

Proposal for amendments to General Guidelines for UN regulatory procedures and transitional provisions in UN Regulations (ECE/TRANS/WP.29/2017/67);

This document includes three amendment proposals for General Guidelines for UN regulatory procedures and transitional provisions in UN Regulations.

Part 1 : In Chapter III (General guidelines on the scope of UN Regulations), insert a new paragraph 6.1

Part 2 : amend Chapter VI., B.2. (Supplements)

Part 3 : amend Annex 1, paragraph V.5

Part 1

When adopting the new UN Regulation No. 134 on safety-related performance of hydrogen-fuelled vehicles (HFCV) in November 2014, WP.29 considered WP.29-164-13 and endorsed the position by Japan that Article 3 would not prevent a Contracting Party from refusing products which are not in conformity with its national legislation in areas **beyond the scope of the UN Regulation** (see report ECE/TRANS/WP.29/1112, para. 48). This document is aimed at reflecting in the general guidelines this decision by WP.29 that a Contracting Party (CP) **may apply national provisions for vehicle matters not covered by the scope of a UN Regulation**.

I. Proposal

In Chapter III (General guidelines on the scope of UN Regulations), insert a new paragraph 6.1., to read:

"6.1. A Contracting Party (CP) may apply additional national provisions for vehicle matters not covered by the scope of a UN Regulation. Article 3 of the 1958 Agreement would not prevent a Contracting Party from refusing products which are not in conformity with its national legislation in areas beyond the scope (and only those) of the UN Regulation provided that all the conditions of the 1958 Agreement are respected. This situation is not considered as a deviation from the provisions of the 1958 Agreement."

II. Introduction

1. At its 112th session in April 2017, GRSG had a controversial discussion on the scope of the new UN Regulation on Accident Emergency Call Systems (AECS). In 2014, it was agreed to limit the scope of the Regulation to in-vehicle systems and components and their installation on vehicles, but to exclude provisions on communication networks and data transmission mechanism.
2. The IWG on AECS proposed to only exclude these matters from the scope by paragraph 1.2. of the draft Regulation (see ECE/TRANS/WP.29/GRSG/2017/12):

"1.2. It does not apply to:

- (a) communication module functionality and communication antenna functionality, unless otherwise prescribed in this Regulation;
- (b) the additional data to the Minimum Set of Data (MSD) to be conveyed to Public Service Answering Party (PSAP), the format of the data, the mechanism and logic of data transmission, data exchange protocol, operation modes and conditions of transitions between such modes, performance of the test call and test data transfer, response to protocol commands received from infrastructure and network registration logic;

- (c) privacy, data protection and personal data processing;
 - (d) ..."
3. A large number of CPs considered these provisions on the exclusion of scope sufficient enough. However, some CPs were of the opinion that the exclusion of provisions on privacy, data protection and personal data processing should be clarified and proposed to add a following sentence:
- "Pending the addition of appropriate provisions, nothing in this Regulation shall prevent a Contracting Party from specifying requirements for vehicles to be registered in its territory for the fitting and technical requirements privacy, data protection and personal data processing."
4. Following a long controversial discussion, the secretariat recalled the above mentioned decision by WP.29 in November 2014. To avoid similar discussions in the subsidiary bodies of WP.29, this document is aimed at reflecting the decision in the general guidelines ECE/TRANS/WP.29/2017/67.
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Part 2

Modifications to ECE/TRANS/WP.29/2017/67 are shown in strikethrough and bold/underline.

I. Proposal

B.2. Supplements

28. A Supplement addresses an amendment to a UN Regulation which ~~does not entail a modification in the approval marking and~~ is normally used for:
- (a) Clarification of test procedures not changing the level of stringency of the UN Regulation or imposing new requirements; or
 - (b) Regulating new developments which have arisen after the adoption of a UN Regulation (i.e. extension of scope) not changing the level of stringency of the UN Regulation.
29. A Supplement **does not entail a modification in the approval marking and** shall not be used when it is necessary for Contracting Parties to differentiate the new approvals from the existing approvals.

II. Justification

Para 28 and 29: the marking issue is moved from 28 to 29 to better fit with the cross reference in para. 32. The marking is not part of the definition of a supplement but only a consequence that a supplement is not a major change.

Part 3

I. Proposal

Document WP.29/2017/67, Annex 1, paragraph V.5, amends to read:

"V.5. Notwithstanding the transitional provisions above, Contracting Parties who **start to** ~~shall~~ apply this UN Regulation after the date of entry into force of the most recent series of amendments are not obliged to accept UN type-approvals which were granted in accordance with any of the preceding series of amendments to this UN Regulation / are only obliged to accept UN type-approval granted in accordance with the XX series of amendments."

II. Justification

The previous wording could be interpreted as an obligation ("... who shall apply...") which was never the intention. The intention is to address the case of Contracting Parties starting to apply a UN Regulation after the entry into force of the most recent amendments.