Simplification of lighting and light signalling Regulations (SLR): options and issues
IWG SLR - Terms of reference (Goals)

• Reduce the administrative burden for Governments, UNECE and OLA
  – Reduction of “Collective Amendments”
  – Significantly less complex amendments
  – Option for a reduction of Regulations (in future)

• Reduce the regulatory burden for industry
  – Simple handling in application of the Regulation
Basic concept

- Move common provisions of individual device Regulations into a single repository, Horizontal Reference Document (HRD)
- Replace these provisions with references to HRD, thus making them legally binding
- Amend these common provisions in one single step by amending HRD, rather than by having all the individual device Regulations amended separately and simultaneously
Basic concept

Device regulations

Common clauses

Specific clauses

Common clauses of device regulations

Horizontal Reference Document (HRD)
HRD: possible options considered by IWG

• A new Regulation
• An existing Regulation
• A new Resolution under WP.29
A new Regulation as HRD: issues

- For the purposes of simplification, the number of Regulations should go down, not up. A new Regulation and, in particular, its entry into force may become a new administrative burden.

- Every Regulation must be used for type approvals (TA). However, HRD is only a repository and not designed for type approvals, because TAs should be granted only on the basis of individual device Regulations.
An existing Regulation as HRD: R48

• Several Regulations considered, included frozen ones. R48 was deemed to be the best option, as the main Regulation for installation.

• A new Part B could be introduced in R48 and used as HRD. The current text of R48 will remain unchanged and become Part A of a revised R48.
Part B of Regulation No. 48 as HRD: issues and questions

- CPs applying a specific device Regulation, but not R48, will have no rights to vote on and to object to amendments to Part B with the common provisions.

- CPs applying R48, but not device Regulations, will nevertheless be able to vote on or object to amendments to the common provisions of these Regulations contained in part B of R48.
Can CPs applying a specific device Regulation, but not R48, be obliged to apply Part B of R48 with the common provisions of device Regulations without having signed up to R48?

**OLA position**

- Article 12.2 of the 1958 Agreement explicitly indicates that an amendment to a Regulation can only be binding “upon those Contracting Parties applying the Regulation”. It follows that such an option would contradict the terms of the 1958 Agreement.
Part B of Regulation No. 48 as HRD: issues and questions

- Can the 1958 Agreement be amended with a clause that would grant CPs, which are not applying a certain Regulation, the right to vote on and object to amendments to this Regulation as far as these amendments are referred to in other Regulations that these CPs are applying?

OLA view

- Such amendments are feasible but might have very far-reaching implications going beyond the specific area of lighting and light-signalling. These implications should be studied in detail before amending the 1958 Agreement.
Part B of Regulation No. 48 as HRD: issues and questions

• Would type approval according to a device Regulation also cover the compliance with the common requirements in Part B of R48? Or shall a parallel TA according to Part B of R48 be issued?

• TA issued according to R48 should continue to cover only the installation requirements. If a new Part B with the common requirements is introduced in R48, how could it be ensured that TA according to R48 does not cover the compliance with Part B?

• OLA: these questions pertain to the implementation of the Agreement and do not fall under OLA’s purview.
A new Resolution under WP.29 as HRD

- Precedents available
- WP.29 already agreed to establish a new Resolution on light sources
- Legal issues for R48 above not relevant
- On the other hand, when establishing a Resolution and its future amendments, not only CPs applying device Regulations, but all CP and even countries which are not members of the 1958 Agreement will be part of decision-making process
- If a CP applying a device Regulation does not agree with the Resolution or its amendments in the future, it will not have the right to object to NY
• Search for solutions on how to simplify the mechanism of Regulations and their amendment is one that arises not only with respect to lighting and light-signalling, but in more general terms in the context of the entire 1958 Agreement. It would seem preferable not to adopt a piecemeal approach to such problems, in order to provide legal certainty and clarity with regard to the 1958 Agreement as a whole. Revision 3 may provide an opportunity to address matters of this kind in a comprehensive way
## Comparative table and question to WP.29

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tr>
<td>New Regulation</td>
<td>-</td>
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<tr>
<td>R48, new part B</td>
<td>- No new document needed</td>
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<td>- Main installation Regulation</td>
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<td>- Some definitions are already contained in R48</td>
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<tr>
<td>New Resolution</td>
<td>- Precedents available</td>
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<td>- All CPs will be on equal footing, whether or not applying R48 and/or device Regulations</td>
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- One Regulation more...
- No type approval foreseen
- Too long document (200+ pages)
- Rights of CPs not applying R48 to vote and object will not be respected
- Provisions of new part B of R48 will not be legally binding on CPs not applying R48
- All WP.29 delegations, even those not applying R48 and/or device Regulations, will be part of the decision making process
- CPs will not be able to object to New York

### Which option to choose?
THANK YOU