II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 31 January 2000

concerning the conclusion of the 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 ('Parallel Agreement')

(2000/125/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Articles 95 and 133 thereof, in conjunction with Article 300(2), first sentence, and Article 300(3) second subparagraph thereof;

Having regard to the proposal by the Commission [1];

Having received the assent of the European Parliament [2];

Whereas:

(1) In its Decision of 3 November 1997, the Council authorised the Commission to negotiate in the framework of the United Nations Economic Commission for Europe (UN/ECE) an 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 ('Parallel Agreement').

(2) As a result of those negotiations, on 25 June 1998 the Parallel Agreement was opened for signature; the Community signed that Agreement on 18 October 1999.

(3) International harmonisation in the automotive sector is already taking place in the framework of the 1958 UN/ECE Revised 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 (the 1958 Agreement), to which the Community became a Contracting Party on 24 March 1998.

(4) Conclusion of the Parallel Agreement constitutes an aim of common trade policy in accordance with Article 133 of the Treaty to remove existing and avoid the creation of new technical barriers to trade in motor vehicles between the Contracting Parties; involvement by the Community will ensure consistency between the harmonisation activites conducted under both the 1958 Agreement and the Parallel Agreement and will thus permit easier access to third-country markets.

(5) Conclusion of the Parallel Agreement by the Community establishes a specific institutinal framework by organising cooperation procedures between Contracting Parties; the assent of the European Parliament is therefore required.

(6) It is necessary to establish practical arrangements with regard to the involvement of the Community in the Parallel Agreement.

(7) The Commission should be responsible for meeting all the notification requirements laid down in the Parallel Agreement; the Parallel Agreement is to operate in parallel with the 1958 Agreement; both Agreements will operate in the framework of the UN/ECE and use the same Working Parties and facilities installed in that framework.

(8) The Parallel Agreement creates a framework to establish global technical regulations in the global registry by consensus vote; due to the operating in parallel of the two Agreements, draft technical regulations emerging from the Working Groups will in principle be voted in the bodies under both Agreements; for the 1958 Agreement a decision-making procedure has been established; the Community vote concerning the Parallel Agreement can therefore be decided upon under the same procedure on the same occasion as for the 1958 Agreement.

[1] OJ C 87, 29.3.1999, p. 1.
[2] Opinion delivered on 15 December 1999 (not yet published in the Official Journal).

(9) In cases where a regulation is only voted under the Parallel Agreement, it is possible to delegate the decision determining the Community vote to the Commission assisted by the regulatory committee, because the established global technical regulation has at a later stage to be submitted for adoption to the procedure laid down in Articles 95 and 251 of the Treaty.

(10) The Community vote regarding a proposed amendment to the Parallel Agreement should be determined in accordance with the procedure followed in order to approve that Agreement; with regard to the expression of an objection to an amendment to the Parallel Agreement after a consensus vote in favour of the amendment, taking account of the time constrains laid down in that Agreement, the Community position may be decided upon by the Commission in a less complex procedure.

(11) The Parallel Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The 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, hereinafter referred to as the 'Parallel Agreement', is hereby approved on behalf of the Community, within the limits of its competences.

The text of the Parallel Agreement is set out as Annex I.

Article 2

The President of the Council shall be authorised to designate the person empowered to lodge the instrument of approval as required by Article 9.2 of the Parallel Agreement and to make the declaration contained in Annex II.

Article 3

The Commission shall carry out on behalf of the Community all the notifications laid down in the Parallel Agreement, in particular those provided for under its Articles 7,9,12 and 15.

Article 4

The principal arrangements with regard to the participation of the Community and the Member States in the Parallel Agreement are established in Annex III.

Article 5

1. The Community shall vote in favour of establishing any draft global technical regulation or a draft amendment to such a regulation

— if the Community's vote in favour of the parallel draft technical regulation has been decided upon under either of the procedures laid down in Article 4(2) of Council Decision 97/836/EC [1],

— if a global technical regulation or an amendment to such a regulation is not established in parallel with a regulation or an amendment to such a regulation under the 1958 Agreement, where the draft has been approved in accordance with the procedure set out in Article 13 of Directive 70/156/EEC [2].

2. Where an approval in accordance with paragraph 1 is not given, the Community shall vote against the establishment of a global technical regulation in the global registry.

3. The Community position with regard to the listing and reaffirmation of listing in the compendium of candidate technical regulations as well as with regard to issue resolution between Contracting Parties shall be established as appropriate in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

Article 6

1. The Community shall vote in favour of a proposed amendment to the Parallel Agreement where the proposed amendment has been approved in accordance with the procedure followed in order to approve that Agreement. Where that procedure has not been completed in time before the vote takes place the Commission will vote against the amendment on behalf of the Community.

2. The Decision to express an objection to an amendment to the Parallel Agreement shall be taken in accordance with the procedure laid down in the second indent of Article 5(1).

Done at Brussels, 31 January 2000.

For the Council

The President

J. PINA MOURA

[1] OJ L 346, 17.12.1997, p. 78.

