

Position of the Russian Federation with regard to Article 3 – Paragraph 2 of the Draft Revised 1958 Agreement (ECE/TRANS/WP.29/2015/40)

I. Background

1. At the 165th WP.29 session, document WP.29-165-04 was introduced with the proposal for deleting the words “as well as any special provisions within these UN Regulations” from Article 3 – paragraph 2 of the draft revised 1958 Agreement. The World Forum agreed to defer discussion on this subject to its forthcoming session in June 2015 (ECE/TRANS/WP.29/1114, paras. 49-51).
2. Further there was e-mail exchange, where several Contracting Parties indicated their objection to the proposal in WP.29-165-04 and a preference to maintain the “frozen” text of Article 3 as in document ECE/TRANS/WP.29/2015/40.
3. While considering this issue the Russian experts could have provided the examples of “special provisions” mainly related to the transitional provisions of existing UN Regulations. Some of them may be found in the Section III of this document. This analysis can be considered as a supportive evidence to keep the reference to “special provisions” in Article 3 – paragraph 2 as it is.

II. Position of the Russian Federation

In order to ensure the applicability of “special provisions”, in particular, as in the examples below, and bearing in mind the importance of freezing the text for the adoption process of the third Revision of the 1958 Agreement, the Russian Federation is on the position of keeping the wording of Article 3 – paragraph 2 as in the document ECE/TRANS/WP.29/2015/40 unchanged.

III. Examples of “special provisions”

1. UN Regulation No. 13H, paragraph 12.6. (ECE/TRANS/WP.29/2014/46/Rev.1):
“12.6. Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a Type Approval for those vehicle types not fitted with a Vehicle Stability Function or ESC and BAS.”
2. UN Regulation No. 48, Revision 9:
“12.3. Until the United Nations Secretary-General is notified otherwise, Japan declares that in relation to the installation of lighting and light signalling devices, Japan will only be bound by the obligations of the Agreement to which this Regulation is annexed with respect to vehicles of categories M₁ and N₁.”
“12.9. Notwithstanding the provisions of paragraph 12.7. or 12.8. above, approvals of vehicle types to the preceding series of amendments to the Regulation which are not affected by the 03 series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.”