

Z A K O N

O POTVRĐIVANJU SPORAZUMA O USVAJANJU JEDNOOBRAZNIH TEHNIČKIH PROPISA ZA VOZILA SA TOČKOVIMA, OPREMU I DELOVE KOJI MOGU BITI UGRAĐENI I/ILI KORIŠĆENI NA VOZILIMA SA TOČKOVIMA I USLOVIMA ZA UZAJAMNO PRIZNAVANJE DODELJENIH HOMOLOGACIJA NA OSNOVU OVIH PROPISA

Član 1.

Potvrđuje se Sporazum o usvajanju jednoobraznih tehničkih propisa za vozila sa točkovima, opremu i delove koji mogu biti ugrađeni i/ili korišćeni na vozilima sa točkovima i uslovima za uzajamno priznavanje dodeljenih homologacija na osnovu ovih propisa, sačinjen u Ženevi 5. oktobra 1995. godine, u originalu na engleskom i francuskom jeziku.

Član 2.

Tekst Sporazuma o usvajanju jednoobraznih tehničkih propisa za vozila sa točkovima, opremu i delove koji mogu biti ugrađeni i/ili korišćeni na vozilima sa točkovima i uslovima za uzajamno priznavanje dodeljenih homologacija na osnovu ovih propisa, u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

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. *

Revision 2

(Including the amendments entered into force on 16 October 1995)

UNITED NATIONS

Preamble

THE CONTRACTING PARTIES,

HAVING DECIDED to amend the Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958, and

DESIRING to define uniform technical prescriptions that it will suffice for certain wheeled vehicles, equipment and parts to fulfil in order to be used in their countries,

DESIRING to adopt these prescriptions whenever possible in their countries, and,

DESIRING to facilitate the use in their countries of the vehicles, equipment and parts, where approved according to these prescriptions by the competent authorities of another Contracting Party,

HAVE AGREED as follows:

Article 1

1. The Contracting Parties shall establish through an Administrative Committee made up of all the Contracting Parties in conformity with the rules of procedure set out in Appendix 1 and on the basis of the following articles and paragraphs, Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. Where necessary the technical requirements will include alternatives and when possible they will be performance oriented and include test methods. Conditions for granting type approvals and their reciprocal recognition will be included for use by Contracting Parties who choose to implement Regulations through type approval.

For the purposes of this Agreement:

The term "wheeled vehicles, equipment and parts" shall include any wheeled vehicles, equipment and parts whose characteristics have a bearing on road safety, protection of the environment and energy saving;

The term "type approval pursuant to a Regulation" indicates an administrative procedure by which the competent authorities of one Contracting Party declare, after carrying out the required verifications, that a vehicle, equipment or parts submitted by the manufacturer conform to the requirements of the given Regulation. Afterwards the manufacturer certifies that each vehicle, equipment or parts put on the market were produced to be identical with the approved product.

* Former title of the Agreement:

Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done at Geneva on 20 March 1958.

For the application of the Regulations there could be various administrative procedures alternative to type approval. The only alternative procedure generally known and applied in certain Member States of the Economic Commission for Europe is the self-certification by which the manufacturer certifies, without any preliminary administrative control, that each product put on the market conforms to the given Regulation; the competent administrative authorities may verify by random sampling on the market that the self-certified products comply with the requirements of the given Regulation.

2. The Administrative Committee shall be composed of all the Contracting Parties in accordance with the rules of procedure set out in Appendix 1. A Regulation, after having been established in accordance with the procedure indicated in Appendix 1, shall be communicated by the Administrative Committee to the Secretary-General of the United Nations, hereinafter called "Secretary-General". As soon as possible thereafter the Secretary-General shall give notification of this Regulation to the Contracting Parties.

The Regulation will be considered as adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties at the time of notification have informed the Secretary-General of their disagreement with the Regulation.

The Regulation shall cover the following:

- (a) Wheeled vehicles, equipment or parts concerned;
- (b) Technical requirements, which if necessary may include alternatives;
- (c) Test methods by which any performance requirements are to be demonstrated;
- (d) Conditions for granting type approval and their reciprocal recognition including any approval markings and conditions for ensuring conformity of production;
- (e) The date(s) on which the Regulation enters into force.

The Regulation may, if needed, include references to the laboratories accredited by the competent authorities where acceptance tests of the types of wheeled vehicles, equipment or parts submitted for approval must be carried out.

3. When a Regulation has been adopted the Secretary-General shall so notify as soon as possible all the Contracting Parties, specifying which Contracting Parties have objected and in respect of which the Regulation shall not enter into force.

4. The adopted Regulation shall enter into force on the date(s) specified therein as a Regulation annexed to this Agreement for all Contracting Parties which did not notify their disagreement.

5. When depositing its instrument of accession, any new Contracting Party may declare that it is not bound by certain Regulations then annexed to this Agreement or that it is not bound by any of them. If, at that time, the procedure laid down in paragraphs 2, 3, and 4 of this Article is in progress for a draft or adopted Regulation, the Secretary-General shall communicate such draft or adopted Regulation to the new Contracting Party and it shall enter into force as a Regulation for the new Contracting Party only under the conditions specified in paragraph 4 of this Article. The Secretary-General shall notify all the Contracting Parties of the date of such entry into force. The Secretary-General shall also communicate to them all declarations concerning the non-application of certain Regulations that any Contracting Party may make in accordance with the terms of this paragraph.

6. Any Contracting Party applying a Regulation may at any time notify the Secretary-General, subject to one year's notice, that its administration intends to cease applying it. Such notification shall be communicated by the Secretary-General to the other Contracting Parties.

Approvals granted shall remain valid until their withdrawal;

If a Contracting Party ceases to issue approvals to a Regulation it shall:

Maintain proper supervision on conformity of production of products for which it previously granted type approval;

Take the necessary steps set out in Article 4 when advised of nonconformity by a Contracting Party that continues to apply the Regulation;

Continue to notify the competent authorities of other Contracting Parties of withdrawal of approvals as set out in Article 5;

Continue to grant extensions to existing approvals.

7. Any Contracting Party not applying a Regulation may at any time notify the Secretary-General that it intends henceforth to apply it, and the Regulation will then enter into force for this Party on the sixtieth day after this notification. The Secretary-General shall notify all the Contracting Parties of every entry into force of a Regulation for a new Contracting Party effected in accordance with the terms of this paragraph.

8. The Contracting Parties for which a Regulation is in force shall hereinafter be referred to as "the Contracting Parties applying a Regulation".

