

## **OICA proposal to amend draft Revision 3 of the 1958 Agreement**

**(ECE/TRANS/WP.29/2014/53)**

### **I. Proposal**

*Article 3*, amend to read:

"Article 3

1. Wheeled vehicles, equipment or parts for which type approvals have been issued by a Contracting Party in accordance with Article 2 of this Agreement, shall be held to be in conformity with the relevant part of the national legislation of all the Contracting Parties applying the said UN Regulation.
2. Contracting Parties applying UN Regulations shall, by mutual recognition, accept for the placement in their markets, and subject to the provisions of Articles 1, 8 and 12 as well as any special provisions **existing** within these UN Regulations **prior to the entry into force of Revision 3 to the 1958 Agreement**, type approvals granted pursuant to these UN Regulations, without requiring any further testing, documentation, certification or marking concerning these type approvals."

### **II. Justification**

The addition of the words "as well as any special provisions within these UN Regulations" was adopted at the occasion of the 9th Sub-group "1958 Agreement" meeting in January 2014. This amendment was considered necessary in order to take into account of specific provisions in existing UN Regulations, such as UN Regulation No. 48 (possibility for Contracting Parties to prohibit DRLs), UN Regulation No. 13-H (possibility for Contracting Parties to require installation of Electronic Stability Control systems), ...

OICA considers that the addition of the words "as well as any special provisions within these UN Regulations", without having the necessary background information, risks undermining the basic principle of the 1958 Agreement, namely mutual recognition of approvals.

Therefore, OICA proposes clarification of the proposed Article 3 of the draft Revision 3 to the 1958 Agreement, by ensuring that the special provisions referred to are those already existing.

The OICA proposal would obviously allow future "special provisions" as well, as long as these are compatible with the basic principle of mutual recognition.

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