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Concerning Provision of Interpretations of the ECE Regulations

Comments of the Russian Federation
In regards to the Informal Document AC.2-3,
Presented by France at the 81st AC.2 Session on March 10, 2003

Transmitted by the Russian Federation

The Russian Federation highly appreciates and supports the proposals of France on resolution of problems with interpretation of the ECE Regulations at the level of the World Forum WP.29.

In Russia, the interpretation problems with the ECE Regulations several times raised by applicants and Technical Services, who addressed for resolution of those to the Administrative Department of the Russian Federation in 1958 Geneva Agreement. As a rule, the concerned parties were satisfied with interpretation of the provisions of the ECE Regulations by the Administrative Department. However in the practice of the Administrative Department there was one case when double interpretation of the Regulation provisions, and, for resolution of such concern, the request for interpretation had been addressed to the Administrative Department of another country, which interpretation finally satisfied the concerned parties.

The above-said indicates that development of a formal manual concerning interpretations is topical, and the proposals of France can be considered as the basis of such manual.

However, having considered the proposals of France in details, the Russian Federation feels expedient to make certain comments.

I. Section A.2. Interpretation prior issuing the type approval document

The criterion of significance is necessary, when the Administrative Department has to inform other Administrative Departments and ask for their recommendations with respect to interpretations made.

The following specification of the first paragraph is proposed: *“If the Administrative Department and applicant differently interpret the provisions of the Regulations, and applicant disagrees with the position of the Administrative Department, for example, if, due to interpretation of the Administrative Department, several versions had been excluded from the type approval document”*.

II. Section A.3. Problems with interpretations raised after issuance the type approval document

The case when different interpretations by the different Administrative Departments exist, and the type approval document is issued, actually means that the Administrative Department did not take into account the received recommendations of other Administrative Departments and made its own decision on interpretation.

The following should be stated in the first paragraph of the Section: *“The Administrative Department that makes a decision on interpretation, which contradicts recommendations of other Administrative Departments, shall inform the Administrative Departments, which sent their recommendations, about such decision with justification of that”*.

III. Section B. Development of new technologies

The Section B causes large doubts, as there is no any precise gradation. So any time it may be possible to apply for obtaining a sanction for deviation from requirements of the Regulations, there will be a practice of precedents, alternate procedures, etc. Then what are the Regulations necessary for?

Such practice may help promoting on the national markets products complying with the alternate requirements.

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Such a practice may assist in promoting into a national market of a production which complies with the alternative requirements.

The more correct approach is harmonization of different requirements, which is now being processed within the framework of 1998 Global Agreement.

On the other hand, the proposed procedure of consideration of the documents by the Working Group and after that by WP.29 seem to be excessively long in time, that, likely, will make it ineffective for a particular type approval, which it was implemented for.

The said inconsistencies, to our opinion, make ineffective the procedure described in the part B.

IV. Section C. “The worst case”

At a correctness of provisions of the Section C, it is not clear, how it is possible to test a hypothetical version.

At the same time, the Section C, especially phrase *“The adopted solutions and their justification should be included into the documentation on official type approval”* should be officially adopted and put into practice.