

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: 46.

TEXT: United Nations, *Treaty Series*, vol. 1098, p. 295 and doc. E/ECE/324-E/ECE/TRANS/505/Rev.1/Add.37; vol. 1523, p. 355 and doc. TRANS/SC1/WP.29/209 (supplement 1 to the original); vol. 1607, p. 381 and doc. TRANS/SC1/WP.29/279 (supplement 2 to the original); vol. 1689, p. 354 and doc. TRANS/SC1/WP.29/294 (supplement 3); depositary notification C.N.115.1992.TREATIES-11 of 1 July 1992 (procès-verbal concerning modifications); vol. 1911, p. 342 and doc. TRANS/WP.29/451 (supplement 4 to the original); vol. 1989, p. 529 and doc. TRANS/WP.29/524 (supplement 5 to the original); C.N.439.2000.TREATIES-1 of 28 June 2000 and doc. TRANS/WP.29/720 (supplement 6 to the original); C.N.155.2002.TREATIES-1 of 20 February 2002 and doc. TRANS/WP.29/823 (supplement 7 to the original) and 912.2002.TREATIES-2 of 29 August 2002 (adoption); C.N.18.2003.TREATIES-1 of 16 January 2003 and doc. TRANS/WP.29/894 (supplement 8 to the original) and C.N.672.2003.TREATIES-2 of 17 July 2003 (adoption); C.N.868.2003.TREATIES-1 of 26 August 2003 and doc. TRANS/WP.29/936 (supplement 9 to the original) and C.N.249.2004.TREATIES-1 of 12 March 2004 (adoption); C.N.169.2004.TREATIES-1 of 4 March 2004 and doc. TRANS/WP.29/969 (procès-verbal concerning certain modifications); C.N.333.2005.TREATIES-1 of 9 May 2005 and doc. TRANS/WP.29/2005/11 (supplement 10 to the original) and C.N.1132.2005.TREATIES-2 of 10 November 2005 (adoption); C.N.1334.2005.TREATIES-1 of 4 January 2006 and doc. TRANS/WP.29/2005/67 (supplement 11 to the original) and C.N.526.2006.TREATIES-1 of 10 July 2006 (adoption); C.N.1174.2006.TREATIES-1 of 11 December 2006 and (supplement 12 to the original) doc. ECE/TRANS/WP.29/2006/83 + Corr. 1 (F only) + Amend. 1 and C.N.692.2007.TREATIES-1 of 6 July 2007 (adoption); C.N.1215.2007.TREATIES-1 of 11 January 2008 and doc. ECE/TRANS/WP.29/2007/65 (Supplement 13 to the original) and C.N.489.2008.TREATIES-2 of 14 July 2008 (adoption); C.N.292.2008.TREATIES-1 of 15 April 2008 and doc. ECE/TRANS/WP.29/2008/18 (Supplement 14 to the original) and C.N.796.2008.TREATIES-3 of 28 October 2008 (adoption); C.N.267.2009.TREATIES-1 of 30 April 2009 and doc. ECE/TRANS/WP.29/2009/19 (modifications); C.N.302.2010.TREATIES-1 of 9 June 2010 and doc. ECE/TRANS/WP.29/2010/18 (supplement 15 to 00) (proposal of amendments) and C.N.720.2010.TREATIES-3 of 10 December 2010 (adoption); C.N.22.2013.TREATIES-XLB.16.38 of 15 January 2013 (proposal of amendments) and C.N.460.2013.TREATIES-XLB.16.38 of 24 July 2013 (adoption); C.N.227.2015.TREATIES-XLB.16.38 of 8 April 2015 (proposal of amendments) and C.N.570.2015.TREATIES-XLB.16.38 of 2 November 2015 (adoption); C.N.177.2017.TREATIES-XLB.16.38 of 10 April 2017 (Proposal of Amendments) and C.N.647.2017.TREATIES-XLB.16.38 of 20 October 2017 (adoption); C.N.458.2017.TREATIES-XLB.16.38 of 10 August 2017 (Proposal of Amendments) and C.N.100.2018.TREATIES-XLB.16.38 of 20 February 2018 (Adoption); C.N.521.2019.TREATIES-XLB.16.38 of 31 October 2019 (Amendments).¹

Contracting Parties applying Regulation No. 38²

<i>Participant</i>	<i>Application of regulation, Succession(d)</i>	<i>Participant</i>	<i>Application of regulation, Succession(d)</i>
Armenia	1 Mar 2018	Croatia ³	17 Mar 1994 d
Australia.....	1 Jun 2010	Czech Republic ⁴	2 Jun 1993 d
Austria	22 Jul 1980	Denmark	1 Aug 1978
Belarus	3 May 1995	Egypt.....	5 Dec 2012
Belgium	30 Apr 1979	Estonia	26 May 1999
Bosnia and Herzegovina ³	28 Sep 1998 d	European Union ⁵	23 Jan 1998

<i>Participant</i>	<i>Application of regulation, Succession(d)</i>
Finland.....	11 Jun 1982
France ⁶	1 Aug 1978
Germany ⁷	1 Nov 1978
Greece.....	4 Oct 1995
Hungary.....	24 Sep 1979
Italy.....	16 Nov 1978
Japan.....	31 Jan 2000
Latvia.....	19 Nov 1998
Lithuania.....	28 Jan 2002
Luxembourg.....	5 Aug 1987
Malaysia.....	3 Feb 2006
Montenegro ⁸	23 Oct 2006 d
Netherlands (Kingdom of the).....	1 Aug 1978
Nigeria.....	18 Oct 2018
North Macedonia ³	1 Apr 1998 d
Norway.....	23 Dec 1987
Pakistan.....	24 Feb 2020

<i>Participant</i>	<i>Application of regulation, Succession(d)</i>
Philippines.....	3 Nov 2022
Poland.....	4 Jan 1988
Republic of Moldova.....	21 Sep 2016
Romania.....	6 Apr 1981
Russian Federation.....	19 Dec 1986
San Marino.....	27 Nov 2015
Serbia ³	12 Mar 2001 d
Slovakia ⁴	28 May 1993 d
Slovenia ³	3 Nov 1992 d
South Africa.....	18 Apr 2001
Spain ⁷	1 Aug 1978
Sweden.....	3 Sep 1980
Switzerland.....	4 Dec 1995
Türkiye.....	8 May 2000
Uganda.....	23 Aug 2022
Ukraine.....	9 Aug 2002
United Kingdom of Great Britain and Northern Ireland.....	2 Feb 1979

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.

