

Proposal for Corrigendum to ECE/TRANS/WP.29/2010/122
Proposal for the 02 series of amendments to Regulation No. 94
(Frontal collision protection)

A. Proposal

Paragraph 11.5., amend to read:

"11.5. As from [24] months after the **official date of entry into force of the 02 series of amendments**, Contracting Parties applying this Regulation shall grant ECE approvals only to those types of vehicle which comply with the requirements of this Regulation as amended by the 02 series of amendments.
~~Notwithstanding the above~~ **However, in the case of vehicles having an electrical power train operating on high voltage, an additional period of [12] months is granted** Contracting Parties applying this Regulation ~~may [continue to] grant ECE approvals to the 01 series of amendments for an additional [12] months~~ provided that the manufacturer demonstrates, to the satisfaction of the Technical Service, that the vehicle provides equivalent levels of safety to those required by this Regulation as amended by the 02 series of amendments."

Paragraph 11.6., amend to read:

"11.6. ~~As from the date of entry into force~~, Contracting Parties applying this Regulation shall not refuse to grant extensions of approvals issued to the preceding series of amendments to this Regulation, **when this extension does not entail any change to the propulsion system of the vehicle.**
However, as from [24] **48** months after the **official date of entry into force of the 02 series of amendments**, extensions to approvals issued to the previous series of amendments shall not be granted in respect of vehicles having an electrical power train operating on high voltage."

Paragraph 11.7., amend to read:

"11.7. ~~By way of derogation to the obligations of Contracting Parties applying this Regulation, where at the time of entry into force of the 02 series of amendments to this Regulation national requirements exist to address the safety provisions detailed in these amendments, those Contracting Parties may continue to permit the entry into service of vehicles approved to the preceding series of amendments and complying with the specific national requirements applying at that time. This derogation shall cease to be valid [24] months after the entry into force of the 02 series of amendments to this Regulation.~~
For the vehicle categories that are not covered in this Regulation, Contracting Parties may continue to apply the requirements with regard to electrical safety in the event of a frontal collision already in force at the time of entry into force of the 02 series of amendments."

Paragraph 11.8., place this complete paragraph between square brackets.

Insert a new paragraph 11.9., to read:

"11.9. **Approvals of the vehicles to the 01 series of amendments to this Regulation which are not affected by the 02 series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.**"

B. Justification

Paragraph 11.5: the proposed amendments are of an editorial nature in order to clarify that the additional period of 12 months for type approval only concerns vehicles with **a high voltage electrical power train.**

Paragraph 11.6: the proposed amendments aim to clarify the situation of extensions of approval.

In the case of an existing vehicle type with Internal Combustion engine, "classical" extensions must remain possible indefinitely, as long as these extensions have nothing to do with a high voltage power train.

This is in effect reflected in the first sentence of paragraph 11.6.

OICA however understands that if such extensions:

- a) relate to the addition of a high voltage electrical power train to a "classical" IC vehicle, or
- b) relate to an existing vehicle type with a high voltage electrical power train,

this would only be possible during a certain transitional period, as discussed and approved by GRSP in May 2010.

According to paragraph 11.8, Contracting Parties may prevent, 48 months after entry into force, registration/entry into service of vehicles not approved to the 02 series of amendments. It is clear that, if extensions are to be limited in time, this period must be aligned with the one foreseen for new registrations, otherwise, extensions of a previously approved type would not be possible anymore, even though the official New Registration date has not been reached yet; in other words, if an existing Hybrid/Electric vehicle remains unchanged, it can use its existing approval till 48 months after entry into force, but if this same vehicle type needs an extension before that date, it would need to meet the new requirements immediately, which is contradictory.

Paragraph 11.7: OICA suggest re-writing this paragraph in order to bring it in line with the 58 Agreement, because the way it was written was very confusing and in any case did not reflect the rights and obligations of the 58 Agreement. Nothing in the 58 Agreement prevents Contracting Parties to nationally allow the entry into service of vehicles not approved to this series of amendments, since this is an issue of national sovereignty. The proposed rewording in paragraph 11.7 makes it totally clear that, in line with the 58 Agreement, Contracting Parties may maintain their existing national requirements for vehicles not within the scope of the Regulation. OICA understands that this was the intention of GRSP at its May 2010 session, but the proposed text does unfortunately not reflect this and even gives a wrong interpretation of the 58 Agreement, which must be avoided

Paragraph 11.8: this paragraph entails that running production types could be prevented from entry into the market, unless they are approved to the 02 series of amendments. OICA wishes to stress that this requirement may cause serious difficulties, since it in effect entails that existing models of electric vehicles would need a complete re-design of the complete power train, approved to the previous series of amendments, after only 4 years, which is not feasible from an industrial point of view. These difficulties were duly recognized in the framework of UNECE R100.01, adopted by WP29/AC1 at the March 2010 session (document ECE/TRANS/WP29/2010/52), since R100.01 does not entail that existing approvals (to the original version of the Regulation) may become obsolete. OICA therefore respectfully requests that these difficulties be taken into account and that paragraph 11.8 above be deleted completely.

Paragraph 11.9: this new paragraph ensures that in any case, valid approvals (to the 01 series of amendments) of unaffected vehicles (i.e. IC vehicles which are totally unaffected by the 02 series of amendments) remain valid and do not need to be administratively transformed into approvals to the 02 series of amendments.