Article 2

Each Contracting Party applying Regulations largely through type approval shall grant the type approvals and approval markings described in any Regulation for the types of wheeled vehicles, equipment or parts covered by the Regulation, provided that it has the technical competence and is satisfied with the arrangements for ensuring conformity of the product with the approved type as set out in Appendix 2. Each Contracting Party applying a Regulation through type approval shall refuse the type approvals and approval markings covered by the Regulation if the above-mentioned conditions are not complied with.

Article 3

Wheeled vehicles, equipment or parts for which type approvals have been issued by a Contracting Party in accordance with Article 2 of this Agreement and manufactured either in the territory of a Contracting Party applying the Regulation concerned, or in such other country as is designated by the Contracting Party which has duly approved the types of wheeled vehicles, equipment or parts concerned shall be held to be in conformity with the legislation of all the Contracting Parties applying the said Regulation through type approval.

Article 4

Should the competent authorities of a Contracting Party applying a Regulation through type approval find that certain wheeled vehicles, equipment or parts bearing approval markings issued under the said Regulation by one of the Contracting Parties, do not conform to the approved types, they shall advise the competent authorities of the Contracting Party which issued the approval. That Contracting Party shall take the necessary steps to bring the products of those manufacturers into conformity with the approved types and shall advise the other Contracting Parties applying the Regulation through type approval of the steps it has taken, which may include, if necessary, the withdrawal of approval. Where there might be a threat to road safety or to the environment, the Contracting Party which issued the approval and after receiving the information about the nonconformity to the approved type(s) shall inform thereof all other Contracting Parties about the situation. Contracting Parties may prohibit the sale and use of such wheeled vehicles, equipment or parts in their territory.

Article 5

The competent authorities of each Contracting Party applying Regulations through type approval shall send monthly to the competent authorities of the other Contracting Parties a list of the wheeled vehicle, equipment or parts, approvals of which it has refused to grant or has withdrawn during that month; in addition, on receiving a request from the competent authority of another Contracting Party applying a Regulation through type approval, it shall send forthwith to that competent authority a copy of all relevant information on which it based its decision to grant, refuse to grant, or to withdraw an approval of a wheeled vehicle, equipment or parts to that Regulation.

Article 6

1. Countries members of the Economic Commission for Europe, countries admitted to the Commission in a consultative capacity in accordance with paragraph 8 of the Commission's Terms of Reference, and regional economic integration organizations set up by countries members of the Economic Commission for Europe to which their Member States have transferred powers in the fields covered by this Agreement, including the power to make binding decisions on their Member States, may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being members of the Economic Commission for Europe.

2. Countries Members of the United Nations as may participate in certain activities of the Economic Commission for Europe in accordance with Paragraph 11 of the Commission's Terms of Reference and regional economic integration organizations of such countries to which their Member States have transferred powers in the fields covered by this Agreement including power to make binding decisions on their Member States may become Contracting Parties to this Agreement.

For the determination of the number of votes referred to in Article 1, paragraph 2 and in Article 12, paragraph 2, regional economic integration organizations vote with the number of votes of their Member States being Members of the United Nations.

3. Accession to the amended Agreement by new Contracting Parties which are not Parties to the 1958 Agreement shall be effected by the deposit of an instrument with the Secretary-General, after the entry into force of the amended Agreement.

Article 7

1. The amended Agreement shall be deemed to enter into force nine months after the date of its transmission by the Secretary-General to all the Contracting Parties to the 1958 Agreement.

2. The amended Agreement shall be deemed not to enter into force if any objection from the Contracting Parties to the 1958 Agreement is expressed within a period of six months following the date of its transmission to them by the Secretary-General.

3. For any new Contracting Party acceding to this amended Agreement, this amended Agreement shall enter into force on the sixtieth day after the deposit of the instrument of accession.

Article 8

1. Any Contracting Party may denounce this Agreement by notifying the Secretary-General.

2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of such notification.

Article 9

1. Any new Contracting Party as defined in Article 6 of this Agreement may, at the time of accession or at any time thereafter, declare by notification addressed to the Secretary-General that this Agreement shall extend to all or any of the territories for whose international relations it is responsible. The Agreement shall extend to the territory or territories named in the notification as from the sixtieth day after its receipt by the Secretary-General.
2. Any new Contracting Party as defined in Article 6 of this Agreement which has made a declaration in accordance with paragraph 1 of this Article extending this Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory, in accordance with the provisions of Article 8.

Article 10

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Agreement shall, so far as possible, be settled by negotiation between them.
2. Any dispute which is not settled by negotiation shall be submitted to arbitration if any one of the Contracting Parties in dispute so requests and shall be referred accordingly to one or more arbitrators selected by agreement between the Parties in dispute. If within three months from the date of the request for arbitration the Parties in dispute are unable to agree on the selection of an arbitrator or arbitrators, any of those Parties may request the Secretary-General to nominate a single arbitrator to whom the dispute shall be referred for decision.
3. The decision of the arbitrator or arbitrators appointed in accordance with paragraph 2 of this Article shall be binding on the Contracting Parties in dispute.

Article 11

1. Each new Contracting Party may, at the time of acceding to this Agreement, declare that it does not consider itself bound by Article 10 of the Agreement. Other Contracting Parties shall not be bound by Article 10 in respect of any new Contracting Party which has entered such a reservation.
2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General.
3. No other reservation to this Agreement or to the Regulations annexed thereto shall be permitted; but any Contracting Party may, in accordance with the terms of Article 1, declare that it does not propose to apply certain of the Regulations or that it does not propose to apply any of them.

Article 12

The Regulations annexed to this Agreement may be amended in accordance with the following procedure:

1. Amendments to Regulations shall be established by the Administrative Committee as described in Article 1, paragraph 2 and in accordance with the procedure indicated in Appendix 1. Where necessary an amendment may include the existing requirements as an alternative. Contracting Parties shall specify which alternatives within the Regulations they will apply. Contracting Parties applying alternative(s) within a Regulation shall not be obliged to accept approvals to preceding alternative(s) within the same Regulation. Contracting Parties applying only the most recent amendments shall not be obliged to accept approvals to preceding amendments or to unamended Regulations. Contracting Parties applying an earlier series of amendments or the unamended Regulation shall accept approvals granted to a later amendment series. An amendment to the Regulation, after having been

established, shall be communicated by the Administrative Committee to the Secretary-General. As soon as possible thereafter the Secretary-General shall give notification of this amendment to the Contracting Parties applying the Regulation.

2. An amendment to a Regulation will be considered to be adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties applying the Regulation at the time of notification have informed the Secretary-General of their disagreement with the amendment. If, after this period, the Secretary-General has not received declarations of disagreement of more than one-third of the Contracting Parties applying the Regulation, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the Regulation who did not declare themselves opposed to it. When a Regulation is amended and at least one-fifth of the Contracting Parties applying the unamended Regulation subsequently declare that they wish to continue to apply the unamended Regulation, the unamended Regulation will be regarded as an alternative to the amended Regulation and will be incorporated formally as such into the Regulation with effect from the date of adoption of the amendment or its entry into force. In this case the obligations of the Contracting Parties applying the Regulation shall be the same as set out in paragraph 1.

3. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a Regulation by the Secretary-General and its entry into force, the Regulation in question shall not enter into force for that Contracting Party until two months after it has formally accepted the amendment or two months after the lapse of a period of six months since the communication to that Party by the Secretary-General of the proposed amendment.

Article 13

The text of the Agreement itself and of its Appendices may be amended in accordance with the following procedure:

1. Any Contracting Party may propose one or more amendments to this Agreement and its Appendices. The text of any proposed amendment to the Agreement and its Appendices shall be transmitted to the Secretary-General, who shall transmit it to all Contracting Parties and inform all other countries referred to in paragraph 1 of Article 6 thereof.
2. Any proposed amendment circulated in accordance with paragraph 1 of this Article shall be deemed to be accepted if no Contracting Party expresses an objection within a period of six months following the date of circulation of the proposed amendment by the Secretary-General.
3. The Secretary-General shall, as soon as possible, notify all Contracting Parties whether an objection to the proposed amendment has been expressed. If an objection to the proposed amendment has been expressed, the amendment shall be deemed not to have been accepted, and shall be of no effect whatever. 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 six months referred to in paragraph 2 of this Article.

Article 14

In addition to the notifications provided for in Articles 1, 12 and 13 of this Agreement, the Secretary-General shall notify the Contracting Parties of:

- (a) Accessions in accordance with Article 6;
- (b) The dates of entry into force of this Agreement in accordance with Article 7;
- (c) Denunciations in accordance with Article 8;

- (d) Notifications received in accordance with Article 9;
- (e) Declarations and notifications received in accordance with paragraphs 1 and 2 of Article 11;
- (f) The entry into force of any amendment in accordance with paragraphs 1 and 2 of Article 12;
- (g) The entry into force of any amendment in accordance with paragraph 3 of Article 13.

Article 15

1. If at the date the above provisions come into effect the procedures envisaged in Article 1, paragraphs 3 and 4 of the unamended Agreement are under way for adopting a new Regulation, the said new Regulation shall enter into force under the provisions of paragraph 5 of the said Article.
2. If at the date the above provisions come into effect, the procedures envisaged in Article 12, paragraph 1 of the unamended Agreement are under way for the adoption of an amendment to a Regulation, the said amendment shall enter into force under the provisions of the said Article.
3. If all Contracting Parties to the Agreement agree, any Regulation adopted under the terms of the unamended Agreement may be treated as though it were a Regulation adopted under the terms of the above provisions.

Appendix 1

COMPOSITION AND RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE

Article 1

The members of the Administrative Committee shall be composed of all the Contracting Parties to the amended Agreement.

Article 2

The Executive Secretary of the United Nations Economic Commission for Europe shall provide the Committee with secretariat services.

Article 3

The Committee shall, at its first session each year, elect a chairman and vice-chairman.

Article 4

The Secretary-General of the United Nations shall convene the Committee under the auspices of the Economic Commission for Europe whenever a new Regulation or an amendment to a Regulation is required to be established.

Article 5

Proposed new Regulations shall be put to the vote. Each country, Contracting Party to the Agreement shall have one vote. A quorum consisting of not less than half of the Contracting Parties is required for the purposes of taking decisions. For the determination of the quorum regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organization may deliver the votes of its constituent sovereign countries. New Draft Regulations shall be established by a two-thirds majority of those present and voting.

Article 6

Proposed amendments to Regulations shall be put to the vote. Each country, Contracting Party to the Agreement applying the Regulation shall have one vote. A quorum of not less than half of the Contracting Parties applying the Regulation is required for the purposes of taking decisions. For the determination of the quorum, regional economic integration organizations, being Contracting Parties to the Agreement, vote with the number of votes of their Member States. The representative of a regional economic integration organization may deliver the votes of those of its constituent sovereign countries which apply the Regulation. Draft Amendments to Regulations shall be established by a two-thirds majority of those present and voting.

Appendix 2

CONFORMITY OF PRODUCTION PROCEDURES

1. INITIAL ASSESSMENT

- 1.1. The approval authority of a Contracting Party must verify - before granting type approval - the existence of satisfactory arrangements and procedures for ensuring effective control so that vehicles, equipment or parts when in production conform to the approved type.

- 1.2. The requirement in paragraph 1.1. must be verified to the satisfaction of the authority granting type approval but may also be verified, on behalf and at the request of the authority granting type approval, by the approval authority of another Contracting Party. In that case, the latter approval authority prepares a statement of compliance outlining the areas and production facilities it has covered as relevant to the product(s) to be type approved.
- 1.3. The approval authority must also accept the manufacturer's registration to harmonized standard ISO 9002 (the scope of which covers the product(s) to be approved) or an equivalent accreditation standard as satisfying the requirements of paragraph 1.1. The manufacturer must provide details of the registration and undertake to inform the approval authority of any revisions to its validity or scope.
- 1.4. On receiving an application from the authority of another Contracting Party the approval authority shall send forthwith the statement of compliance mentioned in the last sentence of paragraph 1.2. or advise that it is not in a position to provide such a statement.

2. CONFORMITY OF PRODUCTION

- 2.1. Every vehicle, equipment or part approved under Regulation annexed to this Agreement must be so manufactured as to conform to the type approved by meeting the requirements of this Appendix and of the said Regulation.
- 2.2. The approval authority of a Contracting Party granting a type approval pursuant to a Regulation annexed to this Agreement must verify the existence of adequate arrangements and documented control plans, to be agreed with the manufacturer for each approval, to carry out at specified intervals those tests or associated checks necessary to verify continued conformity with the approved type, including, specifically, where applicable, tests specified in the said Regulation.
- 2.3. The holder of the approval must in particular:
 - 2.3.1. Ensure the existence of procedures for effective control of the conformity of products (vehicles, equipment or parts) to the type approval;
 - 2.3.2. Have access to the testing equipment necessary for checking the conformity to each approved type;
 - 2.3.3. Ensure that test results' data are recorded and that annexed documents remain available for a period to be determined in agreement with the approval authority. This period must not exceed 10 years;
 - 2.3.4. Analyze results of each type of test, in order to verify and ensure the stability of the product characteristics, making allowance for variation of an industrial production;
 - 2.3.5. Ensure that for each type of product, at least the checks prescribed in this Appendix and the tests prescribed in the applicable Regulations are carried out;
 - 2.3.6. Ensure that any set of samples or test pieces giving evidence of non-conformity in the type of test in question gives rise to a further sampling and test. All the necessary steps must be taken to restore conformity of the corresponding production.
- 2.4. The authority which has granted type approval may at any time verify the conformity control methods applied in each production facility. The normal frequency of these verifications must be consistent with the arrangements (if any) accepted under paragraph 1.2. or 1.3. of this Appendix and be such as to ensure that the relevant controls are reviewed over a period consistent with the climate of trust established by the approval authority.
 - 2.4.1. At every inspection, the test records and production records must be available to the visiting inspector.

