

Subject: Question related to accession to the 1958 Agreement

EuroMed program and its experts encourage countries to adhere to the 1958 and 1997 Agreements and to apply UN Regulations and UN Rules annexed to the Agreements.

Regarding the 1958 Agreement, some countries ask if when they will deposit their instrument of accession, they can indicate their intention to apply not the last series of amendments to the UN Regulations annexed to the Agreement but previous series of amendments to them.

Related to this question, there are two paragraphs of the Revision 3 of the Agreement, which are reproduced below.

Article 1, paragraph 5 stipulates:

5. When depositing its instrument of accession, any new Contracting Party may declare that it will not apply certain UN Regulations then annexed to this Agreement or that it will not apply 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 UN Regulation, the Secretary-General shall communicate such draft or adopted UN Regulation to the new Contracting Party and it shall enter into force as a UN Regulation for the new Contracting Party unless this Contracting Party notifies its disagreement with the adopted UN Regulation within a period of six months after the deposit of its instrument of accession. 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 UN Regulations that any Contracting Party may make in accordance with the terms of this paragraph.

Our experts consider that this paragraph lets open the following question. Can a new Contracting Party indicate at the moment of its accession that it will apply a UN Regulation in accordance with a series of amendments other than the last one?

Article 12, paragraph 4 stipulates:

4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to this Agreement which are applying UN Regulations may, subject to compliance with the provisions of Article 2, nevertheless issue type approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3 of this Article, Contracting Parties applying a UN Regulation shall not be obliged to accept type approvals issued pursuant to these earlier versions.

From this paragraph, it can be deduced that countries (CPs or not) can make mandatory, for vehicle registration purposes in their territories, the type approval in conformity with earlier versions (series of amendments) of any UN Regulation.

Though, the application of a UN Regulation does not imply that the type approval with respect the last series of amendments is mandatory.

Nevertheless, for clarity of the legislation of some countries, they prefer to apply the same series of amendments they will make mandatory.

To help countries that are considering their accession to the 58 Agreement, EuroMed experts, would like to have a clear interpretation from the CPs to the 58 Agreement if a country can indicate in its instrument of accession that it will apply an earlier version of the UN Regulation.
