

Comments on the Transitional Provisions to Regulations Nos. 13 & 13H

Reference: document GRRF-74-16 by OICA

I. General Comments

The proposed revised Transitional Provisions to UN Regulations Nos. 13 & 13H had been analyzed from the standpoint of practical applicability by the type approval bodies and applicants. For both of them it is important to know, from which date the certain provisions shall be applied.

It should be taken into account that the Transitional Provisions, which are being revised, mostly concern the past, already enforced series of amendments and supplements. Therefore the exact application dates of those are already known.

From the standpoint of articles 2 and 3 of the 1958 Agreement it becomes obvious that when a new supplement or a series of amendments to a UN Regulation is enforced, then the Contracting Parties shall grant type approvals taking into account the provisions of that new supplement or series of amendments, if so requested by an applicant. In other words, if the requirements are in force, the type approval definitely can be granted upon request, so there is no need to fix that in the transitional provisions.

The more important issue for the type approval body is to define the minimum level of requirements to comply with at the type approval date or even when the type approval is submitted for the purpose of national approval. This may become a complicated issue especially for the case of Regulation No. 13 taking into account two series of amendments running in parallel, different supplements, some of those are with the lead time for application, while other are applied from the date of enforcement, and some supplements are applicable to the both series of amendments. The revised transitional provisions indicate the exact dates of beginning application of particular supplements.

Some transitional provisions can be merged.

II. Regulation No. 13

<i>Transitional Provisions as in GRRF-74-16</i>	<i>Comments</i>	<i>Proposed revised Transitional Provisions</i>
12.1. As from the official date of entry into force of the 10 Series of amendments, no Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals under this UN regulation as amended by the 10 series of amendments.	As OICA commented, for the time being, paragraph 12.1 aims the possibility for the Contracting Parties to still grant approvals to the 10 series. The beginning of the sentence could be deleted taking into account the provisions of articles 2 and 3 of the 1958 Agreement.	12.1. No Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals according to the 10 series of amendments to this UN Regulation or extensions thereof, subject to the provisions of paragraphs 12.2., 12.5., and 12.6.
12.4. As from the official date of entry into force of Supplements 1, 2 and 4 to the 10 Series of amendments to this Regulation, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplements 1, 2 and 4 respectively.	In addition, it should be pointed out that from the dates of entry into force of the subsequent Supplements to the 10 series of amendments and Supplements 1, 2, 5, 6 and 7 to the 11 series of amendments the type approvals shall be granted taking into account the provisions of applicable supplements.	12.2. Contracting Parties applying this UN Regulation shall grant UN type approvals according to the 10 series of amendments to this UN Regulation or extensions thereof taking into account the provisions of the applicable Supplements to the 10 and 11 series of amendments to this UN Regulation, which are entered into force. The Supplements 1 and 2 to the 10 series of amendments and the Supplement 5 to the 11 series of amendments to this UN Regulation shall be applied from the dates of their entry into force. The Supplement 3 to the 10 series of amendments shall be applied from 4 April 2009. The Supplement 5 to the 10 series of amendments shall be applied from 15 October 2010. The Supplement 6 to the 11 series of amendments shall be applied from 28 October 2012. The Supplement 7 to the 11 series of amendments shall be applied from 29 October 2014.
12.6. As from 4 April 2009, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 3 to the 10 series of amendments.	The lead time for Supplements 3 and 5 to the 10 series of amendments had been expired by 04.04.2009 and 15.10.2010 respectively. Therefore it is proposed to delete paragraphs 12.6 and 12.7 and indicate the exact dates in the new paragraph 12.2.	
12.7. As from 15 October 2010, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 5 to the 10 series of amendments.	Paragraphs 12.4, 12.10, 12.16 and 12.17 are merged to paragraph 12.2.	
12.8. Contracting Parties applying this UN Regulation shall not refuse to grant extensions of UN type approvals for existing types which have been granted according to any supplement to the 10 Series of amendments to this UN Regulation.	Paragraph 12.8 is merged to paragraph 12.1.	
12.10. As from the official date of entry into force of Supplements 3, 4, 8 and 9 to the 11 Series of amendments, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as		

