

Proposal for Revision of the Transitional Provisions to Regulation No. 13-H

I. Introduction

1. This document represents the results of the study of the transitional provisions to Regulation No. 13H made within the framework of the discussion at the 72nd GRRF session. It is based on the document GRRF-72-30 corrected and revised. The information in Chapter II of this document is taken from the Status of the Agreement, of the annexed UN Regulations and of amendments thereto (document ECE/TRANS/WP.29/343/Rev.20).

2. Basing on the results of the study, the revised transitional provisions to Regulation No. 13H are drafted in the Chapter IV of this document. Those transitional provisions correspond to the Guidelines (document ECE/TRANS/WP.29/2011/152). The drafted transitional provisions are proposed for inclusion into the draft Supplement 14 to Regulation No. 13H (document ECE/TRANS/WP.29/GRRF/2012/14).

3. Taking into account of the aforesaid Guidelines, it is proposed further to review and revise the transitional provisions to Regulation No. 13H with introduction of each new draft amendment/supplement requiring the transitional provisions.

II. Regulation No. 13H - Status of Supplements

<i>Status of document</i>	<i>Date of entry into force</i>	<i>WP.29 Session (date)</i>	<i>Adopted document ECE/TRANS/WP.29/ ...</i>	<i>Content</i>	<i>Actual Transitional Provisions & Lead time</i>	<i>Notes</i>
Suppl.6 to 00	15.10.08	144 (Mar 08)	2008/3 + para. 33 of the report	List of vehicle data for the purpose of R90 approval	No	The latest supplement before introduction of ESC
Suppl.7 to 00	22.07.09	146 (Nov 08)	2008/81 + Corr.1	Introduction of ESC (Annex 9)	Yes 01.01.11 - national type approvals 01.11.13 - first national registration	Suppl.7 had been substituted by Suppl.9
Suppl.8 to 00	24.10.09	147 (Mar 09)	2009/6	Reference to R64	No	
Suppl.9 to 00	17.03.10	148 (June 09)	2009/64	<ul style="list-style-type: none"> - Introduction of BAS - Links ESC and BAS (within Annex 9) - De-activates Suppl. 7 	Yes 01.01.11 - national type approvals 01.11.13 - first national registration	Fitment of ESC and BAS is optional. National type approval / registration shall not be covered by the Transitional Provisions (refer to Guidelines)
Suppl.10 to 00	09.12.10	150 (Mar 10)	2010/4 + Corr.1	Activation of the emergency braking signal	No	
Suppl.11 to 00	30.01.11	151 (June 10)	2010/65	Electric regenerative braking systems - activation of the signal	Yes 36 months - till 30.01.14	

<i>Status of document</i>	<i>Date of entry into force</i>	<i>WP.29 Session (date)</i>	<i>Adopted document ECE/TRANS/WP.29/...</i>	<i>Content</i>	<i>Actual Transitional Provisions & Lead time</i>	<i>Notes</i>
Suppl.12 to 00	28.10.11	153 (Mar 11)	2011/5	Alignment of R13H & R90 to identify replacement brake disks and drums	Yes 12 months - till 28.10.12	Lead time expires by Oct. 2013
Suppl.13 to 00	[13.04.12]	154 (June 11)	2011/59	Alignment of R13H & FMVSS 126 in regards to ESC malfunction tell-tale + provisions for PTI	No	
Suppl. 14 to 00	[Feb. 13]	157 (June 12)	2012/47	Clarification on the levels of braking performance in the different positions of the ignition key.	No	
[Suppl.15 to 00]	[Oct.13]	[159 (Mar 13)]		Removal of the ESC tell-tale requirements (inserted to R121)	Yes 24 months - till [...]	

III. Regulation No. 13H – Existing and proposed transitional provisions

<i>Existing Transitional Provisions R13H/Rev.2 + R13H/Rev.2/Amend.1</i>	<i>Source, Comment</i>	<i>Proposed Transitional Provisions with draft Suppl.14</i>	<i>Reference to Guidelines ECE/TRANS/WP.29/1044/Rev.1</i>
12.1. As from 1 November 2011, Contracting Parties applying this Regulation may refuse to grant national or regional type approval if the vehicle type does not meet the requirements of this Regulation as amended by Supplement 9 or Supplement 10 or Supplement 11 and is not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.	R13H/Rev.2 Not in line with Guidelines (p.16). To be deleted. However, CPs need the ability to refuse non ESC / BAS equipped vehicles (date already passed). – The original wording permits a Contracting Party to refuse to grant a national approval. – The guidelines per	12.1. No Contracting Party applying this UN Regulation shall refuse to grant or refuse to accept UN type-approvals under this Regulation as amended by Supplement 11 to this Regulation. 12.2. Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a vehicle type approved under this Regulation, if the vehicle type is not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.	Annex 1, p.12, V.1, modified Annex 1, P12, V.5, modified

