

ANNEX 5-B MOTOR VEHICLES AND PARTS THEREOF

Article 1 General Provisions

1. This Annex shall apply to all forms of motor vehicles and parts thereof traded between the Parties and falling under Chapters 40, 84, 85, 87 and 94 of the HS 2012 (hereinafter referred to as “products covered by this Annex”).
2. With regard to the products covered by this Annex, the Parties confirm the following shared objectives and principles:
 - (a) eliminating and preventing non-tariff barriers to bilateral trade;
 - (b) promoting compatibility and convergence of regulations based on international standards;
 - (c) promoting recognition of approvals based in particular on approval schemes applied under the agreements administered by the *World Forum for Harmonization 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 “UN ECE”);
 - (d) establishing competitive market conditions based on principles of openness, non-discrimination and transparency;
 - (e) securing the protection of human health, safety and the environment; and
 - (f) enhancing cooperation to foster continued mutually beneficial development in trade.

Article 2 International Standards

1. The Parties recognise that the WP.29 is the relevant international standard-setting body for the products covered by this Annex.¹
2. If Singapore decides to introduce a type-approval system for products covered by this Annex, Singapore will consider becoming a signatory of 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).

¹ This paragraph is without prejudice to the Parties’ rights to accept national standards or technical regulations of other countries.

Article 3

Regulatory Convergence

1. (a) The Parties shall at any time refrain from introducing any new domestic technical regulations diverging from UN ECE Regulations or Global Technical Regulations (hereinafter referred to as “GTR”) in areas covered by such UN ECE Regulations or GTR, or where the completion of such UN ECE Regulations or GTR is imminent, unless there are substantiated reasons, based on scientific or technical information, why a specific UN ECE Regulation is ineffective or inappropriate for ensuring road safety or the protection of the environment or public health².
- (b) A Party which introduces a new domestic technical regulation as referred to in subparagraph (a) shall, upon request from the other Party, identify the parts of the domestic technical regulation which substantially deviate from the relevant UN ECE Regulations or GTR and provide due justification as to the reasons for the deviation.
2. Insofar as a Party has introduced and maintains, in accordance with paragraph 1, domestic technical regulations that diverge from existing UN ECE Regulations or GTR, that Party shall review these domestic technical regulations at regular intervals, not exceeding five years, with a view to increasing their convergence to the relevant UN ECE Regulations or GTR. When reviewing their domestic technical regulations, the Parties shall consider whether the circumstances that gave rise to the divergence still exist. The outcome of these reviews, including scientific and technical information used, shall be notified to the other Party upon request.
3. Singapore shall accept on its market as compliant with its domestic technical regulations and conformity assessment procedures, without further testing or marking requirements to verify or attest compliance with requirements covered by an EC³ or UN ECE type- approval, new Turkey products covered by this Annex⁴ and which are covered by an EC or UN ECE type-approval certificate. An EC Certificate of Conformity, in the case of whole vehicles, and an EC or UN ECE type-approval mark affixed to the product, in the case of components and separate technical units, shall be considered sufficient proof of the type-approval certificate. When UN ECE International Whole Vehicle Type Approval enters into force, Parties shall discuss in

² Paragraphs 1(a) and 2 of Article 3 (Regulatory Convergence) and Article 5 (Other Measures Restricting Trade) of this Annex are without prejudice to Singapore taking traffic management measures such as electronic road pricing, on account of Singapore’s specific space constraints.

³ For greater clarity, the terms “EC type approval”, “EC type approval certificate”, “certificate of conformity” and “EC type approval mark” shall have the meaning assigned to them under the European Union legislation, in particular Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L263 of 9.10.2007, p. 1).

⁴ For the purposes of this paragraph, where the term “new Turkey products covered by this Annex” refers to whole vehicles, this term is understood to mean vehicles which have never been registered before worldwide.

the Joint Committee whether an UN ECE International Whole Vehicle Type Approval might be considered sufficient proof of the type approval certificate.

4. The competent administrative authorities of each Party may verify by random sampling in accordance with its domestic legislation that the products comply as appropriate with:
 - (a) all the domestic technical regulations of the Party; or
 - (b) the domestic technical regulations of which compliance has been attested by an EC Certificate of conformity, in the case of whole vehicles, or an EC or UN ECE mark affixed to the product, in the case of components and separate technical units, as referred to under paragraph 3.

Such verification shall be carried out in accordance with the domestic technical regulations under subparagraphs (a) or (b), as the case may be. Each Party may require the supplier to withdraw a product from its market in case the product concerned does not comply with those regulations and requirements.

Article 4 **Products with New Technologies or New Features**

1. Neither Party shall prevent or unduly delay the placing on its market of a product covered by this Annex and approved by the exporting Party on the ground that the product incorporates a new technology or a new feature that the importing Party has not yet regulated, unless it can demonstrate, based on scientific or technical information, that this new technology or new feature creates a risk for human health, safety or the environment.
2. When a Party decides to refuse the placing on its market or requires the withdrawal from its market of a product of the other Party covered by this Annex on the ground that it incorporates a new technology or a new feature creating a risk for human health, safety or the environment, it shall immediately notify this decision to the other Party and to the economic operators⁵ concerned. The notification shall include all relevant scientific or technical information considered in the Party's decision.

Article 5 **Other Measures Restricting Trade**

Each Party shall refrain from nullifying or impairing the market access benefits accruing to the other Party under this Annex through other regulatory measures specific to the sector covered by this Annex. This is without prejudice to the right to adopt measures necessary for road safety, the protection of the environment or public health and the prevention of deceptive practices provided such measures are based on substantiated scientific or technical information.

⁵ Where Singapore is the importing Party, "economic operator" shall mean the importer of the product concerned.

Article 6
Joint Cooperation

In the Joint Committee, the Parties shall cooperate and exchange information on any issues relevant for the implementation of this Annex.