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<p>amended by Supplements 3, 4, 8 and 9 respectively.</p> <p>12.16. As from 28 October 2012, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 6 to the 11 Series of amendments.</p> <p>12.17. As from 29 October 2014, Contracting Parties applying this Regulation shall grant UN approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by Supplement 7 to the 11 series of amendments.</p>		
<p>12.2. As from 4 April 2007, Contracting Parties applying this UN Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by the 10 series of amendments.</p> <p>12.3. As from 4 April 2009, Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a vehicle type approved to the preceding series of amendments to this Regulation.</p>	<p>Paragraph 12.2 is superfluous. Its subject is covered by paragraph 12.1.</p> <p>Paragraph 12.3 covers the subject, which is not regulated by the 1958 Agreement and which is at the discretion of the Contracting Parties. At least, the expression “may” should be used instead of “shall”.</p> <p>These paragraphs also contradict with paragraph 12.9 setting the dates of application of the 11th series of amendments.</p>	Delete these paragraphs.
<p>12.5. As from the official date of entry into force of Supplements 3 and 5 to the 10 Series of amendments, no Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals under this UN regulation as amended by Supplements 3 and 5 to the 10 Series of amendments respectively.</p> <p>12.11. As from the official date of entry into force of Supplements 1, 2, 5, 6, 7 and 10 to the 11 Series of amendments, no Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals under this UN regulation as amended by Supplements 1, 2, 5, 6, 7 and 10 to the 11 Series of</p>	<p>From the standpoint of articles 2 and 3 of the 1958 Agreement it becomes obvious that when a new supplement or a series of amendments to a UN Regulation is enforced, then the Contracting Parties shall grant type approvals taking into account the provisions of a new supplement or a series of amendments, if so requested by an applicant. The Contracting Parties have to accept such type approvals as well. Thus these paragraphs can be deleted because actually there is no other possible action to be taken by the type approval authorities.</p>	Delete these paragraphs.

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amendments respectively.	For the type approval authorities instead of that it is important to be aware, which supplement either of 10 or 11 series of amendments is applicable to a vehicle type at the time of its approval. The proposed paragraph 12.2 together with paragraphs 12.4, 12.5 and 12.7 answer this question.	
12.9. Requirements for the equipment of vehicles with vehicle stability functions as specified in paragraphs 5.2.1.32. and 5.2.2.23. of this Regulation, as amended by the 11 series of amendments to this Regulation, shall be applied as follows: (Table – not shown)		Renumber this paragraph to 12.3.
	In Supplement 4 to the 11 th series of amendments paragraph 5.2.1.33 had been added with no transitional provision allocated. This paragraph stipulates that category N ₁ vehicles having no more than 3 axles <u>may</u> be equipped with a vehicle stability function. The proposed transitional provision allows mandating a vehicle stability function on those vehicles at national/regional level.	12.4. Contracting Parties applying this Regulation may not be obliged to accept, for the purpose of national or regional type approval, a category N ₁ vehicle type approved under this Regulation, if the vehicle type is not fitted with a vehicle stability function including roll-over control and directional control and meeting the technical requirements of Annex 21 to this Regulation.
12.12. As from 23 July 2013, Contracting Parties applying this UN Regulation shall grant UN type approvals to a vehicle type exempted by paragraphs 5.2.1.32 and 5.2.2.23. including the footnote, only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 1 to the 11 series of amendments.	This paragraph is redrafted taking into account the comments to paragraph 12.13 as below.	12.5. As from 23 July 2013, Contracting Parties applying this UN Regulation shall grant UN type approvals to a vehicle type only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by the Supplement 1 to the 11 series of amendments.
12. 13. For the vehicles equipped with vehicle stability functions as specified in paragraph 5.2.1.32. and 5.2.2.23. of this regulation, Supplement 1 to the 11 Series of Amendments to this regulation shall be applied as specified in paragraph 12.9.	The meaning of this paragraph is that, when a vehicle is equipped with vehicle stability function and the implementation dates set out in the table to paragraph 12.9 are later than 23 July 2013, than the dates of that table	Delete this paragraph.

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	<p>shall be applied.</p> <p>However Supplement 1 to the 11 series of amendments relates to compatibility between towing vehicles and trailers with respect to ISO 11992 data communications and is applied to new vehicle types regardless enforcement of EVSC requirements.</p> <p>Therefore the provisions of paragraph 12.13 are not appropriate.</p>	
<p>12.14. As from 25 October 2013, 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 Supplement 2 to the 11 series of amendments.</p>		<p>Renumber this paragraph to 12.6.</p>
<p>12.15. As from 25 October 2016, Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type-approval, a vehicle type-approved without taking into account the provisions of Supplement 2 to the 11 series of amendments to this Regulation.</p>	<p>This paragraph covers the subject, which is not regulated by the 1958 Agreement and which is at the discretion of the Contracting Parties. At least, the expression “may” should be used instead of “shall”.</p>	<p>12.7. As from 25 October 2016, Contracting Parties applying this Regulation may not be obliged to accept, for the purpose of national or regional type-approval, a vehicle type-approved without taking into account the provisions of the Supplement 2 to the 11 series of amendments to this Regulation.</p>
<p>12.18.</p>	<p>This paragraph does not exist in the document GRRF-74-16.</p>	
<p>12.19. As from 24 months after the date of entry into force of Supplement 10 to the 11 series of amendments, Contracting Parties applying this UN Regulation shall grant UN type approvals to vehicles equipped with vehicle stability functions as specified in paragraph 5.2.1.32. and 5.2.2.23., only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 10 to the 11 series of amendments to this Regulation.</p>		<p>Renumber this paragraph to 12.8.</p>
<p>12.20. No Contracting Party applying this UN Regulation shall</p>		<p>Renumber this paragraph to 12.9.</p>

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refuse to grant or refuse to accept extensions of UN type approvals for existing types which have been granted according to any supplement to the 11 Series of amendments to this UN Regulation.		