- 2.4.2. Where the nature of the test is appropriate, the inspector may select samples at random to be tested in the manufacturer's laboratory (or by the Technical Service where the Regulation annexed to this Agreement so provides). The minimum number of samples may be determined according to the results of the manufacturer's own verification.
- 2.4.3. Where the level of control appears unsatisfactory, or when it seems necessary to verify the validity of the tests carried out in application of paragraph 2.4.2., the inspector must select samples to be sent to the Technical Service which conducts the type approval tests.
- 2.4.4. The approval authority may carry out any check or test prescribed in this Appendix or in the applicable Regulation annexed to this Agreement.
- 2.4.5. In cases where unsatisfactory results are found during an inspection, the approval authority must ensure that all necessary steps are taken to restore conformity of production as rapidly as possible.

SPORAZUM

O USVAJANJU JEDNOOBRAZNIH TEHNIČKIH PROPISA ZA VOZILA SA TOČKOVIMA, OPREMU I DELOVE KOJI MOGU BITI UGRAĐENI I/ILI KORIŠĆENI NA VOZILIMA SA TOČKOVIMA I USLOVIMA ZA UZAJAMNO PRIZNAVANJE DODELJENIH HOMOLOGACIJA NA OSNOVU OVIH PROPISA*

Revizija 2

(Sadrži izmene koje su stupile na snagu 16. oktobra 1995.)

UJEDINJENE NACIJE

Uvod

STRANE UGOVORNICE,

POŠTO SU ODLUČILE da izmene Sporazum o usvajanju jednoobraznih uslova za homologaciju i uzajamno priznavanje homologacije opreme i delova motornih vozila, donet u Ženevi 20. marta 1958. godine, i

U ŽELJI da definišu jednoobrazne tehničke propise koji će biti dovoljni, da ih određena vozila sa točkovima, oprema i delovi zadovolje, da bi bili korišćeni na njihovoj teritoriji,

U ŽELJI da usvoje ove propise u njihovim zemljama uvek kada je to moguće, i

U ŽELJI da olakšaju u njihovim zemljama korišćenje vozila, opreme i delova homologovanih, u skladu sa ovim propisima, od strane nadležnih državnih organa za homologaciju druge Strane ugovornice,

SAGLASILE SU SE u sledećem:

Član 1.

1. Strane ugovornice utvrđuju, posredstvom Administrativnog komiteta sastavljenog od svih Strana ugovornica u skladu sa poslovníkom koji se nalazi u dodatku 1 i na osnovu dole navedenih stavova i članova, Pravilnike za vozila sa točkovima, opremu i delove koji mogu biti ugrađeni i/ili korišćeni na vozilima sa točkovima. Kada je potrebno, tehnički zahtevi će uključivati opcije, a kada je moguće, biće usmereni na karakteristike i uključivače metode ispitivanja. Uslove za dodeljivanje homologacije tipa i njihovo uzajamno priznavanje koristiće one Strane ugovornice koje se opredele za primenu Pravilnika putem homologacije tipa.

Za potrebe ovog Sporazuma:

Termin "vozila sa točkovima, oprema i delovi" se odnosi na sva vozila sa točkovima, opremu i delove, čije karakteristike imaju uticaja na bezbednost saobraćaja, zaštitu životne sredine i uštedu energije;

Termin "homologacija tipa u odnosu na Pravilnik" označava administrativni postupak kojim nadležni državni organi za homologaciju jedne Strane ugovornice izjavljuju, posle obavljenih propisanih provera, da neko vozilo, oprema ili delovi, dostavljeni od strane proizvođača, odgovaraju zahtevima datog Pravilnika. Proizvođač, nakon toga, potvrđuje da svako vozilo, oprema ili delovi koje stavlja na tržište odgovara homologovanom proizvodu.

* Raniji naziv Sporazuma:

Sporazum o usvajanju jednoobraznih uslova za homologaciju i uzajamno priznavanje homologacije opreme i delova motornih vozila, donet u Ženevi 20. marta 1958. godine.

U cilju primene Pravilnika mogu postojati različite varijante administrativnih postupaka kao alternative homologaciji tipa. Jedini opšte poznati alternativni postupak koji se primenjuje u nekim državama članicama Ekonomske komisije za Evropu jeste samo-sertifikacija kojom proizvođač potvrđuje, bez ikakve prethodne administrativne provere, da je svaki proizvod, koji stavlja na tržište, u skladu sa datim Pravilnikom; nadležni administrativni državni organi za homologaciju mogu da provere, metodom slučajnog uzorkovanja na tržištu, da samo-sertifikovani proizvodi odgovaraju zahtevima datog Pravilnika.

2. Administrativni komitet sačinjavaju sve Strane ugovornice u skladu sa poslovnikom iz dodatka 1. Nakon utvrđivanja nekog Pravilnika, u skladu sa postupkom navedenim u dodatku 1, Administrativni komitet ga dostavlja Generalnom sekretaru Ujedinjenih nacija (u daljem tekstu: Generalni sekretar). Nakon toga, Generalni sekretar, u što kraćem roku, pismeno obaveštava Strane ugovornice o tom Pravilniku.

Pravilnik se smatra usvojenim osim u slučaju da je Generalnog sekretara, u roku od šest meseci od njegovog obaveštavanja, više od jedne trećine Strana ugovornica, u vreme obaveštavanja, izvestilo da nisu saglasne da se Pravilnik usvoji.

Pravilnik obuhvata sledeće:

- (a) Vozila sa točkovima, opremu ili delove koji su u pitanju;
- (b) Tehničke zahteve, koji po potrebi mogu uključivati opcije;
- (c) Metode ispitivanja putem kojih se može izraziti bilo koja zahtevana karakteristika;
- (d) Uslove za dodeljivanje homologacije tipa i njihovo uzajamno priznavanje, uključujući homologacione oznake i uslove za obezbeđenje saobraznosti proizvodnje;
- (e) Datum(i) stupanja Pravilnika na snagu.

Pravilnik može, ukoliko je potrebno, uključivati i zahteve u odnosu na laboratorije ovlašćene od nadležnih državnih organa za homologaciju u kojima se moraju obavljati ispitivanja tipova vozila sa točkovima, opreme ili delova podnetih na homologaciju.

