

Transmitted by the representative of OICA

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(152nd WP.29, 9-12 November 2010  
agenda item 4.4.1.)

## Proposal for Corrigendum to ECE/TRANS/WP.29/2010/119 Proposal for the 04 series of amendments to Regulation No. 12 (Steering mechanism)

### A. Proposal

Paragraphs 13.1. to 13.2.6., replace all the proposed changes by the following paragraphs 13.2. to 13.3.8.:

Add a new paragraph 13.2., to read:

"13.2. As from the official date of entry into force of the 04 series of amendments, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by the 04 series of amendments."

Paragraph 13.2. up to 13.2.3., renumber as 13.3. to 13.3.3.

Add new paragraphs 13.3.4. to 13.3.8., to read:

"13.3.4. As from [24] months after the official date of entry into force of the 04 series of amendments, Contracting Parties applying this Regulation shall grant ECE approvals only to those types of vehicles which comply with the requirements of this Regulation as amended by the 04 series of amendments. However, in the case of vehicles having an electrical power train operating on high voltage, an additional period of [12] months is granted 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 04 series of amendments.

13.3.5. 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 04 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.

13.3.6. By way of derogation to the obligations of Contracting Parties applying this Regulation, where at the time of entry into force of the 04 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 04 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 04 series of amendments.

13.3.6. Where at the time of entry into force of the 04 series of amendments to this Regulation national requirements exist to address the safety provisions of vehicles having an electrical power train operating on high voltage, those Contracting Parties applying this Regulation may refuse national [approval][registration] of such vehicles not meeting the national requirements, unless these vehicles are approved to the 04 series of amendments to this Regulation.

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13.3.7. As from [48] months after the entry into force of the 04 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 having an electrical power train operating on high voltage which does not meet the requirements of the 04 series of amendments to this Regulation.

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**13.3.8 Approvals of the vehicles to the 03 series of amendments to this Regulation which are not affected by the 04 series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them."**

*Paragraph 13.3., renumber as 13.4.*

*Paragraph 13.3.1., renumber as 13.4.1.*

*Paragraph 13.3.3. and 13.3.4, correct to read: "renumber as 13.4.2. and 13.4.3.*

## **B. Justification**

*Paragraph 13.1 and subsequent ones:* Generally, it is suggested to keep the existing transitional provisions of R12.03 and to add the new provisions, contrary to the suggestion by GRSP (see doc WP29/2010/119) to replace several existing paragraphs from Regulation 12.03. As a result of the GRSP decision, paragraph 13.1 in document WP29/2010/119 is rather confusing since it mixes up the approvals to the 03 and to the 04 series of amendments. For the sake of clarity, and in order to avoid differences of interpretation, OICA therefore strongly believes that the new transitional provisions for the 04 series of amendments should be added to the existing ones, rather than replace them. As a consequence, OICA proposes the addition of a new paragraph 13.2, clearly identifying the 04 series of amendments.

*Paragraph 13.3.4:* The OICA proposal combines paragraphs 13.2.2 and 13.2.3 from document WP29/2010/119, with some relatively minor editorial corrections. It is intended to clarify that the additional period of 12 months for type approval only concerns vehicles with a **high voltage electrical power train**.

*Paragraph 13.3.5:* This is the existing paragraph 13.2.4 from document WP29/2010/119, with some minor editorial corrections and a clarification of 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 13.3.5.

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 13.3.7, Contracting Parties may prevent, 48 months after entry into force, registration/entry into service of vehicles not approved to the 04 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 13.3.6:* This paragraph has been re-written 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 new proposed wording in paragraph 13.3.6 makes it totally clear that, Contracting Parties may maintain their existing national requirements for vehicles not meeting the national requirements and not meeting the safety requirements of this latest series of amendments. 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 13.3.7: This paragraph (see Paragraph 13.2.6 of doc WP29/2010/119) entails that running production types could be prevented from entry into the market, unless they are approved to the 04 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 13.3.7 above be deleted completely.

Paragraph 13.3.8: This new paragraph ensures that in any case, valid approvals (to the 03 series of amendments) of unaffected vehicles (i.e. IC vehicles which are totally unaffected by the 04 series of amendments) remain valid and do not need to be administratively transformed into approvals to the 04 series of amendments.

