

global technical regulation into its own laws or regulations, shall notify the Secretary-General in writing of its decision and the basis for its decision. The notification shall be provided within sixty (60) days after its decision.

- 7.4. A Contracting Party that is specified in paragraph 7.1. of this Article and that has not, by the end of the one-year period after the date of the establishment of the Regulation in the Global Registry, either adopted that technical regulation or decided not to adopt the Regulation into its own laws or regulations, shall provide a report on the status of the Regulation in its domestic process. A status report shall be submitted for each subsequent one-year period if neither of those actions has been taken by the end of that period. Each report required by this paragraph shall:
- 7.4.1 include a description of the steps taken during the past year to submit the Regulation and make a final decision and an indication of the anticipated date of such a decision; and
- 7.4.2. be submitted to the Secretary-General not later than 60 days after the end of the one-year period for which the report is submitted.
- 7.5. A Contracting Party that accepts products that comply with an established global technical regulation without adopting that Regulation into its own laws or regulations shall notify the Secretary-General in writing of the date on which it began to accept such products. The Contracting Party shall provide the notification within sixty (60) days after the beginning of such acceptance. 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.
- 7.6. A Contracting Party that has adopted into its own laws or regulations an established global technical regulation may decide to rescind or amend the adopted Regulation. Prior to making that decision, the Contracting Party shall notify the Secretary-General in writing of its intent and the reasons for considering that action. This notice provision shall also apply to a Contracting Party that has accepted products under paragraph 7.5. and that intends to cease

accepting such products. The Contracting Party shall notify the Secretary-General of its decision to adopt any amended or new regulation within 60 days after that decision. Upon request, the Contracting Party shall promptly provide copies of such amended or new regulation to other Contracting Parties.

## ARTICLE 8

### ISSUE RESOLUTION

- 8.1. Questions concerning the provisions of an established global technical regulation shall be referred to the Executive Committee for resolution.
- 8.2. Issues between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be resolved through consultation or negotiation between or among them. Where this process fails to resolve the issues, the Contracting Parties concerned may agree to request the Executive Committee to resolve the issue as provided in paragraph 7.3. of Article 7 of Annex B.

## ARTICLE 9

### BECOMING A CONTRACTING PARTY

- 9.1. Countries and regional economic integration organizations specified in Article 2 may become Contracting Parties to this Agreement by either:
  - 9.1.1. signature without reservation as to ratification, acceptance or approval;
  - 9.1.2. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;
  - 9.1.3. acceptance; or
  - 9.1.4. accession.
- 9.2. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.

- 9.3 Upon becoming a Contracting Party:
- 9.3.1. after this Agreement has entered into force, each country or regional integration organization shall give notification in accordance with Article 7 as to which, if any, global technical regulation(s) established pursuant to Article 6 it will adopt, and as to any decision to accept products that comply with any of those global technical regulations, without adopting those Regulations into its own laws or regulations. 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 adopted or accepted by the Contracting Party.
- 9.3.2. each regional economic integration organization shall declare in matters within its competence that its Member States have transferred powers in fields covered by this Agreement, including the power to make binding decisions on their Member States.
- 9.4. Regional economic integration organizations that are Contracting Parties shall cease being Contracting Parties when they lose the powers declared in accordance with paragraph 9.3.2. of this Article and shall inform the Secretary-General thereof.

#### ARTICLE 10

##### SIGNATURE

- 10.1. This Agreement shall be open for signature beginning 25 June 1998.
- 10.2. This Agreement shall remain open for signature until its entry into force.

#### ARTICLE 11

##### ENTRY INTO FORCE

- 11.1. This Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of five (5) countries and/or regional economic integration organizations have become Contracting Parties pursuant to

Article 9. This minimum of five (5) must include the European Community, Japan, and the United States of America.

11.2. If, however, paragraph 11.1 of this Article is not satisfied fifteen (15) months after the date specified in paragraph 10.1., then this Agreement and its Annexes, which constitute integral parts of the Agreement, shall enter into force on the thirtieth (30) day following the date on which a minimum of eight (8) countries and/or regional economic integration organizations have become Contracting Parties pursuant to Article 9. Such date of entry into force shall not be earlier than sixteen (16) months after the date specified in paragraph 10.1. At least one (1) of these eight (8) must be either the European Community, Japan or the United States of America.

11.3. For any country or regional economic integration organization that becomes a Contracting Party to the Agreement after its entry into force, this Agreement shall enter into force sixty (60) days after the date that such country or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession.

## ARTICLE 12

### WITHDRAWAL FROM AGREEMENT

12.1. A Contracting Party may withdraw from this Agreement by notifying the Secretary-General in writing.

12.2. Withdrawal from this Agreement by any Contracting Party shall take effect one year after the date on which the Secretary-General receives notification pursuant to paragraph 12.1. of this Article.