[2] OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 98/91/EC of the European Parliament and of the Council (OJ L 11, 16.1.1999, p. 25).

ANNEX I

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 DECIDIED 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 harmonisation of existing technical regulations, recognising 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 AUTHORISATION 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;

RECOGNISING that this Agreement does not prejudice the rights and obligations of a Contracting Party under existing international agreements on health, safety and environmental protection;

RECOGNISING that this Agreement does not prejudice the rights and obligations of a Contracting Party under the agreements under the World Trade Organisation (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;

RECOGNISING 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;

RECOGNISING 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;

RECOGNISING the important harmonisation work already carried out under the 1958 Agreement;

RECOGNISING 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 minimising 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;

RECOGNISING 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;

RECOGNISING the impact of the quality of vehicle fuels on the performance of vehicle environmental controls, human health, and fuel efficiency; and

REGOGNISING 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 harmonising 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 organisations 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 organisations set up by such countries, may become Contracting Parties to this Agreement.

2.3. Any specialised agency and any organisation, including intergovernmental organisations and non-governmental organisations, 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 organisation.

Article 3

Eexecutive 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 harmonisation 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 five-year period following the regulation's listing under this Article, and at the end of each subsequent five-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 harmonisation of existing regulations***

A Contracting Party may submit a proposal to develop a harmonised 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 harmonisation, 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 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 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 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 organisations 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 organisation shall give notification in accordance with Article 7 as to which, if any, global technical regulations) 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 organisation 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 organisations 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 30th day following the date on which a minimum of five countries and/or regional economic integration organisations have become Contracting Parties pursuant to Article 9. This minimum of five 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 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 30th day following the date on which a minimum of eight countries and/or regional economic integration organisations have become Contracting Parties pursuant to Article 9. Such date of entry into force shall not be earlier than 16 months after the date specified in paragraph 10.1. At least one of these eight must be either the European Community, Japan or the United States of America.

11.3. For any country or regional economic integration organisation that becomes a Contracting Party to the Agreement after its entry into force, this Agreement shall enter into force 60 days after the date that such country or regional economic integration organisation 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 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 months after the expiry of the period of the six 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 Depository of this Agreement shall be the Secretary-General of the United Nations. In addition to other depository 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 organisation, 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 organisation' means an organisation 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 organisations granted consultative status; and
    2. meetings of working parties and of the Executive Committee through premeeting consulting with representatives of Contracting Parties.
14. The term 'type approval' means written approval of a Contracting party (or competent authoritiy 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 specialised technical subsidiary body under the ECE whose function is to develop recommendations regarding the establishment of harmonised 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 organisation and one or more of its Member States are Contracting Parties to this Agreement, the regional economic integration organisation shall, in matters within its competence, exercice its right to vote with a numbr of votes equal to the number of its Member States that are Contracting Parties to this Agreement. Such an organisation 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 organisation.

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 organisation and its Member States shall be counted as one Contracting Party.

Article 6

6.1. The Executive Committe 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 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 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 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. It 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.

ANNEX II

The European Community declares in matters within its competence that its Member States have transferred powers to it in fields covered by this Agreement, including the power to make binding decisions on them.

ANNEX III

PRACTICAL ARRANGEMENT WITH REGARD TO THE INVOLVEMENT OF THE COMMUNITY AND THE MEMBER STATES AS CONTRACTING PARTIES TO THE PARALLEL AGREEMENT IN THE WORK OF THE UN/ECE

1. The contribution of the Community with regard to the priorities of the work programme shall be established as appropriate in accordance with the procedure laid down in Article 300(1) of the Treaty.

2. Commission and Member States experts shall participate in the preparatory work of experts groups with the objectives of facilitating the establishing in the global registry of a proposed global technical regulation or amending an existing regulation. In the course of this preparatory work, Member States experts may advance technical opinions and may participate fully in the technical discussion only on the basis of their technical expertise without binding the Community.

   Otherwise, Member States which are Contracting Parties to the Parallel Agreement shall exercise rights and assume obligations under this Agreement only in the non-harmonised sector and to the extent that a global technical regulation is established in parallel with or to a technical regulation which is not binding upon the Community under the 1958 Agreement and it has not been decided by the Council, acting on qualified majority on a proposal from the Commission, that the Community shall exercise those rights and assume those obligations.

3. The Commission shall inform the European Parliament, particularly with regard to the drawing up of the work programme and to the direction an results of preparatory work. The Commission shall in addition forward draft global technical regulations and amendments to the Parliament in good time.

4. The Commission shall represent the Community in the Executive Committee as set up by Article 3 of the Parallel Agreement. The Commission shall exercise the right to vote for the Community within the bodies set up under the Agreement.

5. The Community institutions will accelerate their procedures as far as possible in order not to delay the vote within the UN/ECE unnecessarily. For this purpose the Commission shall submit its proposal or draft decision, as required by Article 5(1) as soon as all of the essential components of the draft global technical regulation or the amendment have been supplied.