

# Small Group report on Annex 5 and the ECE Regulations

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# The issue

- ECE Technical Regulations change quickly because of technology (c. 120 per year)
- The Convention and Annex 5 get out of date, e.g. flashing stop lamps
- Drivers in international traffic are being fined for having vehicles meeting ECE Regulations
- The Convention has to be kept in line with the ECE Regulations

# Legal Group suggestion

- The Legal group suggested adding a general phrase to Annex 5 allowing compliance with ECE Regulations to be an alternative
- The problems are:
  - Not all requirements are in Annex 5, e.g. lighting in Article 32
  - Not all Convention Signatories have signed the 1958 Agreement (for ECE Regulations.)
  - Some CPs do not want to over-ride the drivers control of the vehicle
  - this would be a contradiction (Yakimov)

# The Small Group

- Was established to study the implications of the Legal group proposal
- Members: IMMA, Norway, IRF, WP1 Secretariat
- Experts consulted:
  - OICA, vehicle manufacturers
  - IMMA, motorcycle and 3-wheeler manufacturers
  - GTB, automotive light experts

# Drafting issues

- The Convention has to cover all vehicles
- Technical Regulations attached to the Agreements managed by WP29, e.g. the Global and the ECE regulations, are driven by, or drive new technologies
- Best practice tries to avoid cross-references to other legal instruments

# Basic questions (1)

1. Does, or should, WP1 have any authority over what technical prescriptions are allowed for new vehicles, i.e. should they be consulted officially by WP29 whenever a proposal will conflict with the Convention?

**The group's view is that WP29 is autonomous, (so the Convention needs to follow the Regulations).**

2. Should the Convention contain all the necessary requirements, or can it contain a cross-reference to another legal instrument?

**The group's view is that there ought not be a cross-reference, but this might be the most practical solution.**

## Basic questions (2)

3. If the changes in the technical regulations affect the Convention (Articles and Annex 5), are Contracting Parties ready to make such changes?

**The group has no answer to this.**

4. What is the most effective way of keeping the text of the Convention up to date?

**The options are:**

- a general “equivalence” clause, either in the Convention or in a Supplementary Agreement, accepting the Regulations developed by WP29 as an alternative
- constant updating of the Convention (maybe 2 times a year)



# Mr Yakimov's alternative (Informal 1):

- WP29 should draw up a list of specific technical requirements
- Check the WP29 list against the Convention
- Keep the key requirements in the Convention
- Leave the detailed provisions in other documents e.g. ECE Regulations
- Example: must have headlamps (Convention), they can be either ECE R112 or R20.



# Comments on the “Yakimov” approach (Informal 1)

- If this means a radical simplification of the Convention’s requirements, it might work
- However, the Convention already works in this way, e.g. the headlight example
- The real problems of non-alignment are linked to contradictions in the key requirements, e.g. flashing stop lamps
- In principle, all differences raise the same legal issues

# A new definition of the problem

- Legally, the best solution is to keep the Convention up to date
- In practice, this may mean too many amendments to the Convention in a short time period (2 per year?)
- Therefore we need a two-step approach; major updates and a transitional arrangement in between

# Revised proposal

- Agree to update the technical requirements every [5] years
- For the period between agree to:  
“accept the ECE Regulations as an equivalent to the Convention’s provisions for vehicles, provided that they do not take control of the vehicle away from the driver”.

# Conclusions

- There are real problems for drivers of modern vehicles in international traffic
- The Convention is out of date and risks becoming irrelevant for vehicles
- The correct solution is to keep the Convention up to date, but this is impractical
- New proposal for a two stage approach:
  - 5 year updates
  - transitional acceptance of ECE regulations