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**ECONOMIC COMMISSION FOR EUROPE**

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World Forum for Harmonization of Vehicle Regulations (WP.29)  
(One-hundred-and-thirty-first session,  
11-14 November 2003, agenda item 8.1.2.)

**TREATMENT OF INTERPRETATIONS AND SUPERVISION OF  
THE TECHNICAL SERVICES**

Transmitted by the representative of the Russian Federation

Note: The text reproduced below was prepared by the representative of the Russian Federation with comments and proposing amendments to the document transmitted by the representative of France concerning the interpretation and supervision of the Technical Services (TRANS/WP.29/2003/100), to which this document refers. This document is based on the text of a document distributed without a symbol (informal document No. 12) during the one-hundred-and-thirtieth session (TRANS/WP.29/926, paras. 79 to 87).

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The Russian Federation highly appreciates and supports the proposals of France on resolution of problems with interpretation of the ECE Regulations at the level of the World Forum for Harmonization of Vehicle Regulations (WP.29).

In the Russian Federation, applicants for type approval, as well the Technical Services, raised several times interpretation problems concerning the application of ECE Regulations. The Technical Services requested the Administrative Department of the Russian Federation for the 1958 Geneva Agreement to resolve these interpretation problems. As a rule, the concerned parties were satisfied with the interpretation of the provisions of the ECE Regulations by the Administrative Department. However, in the practice of the Administrative Department there was one case when double interpretation of the Regulation provisions, and, for resolution of such concern, the request for interpretation had been addressed to the Administrative Department of another country, whose interpretation finally satisfied the concerned parties.

The above-mentioned indicates that the development of a formal manual concerning interpretations is relevant, and the proposals by France can be considered as the basis of such manual.

However, having considered in detail the proposals by France, the Russian Federation presents the following comments.

#### **I. Section A.2. Interpretation prior issuing the type approval document**

The criterion of significance is necessary, when the Administrative Department has to inform other Administrative Departments and ask for their recommendations with respect to interpretations made.

The following specification of the first paragraph is proposed:

*"If the Administrative Department and applicant differently interpret the provisions of the Regulations, and the applicant disagrees with the position of the Administrative Department, it can be possible that, due to interpretation of the Administrative Department, several versions had been excluded from the type approval document".*

#### **II. Section A.3. Problems with interpretations raised after issuance the type approval document**

The case when different interpretations by the different Administrative Departments exist, and the type approval document is issued, actually means that the Administrative Department did not take into account the received recommendations of other Administrative Departments and made its own decision on interpretation.

The following should be stated in the first paragraph of the Section:

*"The Administrative Department that makes a decision on interpretation, which contradicts recommendations of other Administrative Departments, shall inform the Administrative Departments, which sent their recommendations, about such decision with justification of that".*

### **III. Section B. Development of new technologies**

Section B causes major doubts, as there is no precise gradation. Therefore, at any time it may be possible to apply for obtaining an authorization for deviation from the requirements of the Regulations, and there will be a practice of precedents, alternate procedures, etc. Then, what are the Regulations necessary for?

Such a practice may assist in promoting into a national market of a production which complies with the alternative requirements.

The more correct approach is harmonization of different requirements, which is now being processed within the framework of the 1998 Global Agreement.

On the other hand, the proposed procedure of consideration of the documents by the Working Party and after that by WP.29 seems to be excessively long in time, that, likely, will make it ineffective for a particular type approval, which it was implemented for.

The said inconsistencies, to the opinion of the Russian Federation, make ineffective the procedure described in part B.

### **IV. Section C. The worst case**

As to the correctness of the provisions of Section C, it is not clear, how it is possible to test a hypothetical version.

At the same time, Section C, especially the phrase "*The decisions taken along with the justification must be recorded in the approval documentation*" should be officially adopted and put into practice.

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