III. Regulation No. 13H

<i>Transitional Provisions as in GRRF-74-16</i>	<i>Comments</i>	<i>Proposed revised Transitional Provisions</i>
12.1. As from the official date of entry into force of the Supplement 9 to the original version of this Regulation, no Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals, according to Supplement 9 to the original version of this Regulation, to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.	In this paragraph, the beginning of the sentence could be deleted taking into account the provisions of articles 2 and 3 of the 1958 Agreement.	12.1. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals, according to Supplement 9 to the original version of this Regulation, to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.
12.2. Contracting Parties applying this Regulation shall not refuse to grant UN type-approvals and extensions thereof for the vehicles not fitted with an Electronic Stability Control System and a Brake Assist System. 12.3. As from 1 January 2011, Contracting Parties applying this UN Regulation shall grant UN type approvals to vehicles fitted with an Electronic Stability Control System and a Brake Assist System only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 9.		These paragraphs are not changed.
12.4. Until 1 November 2013, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type-approved to Supplement 6 to the original version of this Regulation.	This paragraph covers the subject, which is not regulated by the 1958 Agreement and which is at the discretion of the Contracting Parties. At least, the expression “may” should be used instead of “shall”.	12.4. Until 1 November 2013, no Contracting Party applying this Regulation may refuse national or regional type approval of a vehicle type-approved to Supplement 6 to the original version of this Regulation.
12.5. As from the official date of entry into force of Supplements 10, 13 and 14 to the original version of this Regulation, Contracting Parties applying this UN	It is proposed to use the same wording as in amended paragraph 12.2 of the UN	12.5. Contracting Parties applying this UN Regulation shall grant UN type approvals to the original version of this UN Regulation or extensions thereof taking into

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<p>Regulation shall grant UN type approvals to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation, only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplements 10, 13 and 14 respectively.</p> <p>12.7. As from 30 January 2014, Contracting Parties applying this UN Regulation shall grant UN type approvals to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation, only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 11.</p> <p>12.8. As from 28 October 2012, Contracting Parties applying this UN Regulation shall grant UN type approvals to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation, only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by Supplement 12.</p>	<p>Regulation No.13 (see table above).</p> <p>Paragraphs 12.7 and 12.8 are merged to paragraph 12.5.</p>	<p>account the provisions of the applicable Supplements to the original version of this UN Regulation, which are entered into force. The Supplements 10, 13, and 14 shall be applied from the dates of their entry into force. The Supplement 11 shall be applied from 30 January 2014. The Supplement 12 shall be applied from 28 October 2012 for vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.</p>
<p>12.6. As from the official date of entry into force of Supplements 11 and 12 to the original version of this Regulation, no Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals under this UN regulation as amended by Supplements 11 and 12 respectively.</p> <p>12.9. As from the official date of entry into force of the Supplement 15 to the original version of this Regulation, no Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type approvals under this UN Regulation as amended by the Supplement 15.</p>	<p>From the standpoint of articles 2 and 3 of the 1958 Agreement it becomes obvious that when a new supplement or a series of amendments to a UN Regulation is enforced, then the Contracting Parties shall grant type approvals taking into account the provisions of a new supplement or a series of amendments, if so requested by an applicant. The Contracting Parties have to accept such type approvals as well. Thus this paragraph can be deleted because actually there is no other possible action to be taken by the type approval authorities.</p>	<p>Delete these paragraphs</p>
<p>12.10. As from 24 months after the date of entry into force of the Supplement 15 to the original version of this Regulation,</p>		<p>Renumber this paragraph to 12.6.</p>

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<p>Contracting Parties applying this UN Regulation shall grant UN type approvals to vehicles fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation, only if the vehicle type to be approved meets the requirements of this UN Regulation as amended by the Supplement 15.</p>		
<p>12.11. Until 24 months after the date of entry into force of the Supplement 15 to the original version of this Regulation, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type-approved to the preceding Supplement.</p>	<p>This paragraph covers the subject, which is not regulated by the 1958 Agreement and which is at the discretion of the Contracting Parties. At least, the expression “may” should be used instead of “shall”.</p>	<p>12.7. Until 24 months after the date of entry into force of the Supplement 15 to the original version of this Regulation, no Contracting Party applying this Regulation may refuse national or regional type approval of a vehicle type-approved to the preceding Supplements.</p>
<p>12.12. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals for existing vehicle types which have been granted according to any Supplement from 10 to 15 to the original version of this Regulation.</p>		<p>Renumber this paragraph to 12.8.</p>