<i>Existing Transitional Provisions R13H/Rev.2 + R13H/Rev.2/Amend.1</i>	<i>Source, Comment</i>	<i>Proposed Transitional Provisions with draft Suppl.14</i>	<i>Reference to Guidelines ECE/TRANS/WP.29/1044/Rev.1</i>
	<p>document 1044/Rev.1 prohibit a Contracting Party both to refuse to accept a UN approval AND to refuse to grant a UN approval.</p> <ul style="list-style-type: none"> - The proposal from RUS covers one part of this as it permits a Contracting Party to refuse to accept a UN approval. - In addition, OICA proposes to clarify the existence of the two levels of the regulation (with and without ESC/BAS) by using two separate paragraphs. This second paragraph is not necessary, rather aims clarification. 		
<p>12.2. As from 1 November 2013, Contracting Parties applying this Regulation may refuse first national registration of a vehicle which does not meet the requirements of this Regulation as amended by Supplement 9 or Supplement 10 or Supplement 11 and is not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.</p>	<p>R13H/Rev.2 Not in line with Guidelines (p.16). To be deleted.</p>		
<p>12.3. As from the official date of entry into force of the Supplement 11 (30 January 2011) to the original version of this Regulation, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by Supplement 11.</p>	<p>R13H/Rev.2 Date passed. It is assumed that the Contracting Parties not mandating ESC/BAS, i.e. still applying Suppl.6, can also apply supplements subsequent to Suppl.9, when these are not</p>	<p>12.4. , no Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according to Supplement 11 to the original version of this Regulation.</p>	<p>Special case 2, p.36</p>

<i>Existing Transitional Provisions R13H/Rev.2 + R13H/Rev.2/Amend.1</i>	<i>Source, Comment</i>	<i>Proposed Transitional Provisions with draft Suppl.14</i>	<i>Reference to Guidelines ECE/TRANS/WP.29/1044/Rev.1</i>
	related to ESC/BAS. The RUS proposal seems to favour this interpretation. Which “transitional provisions above” are aimed by this paragraph?		
12.4. 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 Supplement 10 to the original version of this Regulation during the 36 months period which follows the date of entry into force of Supplement 11.	R13H/Rev.2 Which “transitional provisions above” are aimed by this paragraph? The RUS proposal rightly does not mention which preceding version of the regulation this paragraph refers to.	12.5. , until 30 January 2014, Contracting Parties applying this Regulation can continue to grant UN type-approvals to this Regulation without taking into account the provisions of Supplement 11 to the original version of this Regulation.	Special case 2, p.37
[12.5. Contracting Parties applying this Regulation may continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by Supplement 6 to the original version of this Regulation.]	<u>Missed?</u> It is allowed to grant UN type approval to vehicle types not fitted with ESC and BAS (“if fitted” requirement) This paragraph is indeed missing by error. RUS correctly re-introduced it via two separate paragraphs. However the proposed paragraph 12.2. only addresses the validity of the existing approvals, hence a “may” would be contradictory to the purpose of the paragraph.	12.2. UN type-approvals of the vehicles not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.	Special case 1-2, p.32, modified
	<u>This paragraph correctly covers the original paragraph 12.5.</u>	12.3. 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.	Annex 1, p.V.3, modified

<i>Existing Transitional Provisions R13H/Rev.2 + R13H/Rev.2/Amend.1</i>	<i>Source, Comment</i>	<i>Proposed Transitional Provisions with draft Suppl.14</i>	<i>Reference to Guidelines ECE/TRANS/WP.29/1044/Rev.1</i>
12.6. As from the official date of entry into force of the Supplement 11 to the original version of this Regulation, no Contracting Party applying this Regulation shall refuse to grant ECE approval under this Regulation as amended by Supplement 11.	ECE/TRANS/WP.29/2010/65 Same as p.12.3. in R13H/Rev.2 (mistake with duplication in GRRF-72-30)		
12.7. 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 Supplement 10 to the original version of this Regulation during the 36 months period which follows the date of entry into force of Supplement 11.	ECE/TRANS/WP.29/2010/65 Same as p.12.4. in R13H/Rev.2 (mistake with duplication in GRRF-72-30)		
12.8. As from the official date of entry into force of the Supplement 12 to the original version of this Regulation, no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by Supplement 12 to the original version of this Regulation.	R13H/Rev.2/Amend.1 Lead time expires by Oct. 2013. To be deleted because refers to an already expired date (EIF on 28 Oct. 2011).		
12.9. 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 Supplement 11 to the original version of this Regulation during the 12 month period which follows the date of entry into force of supplement 12 to the original version of this Regulation.	R13H/Rev.2/Amend.1 Lead time expires by Oct. 2013. To be deleted. OICA believes that this paragraph should be in up to when the deadline expires, i.e. 28 Oct. 2012. However, the lead-times under the UNECE framework are such that this paragraph will become obsolete when the transitional provisions will be adopted.	Until 28 October 2012, Contracting Parties applying this UN Regulation can continue to grant UN type approvals to the original version of this UN Regulation without taking into account the provisions of Supplement 12	Paragraph 37, amended.
12.10. Contracting Parties applying this Regulation shall not refuse to grant extensions of approval according to this Regulation as amended by Supplement 11 to the	R13H/Rev.2/Amend.1 This transitional provision seems to be always valid and	12.6. , no Contracting Party applying this Regulation shall refuse to grant or to accept UN type-approvals and extensions thereof for the vehicles not affected by	Special case 1-2, p.32, modified

