

DRAFT REGULATION ON COUNTRY CODES, VEHICLE CATEGORIES AND DEFINITIONS

OICA comments to document ECE/TRANS/WP.29/2008/46 + Corr. 1

OICA herewith would like to submit some comments to the proposal for a new horizontal UNECE Regulation, annexed to the 1958 Agreement, regarding country codes, vehicle categories and definitions

OICA understands that the aim is that this new draft new regulation would in effect replace the vehicle categories and definitions currently contained in Annex 7 to the Consolidated Resolution R.E.3.

While OICA fully supports the technical content of the proposal, OICA has some concerns from a legal and administrative point of view.

It is understood that the other UNECE Regulations would refer to this new horizontal one, especially as concerns the definitions and vehicle categories. For this to be fully effective, however, it needs to be ensured that all Contracting Parties to the 1958 Agreement also apply the new Horizontal Regulation; there would be otherwise the risk that a Contracting Party, not applying this horizontal regulation, would consider itself as not bound by the definitions contained therein, potentially creating serious difficulties in the application and use of the individual UNECE Regulations. The same difficulties could result if a Contracting Party decides to resign from the horizontal regulation in question.

OICA has difficulty in understanding the reasons justifying the chosen approach to establish a new separate UNECE Regulation, since the current system to refer, in the individual UNECE Regulations, to the Consolidated Resolution R.E.3 offers already today all necessary legal and administrative guarantees: the current system actually can be considered as a “closed loop” system, in that reference, in the individual UNECE Regulations, to the definitions contained in R.E.3, in effect seems to confer a legal status to this Consolidated Resolution.

OICA’s conclusion therefore is that, whilst the technical content of the draft new Regulation is fully supported, it seems more appropriate to translate its contents into R.E.3, rather than establishing a new Regulation, with all inherent legal and administrative uncertainties.
