16. 38) United Nations Regulation No. 38. Uniform provisions concerning the approval of rear fog lamps for power-driven vehicles and their trailers

**Geneva, 1 August 1978**

**ENTRY INTO FORCE:**
1 August 1978, in accordance with article 1(5).

**REGISTRATION:**
1 August 1978, No. 4789.

**STATUS:**
Parties: 44.

**TEXT:**

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### Contracting Parties applying Regulation No. 38

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Notes:

1 For additional references to the texts of the annexed regulations and their amendments, see doc. TRANS/WP.29/343 as updated annually.

2 For technical reasons and in order to align this chapter with all others in the publication, the date indicated is no longer the date of effect of the regulation for the Contracting Party, but the date of receipt of the notification of application by the Secretary-General.

3 It appears from the indications given by the former Yugoslavia that it had applied the Regulation No. 38 de facto as from 21 May 1983 and the Secretary-General's understanding was that none of the other Contracting Parties concerned objected thereto. See also note 1 under “Bosnia and Herzegovina”, “Croatia”, “former Yugoslavia”, “Slovenia”, “The Former Yugoslav Republic of Macedonia” and “Yugoslavia” in the “Historical Information” section in the front matter of this volume.

4 Czechoslovakia applied Regulation No. 38 as from 20 July 1981. See also note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

5 In a letter dated 29 July 1998, the European Community informed the Secretary-General of the following:

"The accession of the EC has the effect that the [...] regulations adhered to are not (in cases where a Member State already applied a regulation: no longer) applied by Member States by virtue of their status as Contracting Parties to the Agreement but exclusively in their capacity as Member States of the Contracting Party European Community. Thus, the 14 Member States already Contracting Parties themselves, now apply all [these] regulations by virtue of the EC's accession."

... By the EC accession, Ireland has not become a Contracting Party. Only the EC has become a Contracting Party. Ireland being a Member State of this Contracting Party applies the [...] regulations [adhered to by the EC] by virtue of the EC's accession.

It will be recalled that, as at 29 July 1999, States Members of the EC are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden and the United Kingdom.

6 Contracting State having proposed the Regulation and date of entry into force of the Regulation for that State in accordance with article 1 (3).

7 The German Democratic Republic applied Regulation No. 38 as from 18 May 1980.

With regard to the above, the Government of the Federal Republic of Germany in a communication received on 14 January 1991, informed the Secretary-General of the following:

- [Regulation No. 38 which had] been applied by both the Federal Republic of Germany and the German Democratic Republic shall continue to apply...

The notification further states that it “... does not constitute a general statement of position by the Federal Republic of Germany on the question of state succession in relation to treaties.”
See also note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

8 See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.