3. Posle usvajanja nekog Pravilnika Generalni sekretar obaveštava, u što kraćem roku, sve Strane ugovornice, navodeći Strane ugovornice koje su stavile primedbu i u odnosu na koje Pravilnik neće stupiti na snagu.

4. Usvojeni Pravilnik stupa na snagu na dan ili datume koji su navedeni u Pravilniku, kao prilog ovog Sporazuma, za sve Strane ugovornice koje nisu izrazile svoje neslaganje.

5. Prilikom deponovanja svog instrumenta o pristupanju, svaka nova Strana ugovornica može izjaviti da se ne obavezuje u pogledu primene nekih Pravilnika, kao priloga ovog Sporazuma, ili u pogledu bilo koga od njih. Ukoliko je, u to vreme, postupak utvrđen stavovima 2, 3. i 4. ovog člana u toku za neki nacrt ili usvojeni Pravilnik, Generalni sekretar će takav nacrt ili usvojeni Pravilnik dostaviti novoj Strani ugovornici i on će za novu Stranu ugovornicu stupiti na snagu kao Pravilnik samo pod uslovima datim u stavu 4. ovog člana. Generalni sekretar obaveštava sve Strane ugovornice o datumu stupanja na snagu takvog Pravilnika. Generalni sekretar će im, takođe, dostaviti sve izjave koje se odnose na neprimenjivanje određenih Pravilnika, od strane bilo koje Strane ugovornice, koje su u skladu sa ovim stavom.

6. Svaka Strana ugovornica koja primenjuje neki Pravilnik može, u svakom trenutku, obavestiti Generalnog sekretara, sa otkaznim rokom od godinu dana, da njena administracija namerava da prekine njegovu primenu. Takvo obaveštenje Generalni sekretar dostavlja ostalim Stranama ugovornicama.

Dodeljene homologacije važe do njihovog povlačenja.

Ako neka Strana ugovornica prekine izdavanje homologacije prema nekom Pravilniku, ona mora:

Zadržati propisan nadzor nad saobraznošću proizvodnje proizvoda za koje je ranije dodelila homologaciju tipa;

Preduzeti neophodne mere navedene u članu 4. kada je obaveštena o nesaobraznosti od strane neke Strane ugovornice koja i dalje primenjuje Pravilnik;

Nastaviti sa obaveštavanjem nadležnih državnih organa za homologaciju drugih Strana ugovornica o povlačenju homologacija kako je navedeno u članu 5;

Nastaviti sa izdavanjem proširenja postojećih homologacija.

7. Svaka Strana ugovornica koja ne primenjuje neki Pravilnik može, u svakom trenutku, obavestiti Generalnog sekretara da ga namerava primenjivati i taj će Pravilnik, za tu stranu, stupiti na snagu šezdesetog dana od dana notifikacije. Generalni sekretar će obavestiti sve Strane ugovornice o svakom datumu stupanja na snagu nekog Pravilnika za novu Stranu ugovornicu saglasno sa uslovima u ovom stavu.

8. Strane ugovornice kod kojih je primena nekog Pravilnika na snazi, u nastavku Sporazuma, biće označene kao „Strane ugovornice koje primenjuju Pravilnik“.

Član 2.

Svaka Strana ugovornica koja, uglavnom, primenjuje Pravilnike putem homologacije tipa, dodeljivaće homologacije tipa i homologacione oznake, opisane u bilo kom Pravilniku, za tipove vozila sa točkovima, opremu ili delove na koje se odnosi taj Pravilnik, pod uslovom da ista poseduje tehničke kompetencije i da je zadovoljna sa merama za obezbeđenje saobraznosti proizvoda sa homologovanim tipom kao što je dato u dodatku 2. Svaka Strana ugovornica koja primenjuje neki Pravilnik putem homologacije tipa mora odbiti homologacije tipa i homologacione oznake, obuhvaćene tim Pravilnikom, ukoliko gore pomenuti uslovi nisu zadovoljeni.

Član 3.

Vozila sa točkovima, oprema ili delovi za koje je izdata homologacija tipa od neke Strane ugovornice u skladu sa članom 2. ovog Sporazuma i koja su proizvedena ili na teritoriji neke Strane ugovornice koja primenjuje odgovarajući Pravilnik ili u nekoj drugoj zemlji, koju naznači Strana ugovornica, i koja je propisno homologovala predmetne tipove vozila sa točkovima, opremu ili delove, smatraće se da su u saglasnosti sa zakonodavstvom svih Strana ugovornica koje primenjuju taj Pravilnik putem homologacije tipa.

Član 4.

Ukoliko nadležni državni organi za homologaciju neke Strane ugovornice, koja primenjuje Pravilnik putem homologacije tipa, smatraju da neka vozila sa točkovima, oprema ili delovi, koji nose homologacione oznake dodeljene prema tom Pravilniku od jedne od Strana ugovornica nisu saobrazna homologovanim tipovima oni o tome moraju obavestiti nadležne državne organe za homologaciju Strane ugovornice koja je dodelila homologaciju. Ta Strana ugovornica mora preduzeti neophodne mere da, kod proizvođača, dođe do ponovnog uspostavljanja saobraznosti homologovanih tipova, kao i da obavesti ostale Strane ugovornice, koje primenjuju taj Pravilnik putem homologacije tipa o preduzetim koracima koji mogu, ukoliko je potrebno, primeniti i povlačenje homologacije. Kada postoji opasnost od ugrožavanja bezbednosti saobraćaja ili životne sredine, Strana ugovornica koja je dodelila homologaciju i pošto je obaveštena o nesaobraznosti sa homologovanim tipom(vima), obaveštava sve druge Strane ugovornice o stanju stvari. Strane ugovornice mogu zabraniti prodaju i korišćenje, na svojoj teritoriji, takvih vozila sa točkovima, opreme ili delova.

Član 5.

Nadležni državni organi za homologaciju svake Strane ugovornice, koje primenjuju Pravilnike putem homologacije tipa, moraju mesečno dostavljati nadležnim državnim organima za homologaciju ostalih Strana ugovornica spisak homologacija vozila sa točkovima, opreme ili delova koje je ona dodelila, odbila da dodeli ili povukla u toku tog meseca; pored toga, na zahtev nadležnog državnog organa za homologaciju ostalih Strana ugovornica, koje primenjuju određeni Pravilnik putem homologacije tipa, mora istoj odmah dostaviti kopiju svih relevantnih podataka na kojima je ona bazirala svoju odluku o dodeljivanju, odbijanju ili povlačenju homologacije prema tom Pravilniku za neko vozilo sa točkovima, opreme ili delove.

