

**Interpretation of the Article 12 of the 1997 Vienna Agreement
Concerning Periodic Technical Inspections of Wheeled Vehicles**

Transmitted by the Representative of the Russian Federation

The 1997 Vienna Agreement along with the attached Rules is applied in accordance with adopted and entered into force on January 27, 2001 amendments to the 1971 European Agreement supplementing 1968 Convention on Road Traffic.

Those amendments (document E/ECE/813 & E/ECE/TRANS/567/Amend.2) include additions to the Articles 39 and 40 of 1968 Convention, which state that motor vehicles in international traffic whose permissible maximum mass exceeds 3,500 kg, except those used for the carriage of persons and having not more than 8 seats in addition to the driver's seat, after two years from date of entering into force of the said amendments (i.e. from January 27, 2003), shall satisfy specific requirements set in the relevant ECE Rules. The compliance with the said requirements shall be checked at the time of periodical technical inspections, which shall be confirmed by the duly completed international technical inspection certificate.

This certificate shall be issued either by a competent authority of the Contracting Party in which territories the vehicle is registered or subdivision thereof or on behalf and by authorization of such Contracting Party or subdivision thereof by an association duly empowered thereto by that Contracting Party or subdivision thereof.

So, the international technical inspection certificate can be issued by:

- a competent authority of the Contracting Party in which territories the vehicle is registered;
- a subdivision of a competent authority of the Contracting Party;
- an association duly empowered thereto by the Contracting Party or subdivision thereof. This association, evidently, may locate outside the territories of the Contracting Party, inasmuch as the document does not stipulate differently.

In the item 12 of the international technical inspection certificate there is an indication that the subsequent periodic technical inspection may be done by another technical inspection center than that issued the certificate and carried out the first technical inspection. Since there is an indication on state (see footnote 2 to the item 12.1 of the Appendix 2 to the 1997 Agreement), evidently another technical inspection center may be located in any country – Contracting Party to the 1997 Vienna Agreement.

Thus, the 1997 Agreement strengthens the provision that the periodic technical inspection may be done by any technical inspection center located in any country – Contracting Party to the 1997 Vienna Agreement. That center however shall be duly empowered thereto by a relevant competent authority.

Taking into account the above-mentioned, the Article 12 of the 1997 Vienna Agreement: “Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf by an other Contracting Party” may be interpreted in the following ways:

1. For carrying out periodic technical inspections on behalf of another Contracting Party to the 1997 Agreement specific authorization shall be required for a technical inspection center (in such a way the interpretation of the Article 12 was agreed by WP.29 at its 114th session (document TRANS/WP.29/609, para. 92).
2. The international traffic participants are granted the right for carrying out periodic technical inspections of their wheeled vehicles in any technical inspection center in their countries and in any other countries – Contracting Parties to the 1997 Agreement. That center, however, shall be duly authorized thereto by a competent authority of the country, where the vehicle is registered.
3. The above-said causes a necessity of informing of interested parties on existing in each country – Contracting Party to the 1997 Agreement technical inspection centers and their authorizations for carrying out periodic technical inspections on behalf of other countries – Contracting Parties to the 1997 Agreement.