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**GENERAL GUIDELINES FOR UNECE REGULATORY PROCEDURES AND
TRANSITIONAL PROVISIONS IN UNECE REGULATIONS**

Proposal to revise document TRANS/SC.1/WP.29/383
UNECE REGULATORY PROCESS

Transmitted by the expert from the International Organization of
Motor Vehicle Manufacturers (OICA)

Note : The text reproduced below was transmitted by the expert from OICA. It is based on document TRANS/WP.29/2004/45 and on the discussions held during the one-hundred-and-thirty-third session of WP.29 (TRANS/WP.29/1016, para. 78). It incorporates the remarks by Japan (TRANS/WP.29/2003/97 and Informal document No. WP.29-133-16) and CLEPA (Informal document No. WP.29-133-11).

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Documents are also available via the INTERNET:
<http://www.unece.org/trans/main/welcwp29.htm>

I. INTRODUCTION

In its informal document No. 10 of the one-hundred-and-thirty-first session of WP.29 OICA highlighted the need to clarify, where necessary, the current UNECE regulatory procedures for new Regulations as well as for their amendment processes.

After the consideration of the OICA suggestions, WP.29 requested OICA to prepare a concrete proposal addressing this issue. Informal document WP.29-132-4 was consequently submitted by OICA in response to this request. This document was subsequently published as TRANS/WP.29/2004/45.

Taking into account the comments received on the occasion of the one-hundred-and-thirty-third session of WP.29, OICA proposes to incorporate into document TRANS/SC.1/WP.29/383 some general principles on transitional provisions relating to the UNECE regulatory procedures under the 1958 Agreement.

II. GENERAL RECOMMENDATIONS

Taking into account the comments received previously and on the basis of the original proposals contained in informal document No. 10 to the one-hundred-and-thirty-first session of WP.29, OICA proposes the following general principles:

- (a) New Regulations should, whenever appropriate, clearly specify a period of time after their entry into force, during which Contracting Parties are recommended not to apply the Regulation on a mandatory basis. WP.29 should, for each new Regulation, make recommendations, as appropriate.
- (b) Supplements should, in principle, not be used in the case of modifications in the technical legal requirements which could entail vehicle/component design changes. Supplements should, in principle, never result in a new approval of existing designs;
- (c) Whenever such new requirements are enacted which could require design changes in order that current vehicles or components comply with them, they should in principle be done by amendments;
- (d) The concept of corrigendum should remain unchanged;
- (e) Where several amendment proposals occur within a relatively short period, these amendments should, wherever possible, be grouped together into a single unit;
- (f) The appropriateness of amendments or of Supplements should always be examined on a case by case basis;
- (g) The issue of transitional provisions should always be carefully examined.

III. PROPOSED REVISION OF TRANS/SC.1/WP.29/383

In order to incorporate the above recommendations into the UNECE regulatory process, OICA proposes the following revised text for document TRANS/SC.1/WP.29/383:

"Regulatory Procedures of WP.29 and its subsidiary bodies in the framework
of the 1958 Agreement

1. When a new Regulation is established, WP.29 should, whenever appropriate, recommend a period of time after the expected date of the entry into force, during which it is recommended that Contracting Parties do not apply the Regulation nationally on a mandatory basis. [This recommendation shall be included also in the Regulation.]
2. To adapt the 1958 Agreement to the progress in technology, to improve the road safety and the protection of the environment and to harmonize them, the Regulations may be amended. When amending a Regulation, in principle the following procedures apply, although specific cases may require different procedures:
 - Supplements normally address changes to Regulations which do not entail modification in the approval mark.
 - Supplements are normally used for:
 - clarification of test procedures, not requiring new requirements;
 - permitting previously unexpected new possibilities.
 - Supplements normally become applicable as from the date of entry into force, after which tests according to the Regulation need to take into account the Supplement in question. In the absence of any other date mentioned, Supplements become applicable for all approval procedures started after the date of entry into force. Existing approvals shall remain valid. Supplements may also, depending on the individual case, contain transitional provisions similar to those contained in amendments.
 - Series of amendments are normally used when changing the technical requirements that the vehicle systems or components must fulfil as from a certain date, in order to obtain UNECE approval and, depending on the national legislation, to be able to be registered nationally. These technical requirements affect vehicle/component design and always entail transitional provisions. The series of amendments address changes to Regulations, enacting new requirements, possibly entailing design changes in order that current vehicles or components comply with the new requirements.

- Series of amendments shall contain the necessary transitional provisions, defining at least the following:
 - entry into force, at which time manufacturers are able to request approval on a voluntary basis;
 - date as from which the vehicle/component must comply with the new requirements to obtain UNECE type approval.
 - where necessary, series of amendments should also contain a date as from which national Governments may require all new vehicles to comply for the purpose of first national registration (first entry into service).

Guidelines for transitional provisions are contained in the annex to this document

- Corrigendum consists of corrections to previously issued texts. Corrigenda are deemed made ab initio, whereby the date of entry into force indicates the date of circulation by the Depositary, or - as from 16 October 1992 - the date of adoption by WP.29, or - as from 16 October 1995 - the date of adoption by the Administrative Committee AC.1.