Član 6.

1. Zemlje članice Ekonomske komisije za Evropu, zemlje koje su primljene u Komisiju u savetodavnom svojstvu, saglasno stavu 8. Delokruga rada i poslovnika Komisije, kao i regionalne organizacije ekonomske integracije, koje su obrazovale zemlje članice Ekonomske komisije za Evropu, a na koje su njihove države članice prenele prava u oblastima navedenim ovim Sporazumom, uključujući i pravo donošenja obavezujućih odluka za te zemlje članice, mogu postati Strane ugovornice ovog Sporazuma.

Kod utvrđivanja broja glasova saglasno članu 1. stav 2. i članu 12. stav 2, regionalne organizacije ekonomske integracije imaju onoliko glasova koliko je država članica u njihovom sastavu koje su članice Ekonomske komisije za Evropu.

2. Zemlje članice Ujedinjenih nacija koje, saglasno stavu 11. Delokruga rada i poslovnika Komisije, mogu učestvovati u određenim aktivnostima Ekonomske komisije za Evropu i regionalne organizacije ekonomske integracije takvih zemalja na koje su države članice prenele prava u oblastima obuhvaćenim ovim Sporazumom, uključujući i pravo donošenja za te zemlje obavezujućih odluka, mogu postati Strane ugovornice ovog Sporazuma.

Kod određivanja broja glasova saglasno članu 1. stav 2. i članu 12. stav 2, regionalne organizacije ekonomske integracije imaju onoliki broj glasova koliko je država članica u njihovom sastavu koje su članice Ujedinjenih nacija.

3. Pristupanje izmenjenom Sporazumu novih Strana ugovornica koje još nisu potpisnice Sporazuma iz 1958. godine vrši se deponovanjem instrumenata kod Generalnog sekretara posle stupanja na snagu izmenjenog Sporazuma.

Član 7.

1. Izmenjeni Sporazum će se smatrati da je stupio na snagu devet meseci od datuma kada ga je Generalni sekretar prosledio svim Stranama ugovornicama Sporazuma iz 1958. godine.

2. Ovaj izmenjeni Sporazum neće se smatrati da je stupio na snagu ako Strane ugovornice Sporazuma iz 1958. godine stave bilo kakvu primedbu, u roku od šest meseci od datuma kada ga im je dostavio Generalni sekretar.

3. Za svaku novu Stranu ugovornicu koja pristupa ovom izmenjenom Sporazumu, isti stupa na snagu šezdeset dana posle deponovanja instrumenta o pristupanju.

Član 8.

1. Svaka Strana ugovornica može otkazati ovaj Sporazum putem notifikacije Generalnom sekretaru.

2. Otkazivanje stupa na snagu dvanaest meseci od datuma kada je Generalni sekretar primio notifikaciju.

Član 9.

1. Svaka nova Strana ugovornica, na osnovu člana 6. ovog Sporazuma može, u vreme pristupa ili bilo koje vreme kasnije, izjaviti putem notifikacije upućene Generalnom sekretaru da se ovaj Sporazum primenjuje na celoj ili delu teritorije koje predstavlja na međunarodnom planu. Sporazum će se primenjivati na teritoriji ili teritorijama, koje su navedene u notifikaciji, po isteku perioda od šezdeset dana od prijema notifikacije od strane Generalnog sekretara.
2. Svaka nova Strana ugovornica, na osnovu člana 6. ovog Sporazuma, koja je sačinila deklaraciju saglasno stavu 1. ovog člana, koja primenjuje ovaj Sporazum na bilo kojoj teritoriji u pogledu međunarodnih odnosa za koje je odgovorna, može otkazati ovaj Sporazum, posebno za tu teritoriju, saglasno odredbama iz člana 8.

Član 10.

1. Svaki spor između dve ili više Strana ugovornica vezano za tumačenje ili primenu ovog Sporazuma mora, u meri u kojoj je to moguće, biti razrešen putem međusobnih pregovora.
2. Svaki spor koji nije rešen putem pregovora, podleže arbitraži ako to zatraži bilo koja Strana ugovornica u sporu i podnosi se, shodno tome, jednom ili više arbitara odabranih dogovorom strana koje se nalaze u sporu. Ako u roku od tri meseca od datuma podnošenja zahteva za arbitražu strane u sporu se nisu dogovorile oko izbora arbitra ili arbitara, svaka od tih strana može zatražiti od Generalnog sekretara da imenuje jednog arbitra kome će se spor proslediti radi donošenja odluke.
3. Odluka arbitra ili arbitara, imenovanih saglasno stavu 2. ovog člana, je obavezna za Strane ugovornice u sporu.

Član 11.

1. Svaka nova Strana ugovornica može, u vreme pristupanja ovom Sporazumu, izjaviti da se ne smatra obaveznom prema članu 10. ovog Sporazuma. Ostale Strane ugovornice nemaju obavezu prema članu 10. u odnosu na bilo koju novu Stranu ugovornicu koja je dala takvu izjavu.
2. Bilo koja Strana ugovornica koja je dala izjavu shodno stavu 1. ovog člana, može u bilo koje vreme, putem notifikacije Generalnom sekretaru, takvu izjavu povući.
3. Nikakva druga izjava na ovaj Sporazum ili na Pravilnike nije dozvoljena; ali, svaka Strana ugovornica može, u skladu sa odredbama člana 1, izjaviti da ona ne namerava da primenjuje neke od Pravilnika, ili da ne namerava da primenjuje ni jedan od njih.

Član 12.

Pravilnici, kao prilog ovog Sporazuma, se mogu menjati i dopunjavati saglasno sledećem postupku:

1. Amandmani na Pravilnike se donose u Administrativnom komitetu kao što je to opisano u članu 1. stav 2, i u saglasnosti sa postupkom datim u dodatku 1. Kada je to potrebno, amandman može da sadrži postojeće zahteve u vidu alternativa. Strane ugovornice će navesti koje alternative u okviru Pravilnika će primenjivati. Strane ugovornice koje primenjuju alternativu(e) u okviru nekog Pravilnika nisu obavezne da prihvate homologacije prema prethodnoj(im) alternativ(i)ama u okviru istog Pravilnika. Strane ugovornice koje primenjuju samo poslednje amandmane nisu obavezne da prihvate homologacije prema prethodnim amandmanima ili prema Pravilniku bez amandmana. Strane ugovornice koje primenjuju ranije serije amandmana ili Pravilnik bez amandmana moraju prihvatiti homologacije dodeljene prema poslednjoj seriji amandmana. Nakon donošenja nekog amandmana na određeni Pravilnik isti se dostavlja Generalnom sekretaru od strane

Administrativnog komiteta. U što kraćem vremenu, nakon toga, Generalni sekretar obaveštava o ovom amandmanu Strane ugovornice koje primenjuju taj Pravilnik.

