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

Transmitted by the representative of Japan

Note: The text reproduced below was transmitted by the representative of Japan. It is based on documents TRANS/SC.1/WP.29/383, TRANS/WP.29/2003/97 and TRANS/WP.29/2004/75, and on the discussions held during the one-hundred-and-thirty-fourth session of WP.29. The proposed amendment to TRANS/SC.1/WP.29/383 is marked in **bold** characters in Annex 1 in this document.

I. INTRODUCTION

The general guidelines in this document are intended to provide guidance to the subsidiary bodies of WP.29 on the procedure of making and amending UN/ECE Regulations and on drafting transitional provisions, and this document supersedes the document TRANS/SC.1/WP29/383, "General Guidelines For Transitional Provisions In UN/ECE Regulations".

This proposal is for streamlining the future work in the subsidiary bodies and does not alter the current understanding and interpretation of the 1958 Agreement and the existing Regulations. If there is any inconsistency between those guidelines and the current texts of the Regulation, it should be solved, if necessary, on a case by case basis.

II. GENERAL GUIDELINES FOR PROPOSING NEW REGULATION

1. When proposing a new Regulation, experts from Contracting Parties who are planning to apply it as a mandatory basis in their national legislation have to be aware that the approvals to this new Regulation can be granted only after the date of entry into force, and that lead time will be necessary for manufactures to provide conforming vehicles.
2. The new Regulation can entail transitional provisions, if necessary, which define;
 - 2.1. date of entry into force, as from which manufacturers are able to request UN/ECE type approvals to the Regulation, and
 - 2.2. date until which Contracting Parties are not obliged to recognize approvals that are granted in accordance with the Regulation.]

III. GENERAL GUIDELINES FOR AMENDMENT PROCEDURES

1. 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 or corrected. When amending or correcting a Regulation, in principle, the following procedures apply, although specific cases may require different procedures:
 - 1.1. Series of amendments
 - 1.1.1. A series of amendments shall be 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, even if the amendments are a minor technical change and do not affect vehicle/component design drastically. In this procedure the modification of the approval marking is always necessary to differentiate the new approvals to the amended Regulation (hereinafter referred to as "the new approvals") from the existing approvals to the preceding amendments or unamended Regulation (hereinafter referred to as "the existing approvals").

- 1.1.2. The existing approvals can remain valid. However, Contracting Parties are not obliged to accept them as from the date of entry into force of the amendments unless otherwise expressly written in the transitional provisions.
- 1.1.3. The Series of amendments shall contain the necessary transitional provisions defining at least the following:
 - 1.1.3.1. date of entry into force, as from which manufacturers are able to request UNECE type approvals to the new requirements (defined as **(a) date** in Figure 1),
 - 1.1.3.2. date as from which the vehicle/component must comply with the new requirements to obtain UNECE type approval (defined as **(b) date** in Figure 1), and
 - 1.1.3.3. date until which Contracting Parties are required to accept the existing approvals (defined as **(c) date** in Figure 1).
- 1.1.4. The Series of amendments shall also contain a transitional provision for Contracting Parties whose application of the Regulation comes into force after the date of entry into force of the amendments. This transitional provision shall state that they are not obliged to accept the existing approvals.
- 1.1.5. General guidelines of transitional provisions for a series of amendments are set forth in Annex 1 of this document.
- 1.2. Supplements
 - 1.2.1. Supplements address changes to Regulations which do not entail modification in the approval marking and are normally used for:
 - 1.2.1.1. clarification of test procedures, not imposing new requirements;
 - 1.2.1.2. permitting previously unexpected new possibilities.
 - 1.2.2. The supplements shall not be used when it is necessary for Contracting Parties to differentiate the new approvals from the existing approvals.
 - 1.2.3. The 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.
 - 1.2.4. The existing approvals remain valid and Contracting Parties shall continue to recognize them.

1.3. Corrigendum

Corrigendum consists of corrections to previously issued texts and is normally used to avoid different interpretations. Corrigenda are deemed 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.

