

Proposal for amendments to Regulation No. 116 (Protection of vehicles against unauthorized use)

The aim of this document is to alert GRSG on the request from the informal group on IWVTA about the ambiguity in the wording of the scope of the regulation and the contradiction of the provisions with regard to the principle of mutual recognition. The modifications to the current text of UN Regulation No. 116 are marked in bold for new or strikethrough for deleted characters.

I. Proposal

A. Regulation N°116

Paragraph 1, amend to read:

"1. SCOPE

This Regulation applies to:

- 1.1. PART I - Approval of a vehicle of category **M and N** ~~M1 and N1~~ 1/ with regard to its devices to prevent unauthorized use.
- ~~1.2. PART II - Approval of vehicle alarm systems (VAS) which are intended to be permanently fitted to vehicles of category M1 and those of category N1 with a maximum mass of not more than 2 tonnes 1/.~~
- ~~1.3. PART III - Approval of vehicles of category M1 and those of category N1 with a maximum mass of not more than 2 tonnes, with regard to their alarm system(s) 2/.~~
- 1.2. ~~1.4.~~ PART ~~II~~ **IV** - Approval of immobilizers
- 1.3. **Part III – approval of and** vehicles of category **M and N** ~~M1 and~~ vehicles of category ~~N1 with a maximum mass of not more than 2 tonnes~~ with regard to immobilizers."

Footnote 3: delete

~~“3/ It is recommended that Contracting Parties apply Parts I and IV to approval of M1 category vehicles and Part I only to approval of N1 category vehicles, the other requirements remaining optional. Parts II, III and IV should apply where such equipment is fitted to vehicle categories shown in paragraphs 1.3. to 1.5.”~~

Remaining of the regulation: amend accordingly

B. Regulation N°XXX (Alarm systems)

Scope to read:

"1. SCOPE

This Regulation applies to:

- 1.1. PART I - Approval of vehicle alarm systems (VAS)
- 1.2. PART II - Approval of vehicles of category M and N with regard to their alarm system(s)"

Text of new regulation to take over the relevant provisions currently existing in UN R116 with regard to alarm systems.

II. Justification

1. Background.

At the 14th meeting of the of the subgroup “SGR0” of the WP29 informal group on IWVTA (Nara, Japan, January 14-15,2015), the experts could not reach a common understanding on “*whether immobilizer system would be mandatory or not by the current text of R116. The Netherlands and Japan regard immobilizer system as optional whereas Germany and UK think that immobilizer system is mandatory*” (Common Observation 2 in document SGR0-15-01). The subgroup agreed on the following Action item 1: “*SG R0 agreed to report to WP.29 that some action (may be an amendment of the text of R116) would be necessary to get rid of any uncertainty in its application and include it in Annex 4 of UNR0*”. The ambassador of IWVTA to GRSG alerts GRSG about the necessity to take an action with regard to UN R116.

2. Two different concerns

a. Scope of the regulation:

The text currently regulates anti-theft systems, alarm systems and immobilizers. The table below is an attempt to clarify the current situation, and to highlight the sources of ambiguity.

	Antitheft	Alarm	Immobilizer	Comment
M1	Mandatory per paragraphs 1.1. and 1.5., and per the recommendation of Footnote 3	Mandatory per paragraphs 1.3. and 1.6., and optional per recommendation of Footnote 3	Mandatory per paragraphs 1.4. and 1.6., and optional per recommendation of Footnote 3.	Antitheft systems are understood mandatory for M1 category because paragraph 1.5. makes them optional for the others. Alarm and immobilizer provisions are unclear : they are understood mandatory for M1 category because paragraph 1.6. makes them optional for the others, but are optional per Footnote 3.
N1<2t	Mandatory per paragraphs 1.1. and 1.5., and per the recommendation of Footnote 3.	Mandatory per paragraph 1.3. and 1.6., and optional per recommendation of Footnote 3	Mandatory per paragraphs 1.4. and 1.6., and optional per recommendation of Footnote 3	Antitheft systems are understood mandatory for N1<2t category because paragraph 1.5. makes them optional for the others. Alarm and immobilizer provisions are unclear .
N1>2t	Mandatory per paragraphs 1.1. and 1.5., and per the recommendation of Footnote 3.	Optional per paragraph 1.6. and per the recommendation of Footnote 3	Optional per paragraph 1.6. and per the recommendation of Footnote 3	Situation totally clear: Antitheft mandatory, alarm and immobilizer optional.
others	Optional per paragraph 1.5. and per the recommendation of Footnote 3	Optional per paragraph 1.6. and per the recommendation of Footnote 3	Optional per paragraph 1.6. and per the recommendation of Footnote 3	Situation totally clear: Antitheft, alarm and immobilizer are optional.

b. Principle of mutual recognition

Some provisions currently in the text of the regulation are contradictory to the principle of mutual recognition of the 58 Agreement and could jeopardise proper application of IWVTA:

- i. Paragraph 6.2.3. refers to European standards (ETSI standards) that may be not accepted by some Contracting Parties
- ii. Footnote 5 states that domestic standards “may be applicable”, should the ETSI standards be unavailable at the time of application of the regulation
- iii. Footnote 7 states that “Contracting Parties may prohibit the frequency and/or the power and may permit the use of other frequency and/or power”.

3. Proposal from the ambassador to IWVTA

a. Scope of the regulation.

Taking into account that systems and equipment should not be mandatory in the UN regulation, rather by the Contracting Parties signatories to the regulation, the ambassador recommends splitting Regulation N°116 in two separate regulations:

- i. One regulation addressing antitheft devices and immobilizers, i.e.
 - Regulating antitheft devices primarily focusing on M1 and N1 categories;
 - Regulating immobilizers, primarily focusing on M1 category
 - While the regulation will cover all categories M and N, the signatory Contracting Parties will keep the freedom to nationally mandate equipment to a narrower scope. This proposal permits to adequately reflect the situation in the EU, and is in line with the 58 Agreement.
- ii. One regulation addressing alarm systems only, also covering all categories M and N

b. Principle of mutual recognition (item restricted to the alarm systems)

- i. Paragraph 6.2.3.:
 - Scrutinizing the relevancy of the standards currently referred to in UN R116
 - According to the outcomes of the above exercise, clarifying the text either by adding the relevant provisions into an annex or keeping the updated references if the standards are freely available.
- ii. Footnote 5: ETSI standards are publicly available subject to payment of a fee.
- iii. Footnote 7: extracting all requirements relating to power and to use of frequencies, and deleting the footnote. These items would then be regulated nationally.