## ARTICLE 13

### AMENDMENT OF AGREEMENT

13.1. A Contracting Party may propose amendments to this Agreement and the Annexes to this Agreement. Proposed amendments shall be submitted to the Secretary-General, who shall transmit them to all Contracting Parties.

- 13.2. A proposed amendment transmitted in accordance with paragraph 13.1. of this Article shall be considered by the Executive Committee at its next scheduled meeting.
- 13.3. If there is a consensus vote in favour of the amendment by the Contracting Parties present and voting, it shall be communicated by the Executive Committee to the Secretary-General who shall then circulate the amendment to all Contracting Parties.
- 13.4. An amendment circulated under paragraph 13.3. of this Article shall be deemed to be accepted by all Contracting Parties if no Contracting Party expresses an objection within a period of six (6) months after the date of such circulation. If no such objection has been expressed, the amendment shall enter into force for all Contracting Parties three (3) months after the expiry of the period of the six (6) months referred in this paragraph.
- 13.5. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If such objection has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatever.

#### ARTICLE 14

##### DEPOSITARY

The Depositary of this Agreement shall be the Secretary-General of the United Nations. In addition to other depositary functions, the Secretary-General shall, as soon as possible, notify the Contracting Parties of:

- 14.1. the listing or removing of technical regulations under Article 5.
- 14.2. the establishing or amending of global technical regulations under Article 6.
- 14.3. notifications received in accordance with Article 7.
- 14.4. signatures, acceptances, and accessions in accordance with Articles 9 and 10.
- 14.5. notifications received in accordance with Article 9.

- 14.6. the dates on which this Agreement shall enter into force for Contracting Parties in accordance with Article 11.
- 14.7. notifications of withdrawal from this Agreement received in accordance with Article 12.
- 14.8. the date of entry into force of any amendment to this Agreement in accordance with Article 13.
- 14.9. notifications received in accordance with Article 15 regarding territories.

#### ARTICLE 15

##### EXTENSION OF AGREEMENT TO TERRITORIES

- 15.1. This Agreement shall extend to any territory or territories of a Contracting Party for whose international relations such Contracting Party is responsible, unless the Contracting Party otherwise specifies, prior to entry into force of the agreement for that Contracting Party.
- 15.2. Any Contracting Party may denounce this Agreement separately for any such territory or territories in accordance with Article 12.

#### ARTICLE 16

##### SECRETARIAT

The Secretariat of this Agreement shall be the Executive Secretary of the UN/ECE. The Executive Secretary shall carry out the following secretariat functions:

- 16.1. prepare the meetings of the Executive Committee and the Working Parties;
- 16.2. transmit to the Contracting Parties reports and other information received in accordance with the provisions of this Agreement; and
- 16.3. discharge the functions assigned by the Executive Committee.

## Annex A

### Definitions

For the purposes of this Agreement, the following definitions shall apply:

1. With regard to the global technical regulations developed under this Agreement, the term "accept" means the action by a Contracting Party of allowing the entry of products that comply with a global technical regulation into its market without having adopted that global technical regulation into its respective laws and regulations.
2. With regard to the global technical regulations developed under this Agreement, the term "adopt" means the promulgation of a global technical regulation into the laws and regulations of a Contracting Party.
3. With regard to the global technical regulations developed under this Agreement, the term "apply" means the action of requiring compliance with a global technical regulation by a Contracting Party as of a certain date; in other words, the effective date of the regulation within a Contracting Party's jurisdiction.
4. The term "Article" means an article of this Agreement.
5. The term "consensus vote" means a vote on a matter in which no Contracting Party present and voting objects to the matter in accordance with paragraph 7.2. of Article 7 of Annex B.
6. The term "Contracting Party" means any country, or regional economic integration organization, that is a Contracting Party to this Agreement.
7. The term "equipment and parts which can be fitted and/or be used on wheeled vehicles" means equipment or parts whose characteristics have a bearing on safety, environmental protection, energy efficiency, or anti-theft performance. Such equipment and parts include, but are not limited to, exhaust systems, tyres, engines, acoustic shields, anti-theft alarms, warning devices, and child restraint systems.
8. The term "established global technical regulation" means a global technical regulation that has been placed on the Global Registry in accordance with this Agreement.