Final note: For further clarification, a consolidated text, combining the current transitional provisions of R12.03 and the OICA proposal can be found in Annex.

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## Proposed Transitional Provisions UNECE R12.04

Changes to the existing transitional provisions of R12.03 are marked in bold

13. TRANSITIONAL PROVISIONS
- 13.1. As from the official date of entry into force of the 03 series of amendments to this Regulation, no Contracting Party shall refuse an application for approval submitted in accordance with this Regulation as amended by the 03 series of amendments.
- 13.2. **As from the official date of entry into force of the 04 series of amendments, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by the 04 series of amendments.**
- 13.3. Approvals of vehicle type
- 13.3.1. Upon the expiration of a period of 36 months following the official date of entry into force referred to in paragraph 13.1. above, Contracting Parties applying this Regulation shall grant approval for category M<sub>1</sub> forward-control vehicles and category N<sub>1</sub> vehicles of less than 1.5 tonnes only if the vehicle type satisfies the requirements of this Regulation as amended by the 03 series of amendments, with the exception of the provisions laid down in paragraph 5.1. of this Regulation concerning the maximum vertical displacement of the steering column, which shall apply to new approvals only after a further period of 12 months.
- 13.3.2. Upon the expiration of a period of 48 months following the official date of entry into force referred to in paragraph 13.1. above, Contracting Parties applying this Regulation shall grant approval to category M<sub>1</sub> vehicles other than forward-control vehicles only if the vehicle type satisfies the requirements of this Regulation as amended by the 03 series of amendments.
- 13.3.3. Upon the expiration of a period of 60 months following the official date of entry into force referred to in paragraph 13.1. above, Contracting Parties applying this Regulation may refuse to recognize approvals of the vehicle type which have not been granted in accordance with the 03 series of amendments to this Regulation.
- 13.3.4. **As from [24] months after the official date of entry into force of the 04 series of amendments, Contracting Parties applying this Regulation shall grant ECE approvals only to those types of vehicles which comply with the requirements of this Regulation as amended by the 04 series of amendments. However, in the case of vehicles having an electrical power train operating on high voltage, an additional period of [12] months is granted 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 04 series of amendments.**
- 13.3.5. **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 48 months after the official date of entry into force of the 04 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.**
- 13.3.6. **Where at the time of entry into force of the 04 series of amendments to this Regulation national requirements exist to address the safety provisions of vehicles having an electrical power train operating on high voltage, those Contracting Parties may refuse national approval of such vehicles not approved to the 04 series of amendments to this Regulation and not meeting the national requirements**
- [13.3.7. **As from [48] months after the entry into force of the 04 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 having an electrical power train operating on high voltage which does not meet the requirements of the 04 series of amendments to this Regulation.]**

- 13.3.8 Approvals of the vehicles to the 03 series of amendments to this Regulation which are not affected by the 04 series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.**
- 13.4. Approvals of type of steering control
- 13.4.1. ~~Upon the expiration of a period of 24 months following the official date of entry into force referred to in paragraph 13.1. above, Contracting Parties applying this Regulation shall grant approval only if the type of steering control satisfies the applicable requirements of this Regulation as amended by the 03 series of amendments. Even after the date of entry into force of the 04 series of amendments, approvals of the steering control to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them, and Contracting Parties may continue to grant extensions of approvals to the 03 series of amendments.~~
- ~~13.4.2. Upon the expiration of a period of 36 months following the official date of entry into effect referred to in paragraph 13.1. above, Contracting Parties applying this Regulation may refuse to recognize approvals of the type of steering control which have not been granted in accordance with the 03 series of amendments to this Regulation.~~
- 13.4.2. As from the official date of entry into force of Supplement 2 to the 03 series of amendments, Contracting Parties shall not grant separate approvals of the type of steering control which include an airbag.
- 13.4.3. As from the official date of entry into force of Supplement 2 to the 03 series of amendments, Contracting Parties may refuse to recognize separate approvals of the type of steering control which include an airbag.
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