



**Informal document No. 10**  
*(131<sup>st</sup> WP29, 11-14 November 2003  
agenda item 8.1.5.)*

## UN/ECE REGULATORY PROCEDURES

### INTRODUCTION

The UN/ECE approval framework under the 1958 Agreement is based on UN/ECE Regulations dictating requirements to be met for vehicle systems, parts or components to obtain an international approval valid in all Contracting Parties to that Regulation.

Furthermore, these Regulations are frequently amended to adapt them to technical progress, dictate new requirements, tighten the approval limits, change test procedures, etc.

Amending UN/ECE Regulations is classically done in 3 ways:

- a) Series of amendments
- b) Supplements
- c) Corrigenda

The following considerations by OICA are brought forward to WP29 in an effort to better streamline the regulatory process which may need some improvements, especially taking into account the ever expanding role and importance of WP29.

### 1. NEW REGULATIONS

The adoption by the Contracting Parties in WP29 of a new Regulation is the result of a long development process by the responsible Working Party.

This also means that industry is often faced with a long period of uncertainty as to the exact content of the final Regulations in terms of scope, requirements and test procedures. This period of uncertainty only ends at the time of the final adoption of the Regulations and its subsequent date of entry into force.

This date of entry into force is the date as from which approvals to this Regulation become possible; it also means that individual countries have the possibility to mandate this Regulation nationally.

Such situation obviously can in some cases create severe difficulties to the manufacturers, especially when the development of the Regulation has "eaten up" available leadtime before mandatory application.

OICA consequently suggests that a procedure be put in place such that WP29 should make a formal recommendation to Contracting Parties, for each new Regulation, regarding the appropriate delay between entry into force and first national enforcement.

## **2. SERIES OF AMENDMENTS**

These are normally used when changing the technical requirements vehicle systems or components must fulfil as from a certain date to obtain ECE approval and, depending on the national legislation, to be able to be registered. These technical requirements affect vehicle/component design and should always entail transitional provisions, basically described as:

- 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 to obtain UN/ECE approval.

Depending on the situation, a third date might be needed, i.e.:

- date as from which national governments may require vehicles to be registered to comply.

Besides the fact that transitional provisions should always be inserted in Series of Amendments, care must also be taken that the proper dates are inserted. The current system is indeed difficult to control and often leads to conflicting dates between various sets or levels of requirements, to frequent re-adaptation of vehicles, depending on the legislation (e.g. an amendment to a Regulation on 1 October 2004 with an amendment to the same or to another Regulation on 2 October 2004. ....)

## **3. SUPPLEMENTS**

Traditionally, this relatively new procedure was specifically developed to address changes to Regulations which do not entail a change in the approval mark (notwithstanding the discussions as to whether or not vehicle systems really need to carry this approval mark to identify the Regulation level used for approval).

Such Supplements were originally used for:

- clarification of test procedures, not dictating new requirements;
- adding new possibilities not previously foreseen.

On this basis, it was very usual for Supplements not to contain any transitional provisions, since they did not entail any vehicle or component changes. The only date was for the entry into force, after which tests according to the Regulation also need to take into account the Supplement in question.

This means that such Supplements, in the absence of any other date mentioned, become applicable for all approval procedures started after the entry into force. Existing approvals obviously remain valid.

One of the main problems is that, over time, the Supplement procedure was used for new requirements, which clearly dictate vehicle or component design changes, thereby in effect overtaking the role of Series of Amendments. Understandably, the Supplement procedure continues to be used only when no E-marking changes are involved; the fact remains however that Supplements increasingly are confused with Series of Amendments.

A suggestion for the case of Supplements would be to return to the original system, such that Supplements are only used for clarification of test procedures, new possibilities, etc., not involving any design changes. This would also mean that no transitional provisions would be needed, since these would only be applicable in the case of Series of Amendments.

#### **4. CORRIGENDA**

Corrigenda have proven to be a very useful tool to correct mistakes and to ensure the necessary flexibility in the administrative rulemaking process.

Clearly, the concept of Corrigenda, applicable “ab initio” should be retained unchanged.

#### **5. OTHER CONSIDERATIONS**

A problem regularly encountered is created by the sometimes very frequent consecutive amendments to Regulation, be it through Series of Amendments or through Supplements.

This also leads to very strange situations with the transitional provisions following each other very quickly, not granting sufficient adaptation time to both authorities and industry. It may even happen that a Supplement to a Series of Amendments becomes applicable (for approval and/or for registration) even before the corresponding Series of Amendments!

Improvements could be made by ensuring that, in principle, various amendments affecting various regulatory paragraphs are combined into one Series of Amendments (or Supplement, as the case may be) and are adopted as one single unit, rather than having frequent and successive amendments.

Moreover, whenever a particular regulatory paragraph is considered for amendment, a careful examination should be conducted in each case to define whether such amendment should be introduced as a Series of Amendments or as a Supplement.

Finally, all involved in the technical rulemaking should repeatedly be made aware of the need for adequate leadtime (transitional provisions) whenever new requirements are envisaged.

OICA also believes that it would be useful to clearly define the various concepts, especially for Supplements, Series of Amendments, date of entry into force; these definitions could e.g. be inserted in document TRANS/WP29/343.

## 6. CONCLUSION

The most important suggestions for improvement of the regulatory process can be summarised as follows:

- (a) new Regulations should clearly specify a period of time after entry into force, during which Contracting Parties should not apply this Regulation on a mandatory basis; WP29 should, for each new Regulations, make the appropriate recommendation;
- (b) Supplements should never be used in the case of any changes in the technical legal requirements which could entail vehicle/component design changes; Supplements clearly should never result in a new approval of existing designs;
- (c) whenever new requirements are enacted, which could require design changes in order for current vehicles or components to comply, these should be through a Series of Amendments;
- (d) keep the Corrigenda concept unchanged;
- (e) where several amendment proposals occur within a relatively short period, group them together into a single unit;
- (f) always examine, case by case, the appropriateness of Series of Amendments or of Supplements;
- (g) always carefully examine the issue of transitional provisions for Series of Amendments;
- (h) add necessary definitions, e.g. in TRANS/WP29/343.

OICA volunteers, if WP29 agrees, to prepare concrete proposals in this sense.

---