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STANDARDIZING THE AMENDMENT PROCEDURE OF ECE REGULATIONS

(Transmitted by the expert from Japan)

Note: The text reproduced below was transmitted by the experts from Japan. It is based on the text of a document distributed without a symbol (informal document No. 4) during the one-hundred-and-thirtieth session of WP.29 (TRANS/WP.29/926, paras. 91 and 92).

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1. Background and Status

The amendments of ECE Regulations include the following:

- (1) Series of Amendment; to widely review the safety levels including the strengthening of the requirements in the Regulation,
- (2) Supplement; to perform the supplementary modification without any change of the requirements, such as limit values, which cause significant product change, including the review of the test procedure and the clarification of the interpretation, and
- (3) Corrigendum; to improve editorial errors.

However, even though there is an amendment to widely review the safety levels including the strengthening of the requirements, some of ECE Regulations have been amended by a Supplement.

2. Problems

The problems in cases where a safety level (by strengthening the requirements in particular) has been reviewed by the Supplement are as follows:

- (1) Regulations applied to the “Continuously manufactured vehicles”
The approval, based on the Regulations before the amendment, normally remains valid indefinitely unless specified in the transitional provisions. This leaves on the market vehicles and components, pursuant to the old requirements of the Regulation, that are not as safe as the new ones. It may decrease the benefit of the new amendment, promoting the automobile safety.
- (2) Lack of a lead-time to enforce the new requirements of the Regulations
When a new approval is acquired, unless specified in the transitional provisions, the new strengthened Regulation will be applied on the same day as the issuance of the amendment.
- (3) Unclear of the applied regulation for the approval
In the case of a Supplement, even if the transitional provisions have been set to stipulate the date when Contracting Parties may refuse the preceding approval, each Contracting Party cannot figure out which Supplement is applied as the basis of its approval from E-marks or approval certificate. This will cause problems in the procedure of mutual recognition.

3. Japan’s Proposal

When the safety level including the modification of limit values (in particular the strengthening of requirements) is reviewed, the procedure of the Series of Amendment should always be adopted, which will require the necessary transitional provisions specifying the date when Contracting Parties may refuse the preceding approval.