

**Disclaimer:** *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

*The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.*

*The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.*

## MOTOR VEHICLES AND EQUIPMENT AND PARTS THEREOF

### ARTICLE X.1

#### Definitions

1. For the purpose of this Annex, the following definitions apply:
  - (a) WP.29 means the World Forum for Harmonisation of Vehicle Regulations within the framework of the United Nations Economic Commission for Europe (hereinafter referred to as “UN ECE”);
  - (b) 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 (Geneva, 1958) administered by the WP.29, and all subsequent amendments and revisions thereof;
  - (c) 1998 Agreement means 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 (Geneva, 1998) administered by the WP.29, and all subsequent amendments and revisions thereof;
  - (d) UN Regulations means Regulations adopted in accordance with the 1958 Agreement;

- (e) GTR means the Global Technical Regulations established and placed on the Global Registry in accordance with the 1998 Agreement
  - (f) HS 2017 means the 2017 edition of Harmonised System Nomenclature issued by the World Custom Organisation, and
  - (g) Remanufactured equipment or parts means equipment or parts that:
    - (i) are entirely or partially comprised of parts obtained from equipment and parts that have been used beforehand;
    - (ii) have similar performance and working conditions compared to the equivalent equipment and parts in new condition; and
    - (iii) are given the same warranty as the equivalent equipment and parts in new condition.
2. Terms used in this Annex shall have the same meaning as defined in the 1958 Agreement or in Annex 1 to the WTO Agreement on Technical Barriers to Trade.

## ARTICLE X.2

### Product Scope

This Annex shall apply to trade between the Parties of all categories of motor vehicles, equipment and parts thereof, as defined under Paragraph 1.1. of UN ECE Consolidated Resolution on the Construction of Vehicles (R.E.3)<sup>1</sup>, falling inter alia under Chapters 40, 84,

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<sup>1</sup> ECE/TRANS/WP.29/78/Rev.6 of 11 July 2017.

85, 87 and 94 of the HS 2017 (hereinafter referred to as “products covered”) except for the categories of vehicles listed in Appendix [X] (Excluded Vehicle Categories).

### ARTICLE X.3

#### Objectives

With regard to the products covered, the objectives of this Annex are to:

- (a) eliminate and prevent any unnecessary technical barriers to bilateral trade;
- (b) promote compatibility and convergence of regulations based on international standards;
- (c) promote recognition of approvals based, in particular, on approval schemes applied under the agreements administered by the World Forum for Harmonisation of Vehicle Regulations (hereinafter referred to as the ‘WP.29’) within the framework of the United Nations Economic Commission for Europe (hereinafter referred to as ‘UNECE’) and those based on EU type approvals.
- (d) reinforce competitive market conditions based on principles of openness, non-discrimination and transparency;
- (e) promote mutual commitment of the Parties ensuring the maximum levels of protection of human health, safety, the environment and the transport infrastructure; and
- (f) enhance cooperation to foster continued mutually beneficial development in trade and the regulatory regime governing motor vehicles.

### ARTICLE X.4

#### Relevant International Standards

The Parties recognise that the WP.29 is the main relevant international standardising body and that UN Regulations and GTRs under the 1958 and 1998 Agreements are relevant international standards for the products covered by this Annex.

#### ARTICLE X.5

##### Regulatory Convergence

1. (a) In areas covered by UN regulations or GTRs, or where the completion of UN regulations or GTRs is imminent, the Parties shall use them as a basis for their domestic technical regulations, markings, or conformity assessment procedures, except when a specific UN regulation or GTR would be ineffective or inappropriate for fulfilling legitimate objectives of Article 2.2 of the TBT Agreement and of 1958 and 1998 Agreements.  
  
(b) A Party which introduces a divergent domestic technical regulation, marking, or conformity assessment procedure as referred to in subparagraph (a) shall, upon request from the other Party, identify the parts of the domestic technical regulation, marking, or conformity assessment procedure which substantially deviate from the relevant UN Regulations or GTR and provide explanation as to the reasons for the deviation.
2. Insofar as a Party has introduced or maintains, domestic technical regulations, markings and conformity assessment procedures that diverge from UN Regulations or GTRs, as permitted by paragraph 1, that Party shall endeavour to review those whenever necessary, with a view to increasing their convergence to the relevant UN Regulations or GTRs. When reviewing their domestic technical regulations, markings and conformity assessment procedures, each Party shall take into account, inter alia, any new developments in the UN Regulations or GTRs and any change in the circumstances that have given rise to divergences from any relevant UN Regulations or GTRs. The outcome of these reviews, including scientific and technical information used, shall be notified to the other Party upon request.

3. Each Party shall refrain from introducing or maintaining domestic technical regulations, markings, or conformity assessment procedures which have the effect of prohibiting, restricting or increasing the burden for the importation and the putting into service on their domestic market of products type-approved under UN Regulations for the areas covered by those UN Regulations unless such domestic technical regulations, markings or conformity assessment procedures are explicitly foreseen by those UN Regulations.

## ARTICLE X.6

### Market Access

1. The Parties shall accept, on their markets, products which are covered by a valid UN type-approval certificate issued by the EU or New Zealand, as contracting parties to the 1958 Agreement, or a valid EU type-approval certificate<sup>2</sup> as compliant with their domestic technical regulations, markings and conformity assessment procedures, without requiring any further testing, documentation, certification or marking concerning these type approvals.

In the case of vehicle approvals, both the EU whole vehicle type approvals (EUWVTA) and the UN's Universal International Whole Vehicle Type Approval (U-IWVTA) shall be considered valid.

Only those UN type-approval certificates issued by a Party that has acceded to the relevant UN Regulations and which have been granted pursuant to the 1958 Agreement can be considered valid.

