1.This document aims as follows:

The original text mentions that ”In the event of an error being acknowledged by the Approval Authority, then no further action is needed unless, in the exceptional case of a serious hazard to road safety, vehicle security, or the environment, where the withdrawal of the approval is necessary”, but the necessary work if there is a non-conformity with approved types are stipulated in the 1958 agreement. For this reason, the description for the work after finding out the error should be left to the work of 1958 agreement, not of this guideline.

(cf. 1958 Agreement, 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.

D. Requirements for the technical services

A. PROPOSAL

2.The latter paragraphs of D.1.4., amend to read:

“In addition, Technical Services shall comply with the standards listed in annex 1 or equivalent requirements approved by the Contracting Parties, which are relevant for the activities they carry out.”

3.Paragraphs D1.7., amend to read:

“The entities referred to in paragraphs D.1.6. shall comply with the provisions of paragraph D.1..”

B. JUSTIFICATION

2. This document aims as follows:

An competent authority gives the approval and takes the responsibility of it.

The obligation restricted to the acquisition of ISO is too restrictive, so the provision should be to satisfy the requirement approved by a Contracting Party as its equivalent standard. Please note that these comments are based on the comments on TRANS/WP29/2003/100, sent on December 8, 2003 to France and U.K.

3. This document aims same as proposal 2.

C. Others(questions)

question1

On which cases can a manufacturer or its representative acting on his behalf be designated as a Technical Service for category A activities?

question2

Dose the competent authority include approval authority in D.2?
