Small Group report on Annex 5 and the ECE Regulations

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The issue

- Technical Regulations change quickly because of technology
- The Convention and Annex 5 get out of date, e.g. flashing stop lamps
- Drivers in international traffic are being fined for having vehicles meeting ECE Regulations
- The Convention has to be kept up to date
Legal Group suggestion

The Legal group suggested adding a general phrase to Annex 5 allowing compliance with ECE Regulations to be an alternative.

The problems are:

– Not all requirements are in Annex 5, e.g. lighting in Article 32.
– Not all Convention Signatories have signed the 1958 Agreement (for ECE Regulations.)
The Small Group

- Was established to study the implications of the Legal group proposal
- Members: IMMA, Norway, IRF, WP1
- Secretariat
- Experts consulted:
  - OICA, vehicle manufacturers
  - IMMA, motorcycle and 3-wheeler manufacturers
  - GTB, automotive light experts
Drafting issues

- The Convention has to cover all vehicles
- Technical Regulations e.g. ECE, are driven by, or drive new technologies
- Best practice tries to avoid cross-references to other legal instruments
Basic questions (1)

1. Does, or should, WP1 have any authority over what technical prescriptions are allowed for new vehicles, i.e. should they be consulted officially by WP29 whenever a proposal will conflict with the Convention?

   The group’s view is that WP29 is autonomous.

2. Should the Convention contain all the necessary requirements, or can it contain a cross-reference to another legal instrument?

   The group’s view is that there should not be a cross-reference.
Basic questions (2)

3. If the changes in the technical regulations affect the main articles of the Convention, are Contracting Parties ready to make such changes?

   The group has no answer to this.

4. If the changes in the technical regulations only affect Annex 5, what is the most effective way of keeping the text of the Convention up to date?

   The options are:
   – a general clause accepting the ECE Regulations
   – a separate Agreement Supplementing the Convention
Conclusions

- There are real problems for drivers of modern cars in international traffic
- The Convention risks becoming irrelevant for vehicles
- A mechanism for keeping the relation between the Convention and the ECE Regulations up to date is needed.

(Note: the detailed changes needed so far are in the full report)