2. Amandman na neki Pravilnik smatraće se usvojenim, ako u roku od šest meseci od njegove notifikacije od strane Generalnog sekretara, više od jedne trećine Strana ugovornica koje primenjuju Pravilnik, u vreme notifikacije, nije informisala Generalnog sekretara o njihovom neprihvatanju tog amandmana. Ukoliko, po isteku ovog perioda, Generalni sekretar nije primio izjave o neprihvatanju od više od jedne trećine Strana ugovornica koje taj Pravilnik primenjuju, on će, u što kraćem roku, objaviti da je amandman usvojen i da je obavezan za one Strane ugovornice koje primenjuju taj Pravilnik a koje se nisu izjasnile protiv amandmana. Kada se usvaja amandman na neki Pravilnik i kada najmanje jedna petina Strana ugovornica, koje primenjuju Pravilnik bez amandmana, se izjasni da žele da nastave sa primenom Pravilnika bez amandmana, takav Pravilnik će se smatrati kao alternativa Pravilnika sa amandmanom, i kao takav biće formalno priključen tom Pravilniku sa važnošću od datuma usvajanja amandmana ili njegovog stupanja na snagu. U ovom slučaju obaveze Strana ugovornica koje primenjuju taj Pravilnik biće istovetne sa obavezama datim u stavu 1.

3. U slučaju da je neka nova Strana ugovornica, u međuvremenu između notifikacije amandmana od strane Generalnog sekretara i njegovog stupanja na snagu, pristupila Sporazumu, Pravilnik koji je u pitanju, neće stupiti na snagu za tu Stranu ugovornicu do isteka dva meseca od njegovog formalnog usvajanja amandmana ili dva meseca nakon isteka perioda od šest meseci od obaveštenja te zemlje od strane Generalnog sekretara o tom amandmanu.

Član 13.

Tekst samog Sporazuma i njegovih dodataka se može promeniti putem amandmana prema sledećem postupku:

1. Svaka Strana ugovornica može predložiti jedan ili više amandmana na ovaj Sporazum. Tekst bilo kojeg predloženog amandmana na ovaj Sporazum dostavlja se Generalnom sekretaru, koji ga dostavlja svim Stranama ugovornicama i informiše sve druge zemlje saglasno članu 6. stav 1.
2. Svaki predloženi amandman koji je dostavljen saglasno stavu 1. ovog člana, smatra se usvojenim ukoliko nijedna Strana ugovornica nema primedbu u periodu od šest meseci od datuma dostavljanja predloženog amandmana od strane Generalnog sekretara.
3. Generalni sekretar će, u što kraćem roku, obavestiti Strane ugovornice o tome da li je bilo nekih primedbi na predloženi amandman. Ukoliko je neka primedba dostavljena, smatra se da amandman nije prihvaćen i neće imati nikakvo dejstvo. Ukoliko nije bilo nikakvih primedbi, amandman stupa na snagu za sve Strane ugovornice tri meseca po isteku perioda od šest meseci pomenutog u stavu 2. ovog člana.

Član 14.

Pored notifikacija u skladu sa članom 1, 12. i 13. ovog Sporazuma, Generalni sekretar je dužan da obavesti Strane ugovornice o:

- (a) Pristupanjima saglasno članu 6;
- (b) Datumima stupanja na snagu ovog Sporazuma prema članu 7;
- (v) Otkazivanju Sporazuma prema članu 8;
- (g) Primljenim notifikacijama prema članu 9;
- (d) Primljenim izjavama i notifikacijama prema članu 11. stav 1. i 2;
- (đ) Stupanju na snagu svakog amandmana prema članu 12. stav 1. i 2;

- (e) Stupanju na snagu svakog amandmana saglasno članu 13. stav 3.

Član 15.

1. Ako su u vreme stupanja na snagu gore navedenih odredaba, postupci predviđeni u članu 1. stav 3. i 4. neizmenjenog Sporazuma u toku, radi usvajanja novog Pravilnika, navedeni novi Pravilnik će stupiti na snagu prema odredbama stava 5. navedenog člana.
2. Ako su u vreme stupanja na snagu gore navedenih odredaba, postupci predviđeni u članu 12. stav 1. neizmenjenog Sporazuma u toku, radi usvajanja amandmana na neki Pravilnik, navedeni amandman će stupiti na snagu prema odredbama navedenog člana.
3. Ako su sve Strane ugovornice ovog Sporazuma saglasne, svaki Pravilnik koji se usvoji prema odredbama neizmenjenog Sporazuma, može se smatrati kao Pravilnik usvojen saglasno gore navedenim odredbama.

DODATAK 1

SASTAV I POSLOVNIK O RADU ADMINISTRATIVNOG KOMITETA

Član 1.

Članove Administrativnog komiteta čine sve Strane ugovornice izmenjenog Sporazuma.

Član 2.

Izvršni sekretar Ekonomske komisije Ujedinjenih nacija za Evropu dužan je da obezbedi Komitetu usluge sekretarijata.

Član 3.

Komitet, tokom svoje prve sednice svake godine, bira predsedavajućeg i njegovog zamenika.

Član 4.

Generalni Sekretar Ujedinjenih nacija saziva Komitet pod pokroviteljstvom Ekonomske komisije za Evropu uvek kada treba da se usvaja novi Pravilnik ili amandman na neki Pravilnik.

Član 5.

Predloženi novi Pravilnici moraju da se stave na glasanje. Svaka zemlja, Strana ugovornica Sporazuma ima pravo na jedan glas. Da bi se odluke mogle donositi neophodan je kvorum koji čini najmanje polovina Strana ugovornica. Prilikom utvrđivanja kvoruma regionalne organizacije ekonomske integracije, kao Strane ugovornice Sporazuma, imaju onoliko glasova koliko je država članica u njihovom sastavu. Predstavnik neke regionalne organizacije ekonomske integracije može da koristi glasove njenih konstitutivnih suverenih zemalja. Novi nacrti Pravilnika se donose dvotrećinskom većinom glasova prisutnih učesnika u glasanju.

Član 6.

Predloženi amandmani na Pravilnike moraju da se stave na glasanje. Svaka zemlja, Strana ugovornica Sporazuma ima pravo na jedan glas. Za donošenje odluka neophodno je postojanje kvoruma koji čini najmanje polovina Strana ugovornica koje primenjuju taj Pravilnik. Prilikom utvrđivanja kvoruma regionalne organizacije ekonomske integracije, kao Strane ugovornice Sporazuma, imaju onoliko glasova koliko je država članica u njihovom sastavu. Predstavnik neke regionalne organizacije ekonomske integracije može da koristi glasove njenih konstitutivnih suverenih zemalja. Nacrti amandmana na Pravilnike se donose dvotrećinskom većinom prisutnih učesnika u glasanju.

