

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

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.
- 3.2. 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