

## **Proposal with regard to documents ECE/TRANS/WP.29/2017/42, .../43 and .../44**

### **A. Subject**

1. Documents ECE/TRANS/WP.29/2017/42, .../43 and .../44 respectively contain proposal for Supplement 9 to the 06 series of amendments to UN Regulation No. 83, Proposal for Supplement 5 to the 07 series of amendments to Regulation No. 83, Proposal for Supplement 7 to the 01 series of amendments to Regulation No. 101.

2. The nature of all the proposed amendments is that the Contracting Parties applying the relevant Regulation and also applying in their national/regional territory the provisions on the Worldwide Harmonized Light Vehicle Test Procedure (WLTP) set out in global technical regulation No. 15 may no longer accept type approvals granted on the basis of the relevant Regulation as an alternative to compliance with their national/regional legislation.

### **B. Consideration**

3. The proposed amendments are not in line with the provisions of the Revision 3 to the 1958 Agreement (C.N.910.2016.TREATIES-XI.B.16), which is nearly to enter into force:

a) Article 1, para. 1 subpara. 7:

“The term "applying a UN Regulation" indicates that a UN Regulation enters into force for a Contracting Party. When doing so, Contracting Parties have the possibility to keep their own national/regional legislation. If they wish, they may substitute their national/regional legislation by the requirements of the UN Regulations they are applying, but they are not bound by the Agreement to do so. However, Contracting Parties shall accept, as an alternative to the relevant part of their national/regional legislation, UN type approvals granted pursuant to the latest version of UN Regulations applied in their country/region. The rights and obligations of Contracting Parties applying a UN Regulation are detailed in the various articles of this Agreement.”

b) Article 3, para. 2:

“Contracting Parties applying UN Regulations shall, by mutual recognition, accept for the placement in their markets, and subject to the provisions of Articles 1, 8 and 12 as well as any special provisions within these UN Regulations, type approvals granted pursuant to these UN Regulations, without requiring any further testing, documentation, certification or marking concerning these type approvals.”

c) Article 12, para. 5:

“All Contracting Parties applying a UN Regulation, except for Contracting Parties which notified the Secretary-General of their intention to cease applying the UN Regulation, shall accept approvals granted pursuant to the latest version of that UN Regulation. A Contracting Party which notified the Secretary-General of its

intention to cease applying a UN Regulation shall, during the one-year period mentioned in paragraph 6 of Article 1, accept approvals granted pursuant to the version(s) of the UN Regulation applicable for that Contracting Party at the instance of its notification to Secretary-General.”

4. The aforesaid provisions related to the principle of mutual recognition of type approvals granted by different Contracting Parties to the 1958 Agreement were confirmed by the provisions of the Draft General Guidelines for UN regulatory procedures and transitional provisions in UN Regulations (ECE/TRANS/WP.29/2017/53) to be adopted at the present WP.29 session (agenda item 4.2.2), namely paras. 3 and 4.

5. It has to be also pointed out that options in a UN Regulation permitting Contracting Parties to refuse any UN type-approvals granted in accordance with that UN Regulation are contrary to the principle of mutual recognition (a UN type-approval shall be accepted by all the Contracting Parties applying the UN Regulation concerned, taking into account the transitional provisions) (ECE/TRANS/WP.29/2017/53, para. 12).

6. It is considered not appropriate that the aforesaid provisions of the 1958 Agreement and the important principle of mutual recognition would become ignored by means of new supplements to UN Regulations Nos. 83 and 101.

7. The considered situation, to the opinion of the Russian Federation, does not allow WP.29 voting on the documents under agenda items 4.10.1, 4.10.2 and 4.10.3.

### **C. Proposal**

8. The Russian Federation requests reservation for the documents ECE/TRANS/WP.29/2017/42, .../43 and .../44 to study the legal consequences taking into account that UN Regulations Nos. 83 and 101 are referred to in the regional vehicle type approval regulation of the Euro-Asian Economic Union (EAEU) and consideration of the aforesaid issue has not been yet completed at the level of the EAEU Member States.

9. The Russian Federation proposes to postpone voting under agenda items 4.10.1, 4.10.2 and 4.10.3 with the aim to clarify and confirm at WP.29 level whether the proposed supplements to UN Regulations Nos. 83 and 101 are definitely in line with the Revision 3 of the 1958 Agreement.

10. The Russian Federation requests the UNECE secretariat to seek a legal advice from the UN Office of Legal Affairs (OLA) if no common position with regard to the subject could be reached at WP.29 level.

---