2. Consideration for Special Cases

2.1. Special Case 1 : Special Cases for Series of amendments

2.1.1. Special Case 1-1

In the case that installation requirements are added to a Regulation relating initially to components type approval only, without modifying the requirements on these components and that it is not necessary to change the approval markings, it is recommended to follow the procedure of the series of amendments with a special transitional provision stating;

2.1.1.1. Even after the date of entry into force of the XX series of amendments, approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

2.1.2. Special Case 1-2

Notwithstanding paragraph 1.1., if all Contracting Parties applying the Regulation in question agree to continue to accept the existing approvals indefinitely, the series of amendments can contain a special transitional provision, instead of defining the date stipulated in paragraph 1.1.3.3., stating;

2.1.2.1. Even after the date of entry into force of the XX series of amendments, approvals to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

2.2. Special Case 2 : Special Case for Supplements

Notwithstanding paragraph 1.1. and paragraph 1.2., when an amendment changes technical requirements of only a few from the various categories of vehicles in the scope of the Regulation and when approvals for many other categories of vehicles in the Regulation need to remain unchanged, the procedure of Supplements can be used. In this case the amendment shall;

2.2.1. alter the approval markings for the categories of vehicles whose technical requirements are changed (e.g. introduce an additional suffix to the approval markings)

so that Contracting Parties can distinguish the approvals to the newest amendments of these vehicles, and

2.2.2. entail necessary transitional provisions which are effective only for the categories of vehicles in question same as those specified in paragraph 1.1.3.

3. Miscellaneous

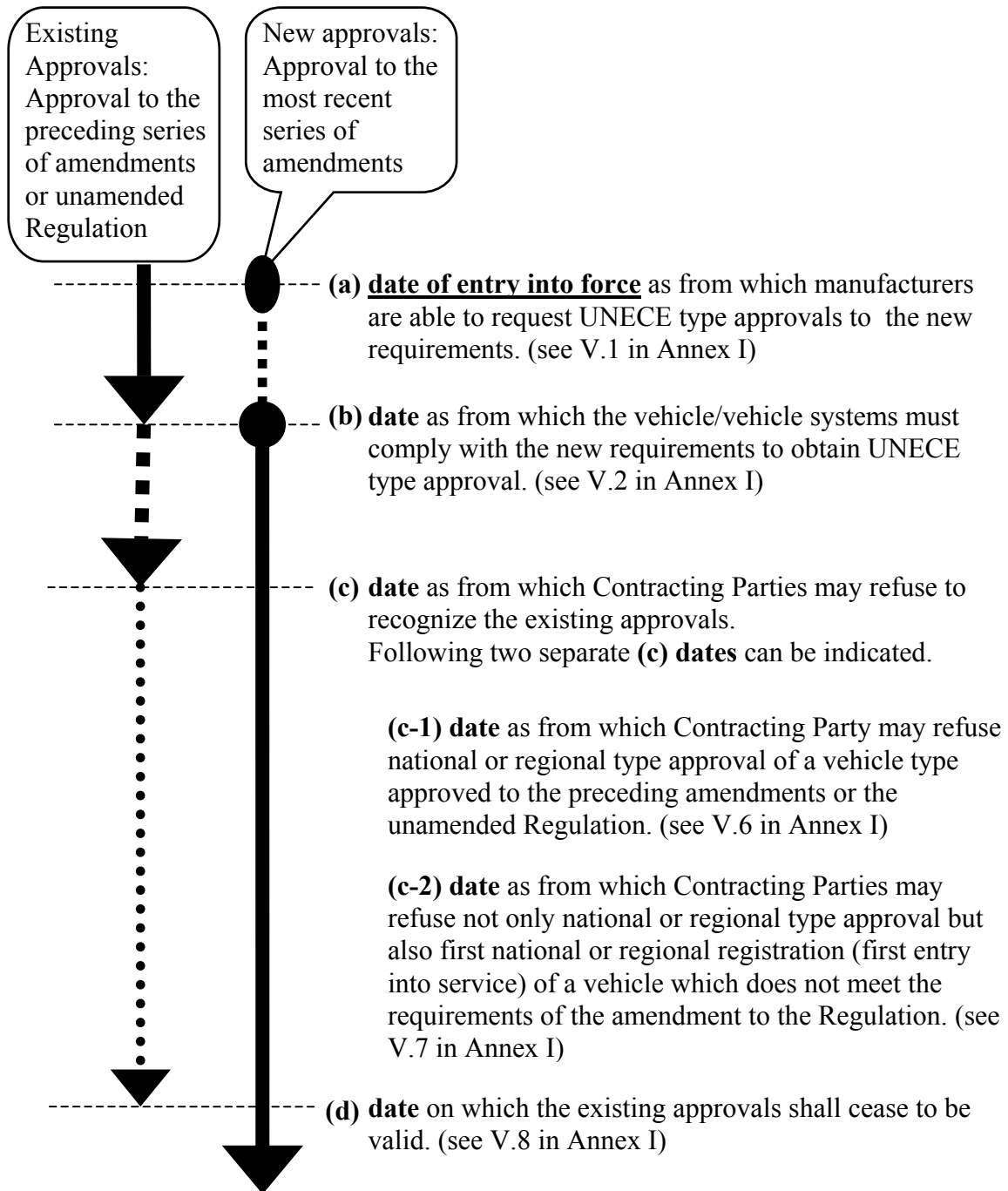
To propose amendments of Regulations the subsidiary bodies of WP.29 shall bear in mind;