9. The term "listed technical regulation" means a national or regional technical regulation that has been placed on the Compendium of Candidates in accordance with this Agreement.
10. The term "manufacturer self-certification" means a Contracting Party's legal requirement that a manufacturer of wheeled vehicles, equipment and/or parts which can be fitted and/or be used on wheeled vehicles must certify that each vehicle, item of equipment or part that the manufacturer introduces into commerce satisfies specific technical requirements.
11. The term "regional economic integration organization" means an organization which is constituted by, and composed of, sovereign countries, and which has competence in respect of matters covered by this Agreement, including the authority to make decisions binding on all of its Member Countries in respect of those matters.
12. The term "Secretary-General" means the Secretary-General of the United Nations.
13. The term "transparent procedures" means procedures designed to promote the public awareness of and participation in the regulatory development process under this Agreement. They shall include the publication of:
- (1) notices of meetings of the Working Parties and of the Executive Committee; and
  - (2) working and final documents.
- They shall also include the opportunity to have views and arguments represented at:
- (1) meetings of Working Parties through organizations granted consultative status; and
  - (2) meetings of Working Parties and of the Executive Committee through pre-meeting consulting with representatives of Contracting Parties.
14. The term "type approval" means written approval of a Contracting Party (or competent authority designated by a Contracting Party) that a vehicle and/or any item of equipment and/or part that can be fitted and/or be used on a vehicle, satisfies specific technical requirements, and is

used as a precondition to the introduction of the vehicle, equipment or part into commerce.

15. The term "UN/ECE Regulations" means United Nations/Economic Commission for Europe Regulations adopted under the 1958 Agreement.
16. The term "Working Party" means a specialized technical subsidiary body under the ECE whose function is to develop recommendations regarding the establishment of harmonized or new global technical regulations for inclusion in the Global Registry and to consider amendments to the global technical regulations established in the Global Registry.
17. The term "1958 Agreement" means the Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions.

Annex B

COMPOSITION AND RULES OF PROCEDURE OF  
THE EXECUTIVE COMMITTEE

Article 1

Membership in the Executive Committee shall be limited to Contracting Parties.

Article 2

All Contracting Parties shall be members of the Executive Committee.

Article 3

- 3.1. Except as provided in paragraph 3.2. of this Article, each Contracting Party shall have one vote.
- 3.2. If a regional economic integration organization and one or more of its Member States are Contracting Parties to this Agreement, the regional economic integration organization shall, in matters within its competence, exercise its right to vote with a number of votes equal to the number of its Member States that are Contracting Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 4

In order to cast its own vote, a Contracting Party shall be present. A Contracting Party need not be present for the casting of a vote by its regional economic integration organization.

Article 5

- 5.1. A quorum consisting of not less than half of all the Contracting Parties shall be present for the taking of a vote.
- 5.2. For purposes of determining a quorum under this Article, and determining the number of Contracting Parties needed to constitute one-third of the Contracting Parties present and voting under paragraph 7.1. of Article 7 of this Annex, a regional economic integration organization and its Member States shall be counted as one Contracting Party.

## Article 6

- 6.1. The Executive Committee shall, at its first session each calendar year, elect a Chairman and Vice-Chairman from its membership. The Chairman and Vice-Chairman shall be elected by a two-thirds affirmative vote of all Contracting Parties present and voting.
- 6.2. Neither the Chairman, nor the Vice-Chairman, shall come from the same Contracting Party more than two years in succession. In any year, the Chairman and Vice-Chairman shall not come from the same Contracting Party.

## Article 7

- 7.1. A national or regional regulation shall be listed in the Compendium of Candidates by an affirmative vote of either at least one-third of the Contracting Parties present and voting (as defined in Article 5.2. of this Annex), or one-third of the total number of votes cast, whichever is more favourable to achieving an affirmative vote. In either case, the one-third shall include the vote of either the European Community, Japan or the United States, if any of them are Contracting Parties.
- 7.2. Establishing a global technical regulation in the Global Registry, amending an established global technical regulation and amending this Agreement shall be by a consensus vote of the Contracting Parties present and voting. A present and voting Contracting Party that objects to a matter for which a consensus vote is necessary for adoption shall provide a written explanation of its objection to the Secretary-General within sixty (60) days from the date of the vote. If such Contracting Party fails to provide such explanation during that period, it shall be considered as having voted in favour of the matter on which the vote was taken. If all Contracting Parties that objected to the matter so fail, the vote on the matter shall be considered to have been a consensus vote in favour of the matter by all persons present and voting. In that event, the date of the vote shall be considered to be the first day after that 60-day period.
- 7.3. All other matters requiring resolution may, at the discretion of the Executive Committee, be resolved by the voting process set forth in paragraph 7.2. of this Article.

**Article 8**

Contracting Parties that abstain from voting are considered as not voting.

**Article 9**

The Executive Secretary shall convene the Executive Committee whenever a vote is required to be taken under Article 5, 6 or 13 of this Agreement or whenever necessary to conduct activities under this Agreement.

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