

COMMENTS REGARDING **TRANS/WP29/2005/92**
RESOLVING OF INTERPRETATION ISSUES AND REQUIREMENTS FOR THE TECHNICAL SERVICES
(Transmitted by the Chairman of GRE)

TRANS/WP.29/2005/92 is a greatly appreciated step towards eliminating of erroneous interpretation of provisions within current Regulations. However, to permanently remove ambiguous language, additional actions may be required. The proposed guidance for the operation of the type approval system could be amended as follows:

Proposal A:

Amend the second paragraph in Section A. by adding the following:

“And finally, in any event of difference of opinions resulting from the ambiguous regulatory text, an appropriate Technical Working Party must be contacted. Such Technical Working Party should consider ways to clarify the regulatory text so that no ambiguity remains in the Regulation.”

Para. A.2.(ii) – delete footnote 1/ and add sub-paragraph (iv):

“(iv) in any event, the matter shall be brought to the attention of an appropriate Technical Working Party. If deemed necessary, the Technical Working Party shall submit to WP.29 a suitable regulatory amendment.”

A.4.1. - change title to “Where the issue is resolved” and
- add new statement at the end: “Appropriate Technical Working Party shall be informed of the agreed interpretation.”

A.4.2. - change title to “Where the issue is not resolved”

Justification A:

ECE Regulations are complex documents containing detailed technical requirements, test procedures and performance criteria. Drafting these Regulations is a long process of negotiation resulting in regulatory text that, on occasion, differs from the original intent or contains ambiguities introduced through last minute amendment or compromise. Inevitably, with numerous type-approval authorities, interpretative differences will always exist. The fact that different interpretations exist between Approval Authorities proves that there is a need for clarification of the existing regulatory text. Experts in the appropriate Technical Working Party must consider the need for such clarification.

Proposal B:

In Section “B. New technologies development”, the paragraph starting with “The Contracting Party shall submit to the appropriate Technical Working Party a file containing the following elements:“ should be amended by addition of new sub-paragraph as follows:

“- a statement regarding an impact of proposed regulatory amendment on other Regulations.”

Justification B:

In its work, Technical Working Party on Lighting and Light Signalling Devices (GRE) encountered numerous situations where a simple amendment of one Regulation has triggered need for amendments to other regulations. Such need was often missed during consideration of the original amendment, which in some cases created contradictions between Regulations on similar subjects.