

## Clarification regarding the referencing of ECE Regulations

### Introduction

1. UNECE Regulations can require components and systems to comply with technical provisions set out in other related Regulations. This is typically achieved by inserting a reference to the relevant Regulation. This approach simplifies the approval process and avoids repeating detailed technical requirements.
2. In the case of the braking regulations R13 and R13H a “static” reference to the Electromagnetic Compatibility (EMC) Regulation R10.02 is included. The current wording in R13 is shown below:

*Regulation No 13.11:*

*Para 5.1.1.4 - The effectiveness of the braking systems, including the electric control line, shall not be adversely affected by magnetic or electrical fields. This shall be demonstrated by compliance with regulation No. 10, 02 series of amendments.*

3. A “static” approach to referencing regulations provides clarity for the approving authority and industry regarding the technical provisions that apply. It also ensures a consistent approach by approval authorities, during CoP assessments or through market surveillance.
4. However, updates to regulations (e.g. R10 in the case above) are routinely agreed without parallel updates to references in other regulations. This potentially leads to different technical requirements being applied for the same subject (e.g. for EMC, manufacturers might be required to meet Reg10.03 but for braking Reg10.02 is required). In addition, the process of continually updating references to other regulations creates an administrative burden for industry and for regulators.
5. A solution to avoid updates of cross references would be to create “dynamic” references (e.g. R10 as amended). This approach would automatically apply the latest series of amendments and avoid administrative updates, ensuring references were current.
6. However, approvals (or extensions) to regulations containing a dynamic reference would automatically require compliance to the latest amendment of the referenced regulation. In the braking case, approval to R13 would require compliance with the latest amendments to R10 - even if there was no change to the performance requirements.
7. There are wider issues also to consider in reaching a decision. For example, the voting membership of a regulation might differ from that applying the referenced regulation – meaning that Contracting parties might be subject to an amended standard over which they had no control (vote). Likewise, in the case of braking for example, a dynamic reference would permit the lighting and electronic experts in GRE to alter the braking requirements of R13/R13H by amending R10. There is the theoretical risk this could be achieved without the involvement of the braking experts in GRRF. Contracting parties should consider these aspects carefully.

### Guidance from WP29

8. This situation is not unique to braking Regulations and GRRF agreed to seek guidance from WP29 on a common approach to the referencing other regulations. For information, a number of possibilities were discussed at GRRF:

Static reference (as today- see para. 2 above):

9. This approach gives legal certainty and allows each Working Party to maintain control of its Regulations. The cross reference will need to be updated on a regular basis but it should be noted that in many cases (i.e. Regulations No. 13 and 13-H), Regulations are updated regularly for other purposes.

Dynamic reference

10. This approach avoids frequent updates of cross references. However, it leaves rooms for interpretation on the version of the Regulation to be used. Two alternative wordings were considered by GRRF:

Wording 1

11. *“This shall be demonstrated by fulfilling the technical requirements of compliance with Regulation No. 10, 03 or subsequent amendment whichever is appropriate to the vehicle to be approved”*
12. This approach sets a minimum standard (R10.03) but also allows approval to an alternative, subsequent series of amendments where appropriate.

Wording 2

13. *This shall be demonstrated by compliance with Regulation No. 10. to the amendment in force at the time of Type Approval in this regulation.*

**Consideration**

14. WP29 is asked for views on a “static” reference - providing absolute clarity regarding the technical provisions, and a “dynamic” reference which avoids regular updates. Guidance from WP 29 regarding the referencing of other regulations will help GR groups adopt a common approach.
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