3.1. 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,

3.2. when submitting proposals for amendment of Regulation, the experts of subsidiary bodies are required to study this document carefully and indicate the amendment procedure they want to take,

3.3. when submitting proposals for a series of amendments with transitional provisions, the experts of subsidiary bodies shall propose to delete obsolete transitional provisions for the previous series of amendments, and

3.4. the issue of transitional provisions, especially the appropriateness of Series of amendments or of Supplements, should always be carefully examined.



Note:

If **(b) date** and **(c) date** are not written in the transitional provisions, they are regarded identical to **(a) date**.

If **(d) date** is not written in the transitional provisions, the existing approvals can remain valid, but Contracting Parties are not obliged to accept them as from **(c) date**.

Figure 1. Illustration of a transitional period of vehicle or vehicle systems Regulation

Annex 1

GENERAL GUIDELINES OF TRANSITIONAL PROVISIONS FOR SERIES OF AMENDMENTS

1. SITUATIONS TO BE CONSIDERED

1.1. Transitional provisions should consider:

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

1.2. "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

1.3. The products to which type approval (UNECE, *regional* 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

1.4. Combining the cases of paragraph 1.1. and 1.2. with the products under paragraph 1.3. 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.

2. AIDE-MEMOIRE

2.1 VEHICLES AND VEHICLE SYSTEMS

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 5 No Contracting Party applying this Regulation shall refuse national *or regional* type approval of a vehicle type approved to the XX series of amendments to this Regulation.
- V.7 6 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 *or regional* type approval of a vehicle type approved to the preceding series of amendments to this Regulation.
- V.8 7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (*national or regional type approval and may refuse*) first national *or regional* registration (first entry into service) of a vehicle which does not meet the requirements of the XX series of amendments to this Regulation.
- V.8 *As from ... months after the date of entry into force of the XX series of amendments to this Regulation, approvals to this Regulation shall cease to be valid, except in the*

case of vehicle types which comply with the requirements of this Regulation as amended by the XX series of amendments.

V.9 Notwithstanding the transitional provisions above, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.

V.10-S^{1/} Even after the entry into force of the XX series of amendments to this Regulation, approvals of the vehicles to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.

2.2 COMPONENTS AND SEPARATE TECHNICAL UNITS

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 *UN/ECE 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*~~

^{1/} Paragraph V.10-S can be used instead of paragraph V.7 only when the amendment follows the procedure of Special Case 1-2.

~~which granted the approval shall notify the other Contracting Parties applying this Regulation thereof.~~

- C.6 5 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 6 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 7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (***national or regional type approval and 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 8 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.
- C.9 *As from ... months after the date of entry into force of the XX series of amendments to this Regulation, approvals to this Regulation shall cease to be valid, except in the case of types of component or separate technical unit which comply with the requirements of this Regulation as amended by the XX series of amendments.*
- C.10 *Notwithstanding the transitional provisions above, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.*
- C.11-S^{2/} *Even after the entry into force of the XX series of amendments to this Regulation, approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.*

^{2/} Paragraph C.11-S can be used instead of paragraph C.7 only when the amendment follows the procedure of Special Case 1-1 or Special Case 1-2.

2.3 INSTALLATION OF COMPONENTS AND SEPARATE TECHNICAL UNITS IN NEW VEHICLES

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, **regional 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.

2.4 REPLACEMENT PARTS FOR VEHICLES IN USE

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."
-