DODATAK 2

POSTUPCI KONTROLE SAOBRAZNOSTI

1 POČETNA PROCENA

- 1.1 Nadležni državni organ za homologaciju jedne Strane ugovornice mora, pre dodeljivanja homologacije tipa, da proveri postojanje zadovoljavajućih mera i postupaka u cilju obezbeđivanja efikasne kontrole tako da su vozila, oprema ili delovi, tokom proizvodnje, saobrazni homologovanom tipu.
- 1.2 Zahtev iz stava 1.1 se mora proveravati od strane nadležnog državnog organa koji dodeljuje homologaciju tipa ali, na zahtev i u njegovo ime, iste može proveravati i

nadležni državni organ za homologaciju druge Strane ugovornice. U takvom slučaju, drugi nadležni državni organ za homologaciju sačinjava izveštaj o saobraznosti, sa navođenjem oblasti i proizvodnih jedinica koje je obuhvatio s obzirom na proizvod(e) koji je predmet homologacije tipa.

- 1.3 Nadležni državni organ za homologaciju treba, takođe, da prihvati registraciju proizvođača prema harmonizovanom standardu ISO 9002 (čija oblast primene pokriva proizvod(e) koji treba homologovati) ili prema nekom ekvivalentnom odobrenom standardu ukoliko zadovoljava zahteve iz stava 1.1. Proizvođač mora dati podatke o registraciji uz obavezu da će informisati nadležni državni organ za homologaciju o bilo kakvoj promeni registracije u odnosu na njenu važnost ili oblast primene.
- 1.4 Po prijemu zahteva od nadležnog državnog organa za homologaciju neke druge Strane ugovornice, nadležni državni organ za homologaciju bez odlaganja šalje izveštaj o saobraznosti pomenutog u zadnjoj rečenici stava 1.2 ili obaveštava da nije u mogućnosti da obezbedi takav izveštaj.

2 SAOBRAZNOST PROIZVODNJE

- 2.1 Svako vozilo, oprema ili deo homologovani prema nekom Pravilniku, koji je prilog ovog Sporazuma, moraju biti tako izrađeni da budu saobrazni sa homologovanim tipom i ispunje zahteve ovog dodatka i navedenog Pravilnika.
- 2.2 Nadležni državni organ za homologaciju neke Strane ugovornice koji dodeljuje homologaciju tipa saglasno nekom Pravilniku, koji je prilog ovog Sporazuma, mora izvršiti proveru postojanja adekvatnih mera i dokumentovanih planova kontrole, uz dogovor sa proizvođačem za svaku homologaciju, u cilju obavljanja, u određenim intervalima, ispitivanja ili odgovarajućih kontrola radi provere kontinualne saobraznosti sa homologovanim tipom, uključujući, konkretno, i, ako je potrebno, ispitivanja predviđena u navedenom Pravilniku.
- 2.3 Vlasnik homologacije posebno mora:
 - 2.3.1 Posedovati postupke za efikasnu kontrolu saobraznosti proizvoda (vozila, opreme ili delova) sa homologovanim tipom;
 - 2.3.2 Da ima mogućnost korišćenja ispitne opreme neophodne za kontrolu saobraznosti u odnosu na svaki homologovani tip;
 - 2.3.3 Da obezbedi čuvanje rezultata ispitivanja i da se prateća dokumenta čuvaju u toku perioda koji se određuje u dogovoru sa nadležnim državnim organom za homologaciju. Taj period ne može biti duži od deset godina;
 - 2.3.4 Da analizira rezultate ispitivanja svih vrsta provera kako bi utvrdio i osigurao stabilnost karakteristika proizvoda, uzimajući u obzir odstupanja u uslovima industrijske proizvodnje;
 - 2.3.5 Da za svaki tip proizvoda obezbedi najmanje onoliki broj provera koji se propisuje ovim dodatkom i broj ispitivanja propisanih u Pravilnicima koji se primenjuju;
 - 2.3.6 Da obezbedi, da ukoliko dođe do pojave bilo kog broja uzoraka ili ispitnih komada, koji predstavljaju dokaz o nesaobraznosti u konkretnoj vrsti ispitivanja, uzimanje novih uzoraka i nova ispitivanja. Moraju se preduzeti sve neophodne mere za obnavljanje saobraznosti odgovarajuće proizvodnje.
- 2.4 Nadležni državni organ koji je dodelio homologaciju može, u bilo koje vreme, izvršiti proveru metoda kontrole saobraznosti koje se koriste u svakoj proizvodnoj jedinici. Redovni broj ovih provera mora biti u skladu sa rešenjima (ako postoje) prihvaćenim saglasno stavu 1.2 ili 1.3 ovog dodatka i moraju obezbeđivati da odgovarajuće kontrole mogu biti preispitane u toku perioda koji zavisi od uspostavljenog poverenja od strane nadležnog državnog organa za homologaciju.

- 2.4.1 Pri svakoj proveri, prisutnom predstavniku nadležnog državnog organa za homologaciju moraju biti na raspolaganju zapisnici o ispitivanjima i proizvodnji.
- 2.4.2 Kada način ispitivanja to omogućava, predstavnik nadležnog državnog organa za homologaciju može izabrati uzorke, metodom slučajnog uzorkovanja, koji će se ispitati u laboratoriji proizvođača (ili kod tehničke službe kada je Pravilnikom, koji je prilog ovom Sporazumu, to predviđeno). Minimalni broj uzoraka može se utvrditi prema rezultatima provere koju je izvršio sam proizvođač.
- 2.4.3 Kada se zaključi da je nivo kontrole nezadovoljavajući, ili kada izgleda neophodno obaviti proveru valjanosti ispitivanja u primeni stava 2.4.2, predstavnik nadležnog državnog organa za homologaciju mora odabrati uzorke koji će biti dostavljeni tehničkoj službi koja je obavila homologaciona ispitivanja.
- 2.4.4 Nadležni državni organ za homologaciju može izvršiti bilo koju kontrolu ili ispitivanje koja su propisana ovim dodatkom ili odgovarajućim Pravilnikom, koji je prilog ovom Sporazumu.
- 2.4.5 U slučaju kada su tokom neke provere dobijeni nezadovoljavajući rezultati, nadležni državni organ za homologaciju mora obezbediti preduzimanje svih neophodnih koraka za, što je moguće pre, ponovno uspostavljanje saobraznosti proizvodnje.

Član 3.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije - Međunarodni ugovori“.