2. The Parties shall only be obliged to accept valid UN type-approval certificates issued pursuant to the latest version of the UN regulations, in case they apply these UN regulations, but they may also consider accepting valid UN type-approval certificates in

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<sup>2</sup> Including EEC, EC and EU type-approval certificates.

case they are not applying these UN regulations, provided the type-approved products meet all the applicable domestic requirements.

3. For the purpose of paragraph 1, the following shall be considered sufficient proof of the existence of a valid EU or UN type-approval:
  - (a) for whole vehicles, a valid EU Certificate of Conformity<sup>3</sup> or UN Declaration of Conformance<sup>4</sup> certifying compliance with a U-IWVTA;
  - (b) for equipment and parts, a valid EU or UN type-approval mark affixed to the product;
  - (c) for equipment and parts to which a type-approval mark<sup>5</sup> cannot be affixed, a valid EU or UN type-approval certificate.
4. The competent authorities of each Party may verify that the products covered comply, as appropriate, with either:
  - (a) all the domestic technical regulations of the Party; or
  - (b) the EU or UN technical regulations of which compliance has been attested, in application of Article 6, by a valid EU Certificate of Conformity or UN Declaration of Conformance certifying compliance with a U-IWVTA, for whole vehicles, or a valid EU or UN type-approval mark affixed to the product or a valid EU or UN type-approval certificate, for equipment and parts.

Such verification shall be carried out by random sampling in the market and in accordance with the technical regulations under subparagraphs (a) or (b), as the case may be.

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<sup>3</sup> Including EC and EU Certificates of Conformity.

<sup>4</sup> In the case of a Declaration of Conformance, this provision will enter into application when UN Regulation No. 0 on the International Whole Vehicle Type Approval has entered into force.

<sup>5</sup> Including EEC, EC and EU type approval marks.

5. Each Party may require the supplier to withdraw a product from its market in case the product concerned does not comply with those technical regulations.

## ARTICLE X.7

### Products with New Technologies or New Features

1. Neither Party shall prevent or restrict the access to its market of a product covered by this Annex and approved by the exporting Party on the grounds that the product incorporates a new technology or a new feature that the importing Party has not yet regulated.
2. Notwithstanding paragraph 1, an importing party may nevertheless restrict the access to its market or require the withdrawal from its market of such a non-regulated product, incorporating a new technology or a new feature, in case this would:
  - (a) create a risk for human health, safety, the environment or the transport infrastructure,
  - (b) be inconsistent with existing domestic environmental standards or infrastructure; and

it shall immediately notify this decision to the other Party. The notification shall include all relevant scientific or technical information considered in the Party's decision.

## ARTICLE X.8

### Remanufactured Equipment and Parts

1. No Party shall accord to remanufactured equipment and parts of the other Party a treatment that is less favourable than that it accords to equivalent equipment and parts in new condition.

2. For greater certainty, Article [X.X] (Import and Export Restrictions) applies to import and export prohibitions or restrictions on remanufactured equipment and parts. If a Party adopts or maintains import and export prohibitions or restrictions to used equipment and parts, it shall not apply those measures to remanufactured equipment and parts.
3. A Party may require that remanufactured equipment and parts be identified as such for distribution or sale in its territory and that they meet similar performance requirements to those that apply to equivalent equipment and parts in new condition.

## ARTICLE X.9

### Other Measures Restricting Trade

Each Party shall refrain from nullifying or impairing the benefits accruing to the other Party under this Annex through regulatory measures specific to the products covered. This is without prejudice to the right to adopt measures necessary for road safety, protections for health, the environment, and the transport infrastructure, and the prevention of deceptive practices.

## ARTICLE X.10

### Joint Cooperation

1. The Parties shall cooperate and exchange information on any matters relevant for the implementation of this Annex in the Committee on Trade in Goods.
2. The Parties shall work together, as appropriate, to progress areas of mutual interest in relevant international standardising bodies.

**EXCLUDED VEHICLE CATEGORIES<sup>6</sup>**

This Annex shall not apply to the following vehicles:

Vehicles of category L6 as defined in Paragraph 2.1.6 of R.E.3.

Vehicles of category L7 as defined in Paragraph 2.1.7 of R.E.3.

Vehicles of category M2 as defined in Paragraph 2.2.2 of R.E.3.

Vehicles of category M3 as defined in Paragraph 2.2.3 of R.E.3.

Vehicles of category N2 as defined in Paragraph 2.3.2 of R.E.3.

Vehicles of category N3 as defined in Paragraph 2.3.3 of R.E.3.

Vehicles of category O3 as defined in Paragraph 2.4.3 of R.E.3.

Vehicles of category O4 as defined in Paragraph 2.4.4 of R.E.3.

Vehicles manufactured in small volumes that have been individually type approved.

Used vehicles of categories: L1, L2, L3, L4, L5, L6, L7, M1, N1, O1 and O2, including vehicles that have been used for the purpose of demonstration in connection with the sale and of similar

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<sup>6</sup> Although this list of excluded vehicles is not covered by the annex, this does not mean that the vehicles cannot be imported if they meet domestic requirements.

vehicles, that have, at any time before being offered or displayed for sale, in accordance with the Land Transport Rule: Vehicle Standards Compliance 2002.<sup>7</sup>

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<sup>7</sup> These vehicles have:  
(a) been registered under:  
    (i) the Transport Act 1962; or  
    (ii) the Transport (Vehicle and Driver Registration and Licensing Act) 1986 or Part 17 of the Land Transport Act 1998; or  
    (iii) any corresponding legislation in any other country; or  
(b) been used for a purpose not connected with its manufacture or sale.