3. WP.29 shall give instructions to its subsidiary bodies to the effect that:

- when several amendment proposals to the same Regulation are under study, these proposals should, wherever possible, be grouped together into the same series of amendments or Supplement;
 - the appropriateness of amendments or of Supplements should always be examined on a case by case basis;
 - the issue of transitional provisions should always be carefully examined.
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Annex

OICA note: the following is simply the existing text of TRANS/SC.1/WP.29/383

**GENERAL GUIDELINES FOR TRANSITIONAL PROVISIONS IN
UNECE REGULATIONS**

SITUATIONS TO BE CONSIDERED

I. Transitional provisions should consider:

1. UNECE type approvals
2. National type approvals
3. National registrations of new vehicles
4. Vehicles and components "in-use"

II. "UNECE type approvals" can relate to:

- 1.1. A new Regulation
- 1.2. An amended or revised Regulation
- 1.3. A previous version of a Regulation

or it can be:

- 1.4. An approval with extended application

III. The products to which type approval (UNECE and national), registration and/or in-use requirements apply can be divided into:

- V: Vehicles and systems
- C: Components and separate technical units
- F: Installation of components or separate technical units in new vehicles
- R: Replacement parts for vehicles in use

IV. Combining the cases of I and II with the products under III gives rise to many arrangements of transitional provisions. A proper selection of the various clauses has to be made for each individual case.

The following four sets of general guidelines should therefore be considered as an "aide-mémoire." In addition, and in spite of their heading, each set should be considered in each case and for each clause to ensure that the provisions are complete, e.g. paragraph R. Replacement parts on vehicles in use also can apply to the transitional provisions C. Components and separate technical units.

VEHICLES AND VEHICLE SYSTEMS

V. TRANSITIONAL PROVISIONS

- V.1 As from the official date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by the XX series of amendments.
- V.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the XX series of amendments.
- V.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to the preceding series of amendments to this Regulation.
- V.4 Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- V.5 UNECE approvals granted under this Regulation earlier than ... months after the date of entry into force and all extensions of such approvals, including those to a preceding series of amendments of this Regulation granted subsequently, shall remain valid indefinitely. When the vehicle type approved to the preceding series of amendments meets the requirements of this Regulation as amended by the XX series of amendments, the Contracting Party which granted the approval shall notify the other Contracting Parties applying this Regulation thereof.
- V.6 No Contracting Party applying this Regulation shall refuse national type approval of a vehicle type approved to the XX series of amendments to this Regulation.
- V.7 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse national type approval of a vehicle type approved to the preceding series of amendments to this Regulation.
- V.8 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse first national registration (first entry into service) of a vehicle which does not meet the requirements of the XX series of amendments to this Regulation.

COMPONENTS AND SEPARATE TECHNICAL UNITS**C. TRANSITIONAL PROVISIONS**

- C.1 As from the official date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by the XX series of amendments.
- C.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant approvals only if
- the type of component or separate technical unit to be approved meets the requirements of this Regulation as amended by the XX series of amendments.
- C.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to the preceding series of amendments to this Regulation.
- C.4 Contracting Parties applying this Regulation shall continue to grant approvals to those types of component or separate technical unit which comply with the requirements of this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- C.5 UNECE approvals granted under this Regulation earlier than ... months after the date of entry into force and all extensions of approvals, including those to a preceding series of amendments to this Regulation granted subsequently, shall remain valid indefinitely. When the type of component or separate technical unit approved to the preceding series of amendments meets the requirements of this Regulation as amended by the XX series of amendments, the Contracting Party which granted the approval shall notify the other Contracting Parties applying this Regulation thereof.
- C.6 No Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the XX series of amendments to this Regulation.
- C.7 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the preceding series of amendments to this Regulation.
- C.8 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse the sale of a type of component or separate technical unit which does not meet the requirements of the XX series of amendments to this Regulation unless the component or separate technical unit is intended as a replacement for fitting on vehicles in use

and that it would not be technically feasible for the component or separate technical unit in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments.

- C.9 Contracting Parties applying this Regulation shall continue to issue approvals for devices (components and separate technical units) on the basis of any previous series of amendments, provided that the devices (components and separate units) are intended as replacements for fitting to vehicles in use and that it is not technically feasible for the devices (components and separate technical units) in question to satisfy the new requirements of the latest series of amendments.

INSTALLATION OF COMPONENTS AND SEPARATE TECHNICAL UNITS IN NEW VEHICLES

F. TRANSITIONAL PROVISIONS

- F.1 As from the official date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall prohibit the fitting on a vehicle of a component or separate technical unit approved under this Regulation as amended by the XX series of amendments.
- F.2 Contracting Parties applying this Regulation shall continue to allow the fitting on a vehicle of a component or separate technical unit approved to this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- F.3 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle for which national type or individual approval was granted more than ... months after the entry into force of the XX series of amendments to this Regulation.
- F.4 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle first registered more than ... months after the entry into force of the XX series of amendments to this Regulation.

REPLACEMENT PARTS FOR VEHICLES IN USE

R. TRANSITIONAL PROVISIONS

- R.1 Contracting Parties applying this Regulation shall continue to grant approvals to those types of component or separate technical unit which comply with the requirements of this Regulation as amended by any previous series of amendments provided that the component or separate technical unit is intended as a replacement for fitting on vehicles in use and that it would not be technically feasible to fit a component or separate technical unit which satisfies the requirements contained in this Regulation as amended by the XX series of amendments.
- R.2 As from the date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall prohibit fitting or use on a vehicle in use of a component or separate technical unit approved under this Regulation as amended by the XX series of amendments.
- R.3 Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a component or separate technical unit approved to this Regulation as amended by the preceding series of amendments during the ... months period which follows the date of entry into force of the XX series of amendments.
- R.4 Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a component or separate technical unit approved to this Regulation as amended by any previous series of amendments provided that the component or separate technical unit is intended as a replacement and that it would not be technically feasible for the component or separate technical unit in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments."
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