<i>Existing Transitional Provisions R13H/Rev.2 + R13H/Rev.2/Amend.1</i>	<i>Source, Comment</i>	<i>Proposed Transitional Provisions with draft Suppl.14</i>	<i>Reference to Guidelines ECE/TRANS/WP.29/1044/Rev.1</i>
original version of this Regulation.	should not be subject to any other transitional provisions. In addition, which “transitional provisions above” are aimed by this paragraph?	Supplement 11 to the original version of this Regulation.	
	Which “transitional provisions above” are aimed by this paragraph?	12.7. , as from the official date of entry into force of Supplement 14 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 14 to the original version of this Regulation.	Special case 2, p.34
	Which “transitional provisions above” are aimed by this paragraph?	12.8. , until 24 months after the date of entry into force of the Supplement 14 to the original version of this Regulation, Contracting Parties applying this Regulation can continue to grant UN type-approvals to the original version of this Regulation without taking into account the provisions of Supplement 14."	Special case 2, p.35

IV. Regulation No. 13H – Extracted from III proposed transitional provisions for inclusion into the draft Supplement 15 (ECE/TRANS/WP.29/GRRF/2012/14)

<i>Proposed by OICA</i>	<i>Comment by RUS</i>	<i>Proposed by RUS basing on OICA Proposal in the left column</i>
Supplement 9 (Electronic Stability Control and Brake Assist System) 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	No comment on this.	Supplement 9 (Electronic Stability Control and Brake Assist System) 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

<p>and a Brake Assist System.</p> <p>12.3. UN type-approvals of the vehicles not fitted with an Electronic Stability Control System and a Brake Assist System shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.</p> <p>12.4. Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a vehicle type approved under this Regulation, if the vehicle type is not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.</p>		<p>and a Brake Assist System.</p> <p>12.3. UN type-approvals of the vehicles not fitted with an Electronic Stability Control System and a Brake Assist System shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.</p> <p>12.4. Contracting Parties applying this Regulation shall not be obliged to accept, for the purpose of national or regional type approval, a vehicle type approved under this Regulation, if the vehicle type is not fitted with an Electronic Stability Control System and a Brake Assist System, both meeting the requirements of Annex 9 to this Regulation.</p>
<p>12.5. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according Supplement 10 to the original version of this Regulation.</p> <p>12.7. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according to Supplement 11 to the original version of this Regulation.</p> <p>No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according to Supplement 12 to the original version of this Regulation.</p> <p>12.12. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according to Supplement 13 to the original version of this Regulation.</p> <p>12.14. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept UN type-approvals according to Supplement 14 to the original version of this Regulation.</p> <p>12.16. As from the official date of entry into force of Supplement 15 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 14 to the original version of this Regulation.</p>	<p>These paragraphs can be merged to one paragraph. The similar arrangement is proposed by OICA in the transitional provisions to Regulations No.13, para. 12.8</p>	<p>12.5. As from the official dates of entry into force of each Supplement from 10 to 15 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 each respective Supplement to the original version of this Regulation.</p>
<p>12.8. Until 30 January 2014, Contracting Parties applying this Regulation can continue to grant UN type-approvals to this Regulation without taking into account the provisions of Supplement 11 to the original version of this Regulation.</p> <p>12.10 Until 28 October 2012, Contracting Parties applying this UN</p>	<p>These paragraphs should be reproduced as they are with editorial alignment.</p>	<p>12.6. Until 30 January 2014, Contracting Parties applying this Regulation can continue to grant UN type-approvals to this Regulation without taking into account the provisions of Supplement 11 to the original version of this Regulation.</p> <p>12.7 Until 28 October 2012, Contracting Parties applying this UN</p>

<p>Regulation can continue to grant UN type approvals to the original version of this UN Regulation without taking into account the provisions of Supplement 12 to the original version of this Regulation.</p> <p>12.17. Until 24 months after the date of entry into force of the Supplement 14 to the original version of this Regulation, Contracting Parties applying this Regulation can continue to grant UN type-approvals to the original version of this Regulation without taking into account the provisions of Supplement 15.</p>		<p>Regulation can continue to grant UN type approvals to this Regulation without taking into account the provisions of Supplement 12 to the original version of this Regulation.</p> <p>12.8. Until 24 months after the date of entry into force of the Supplement 14 to the original version of this Regulation, Contracting Parties applying this Regulation can continue to grant UN type-approvals to this Regulation without taking into account the provisions of Supplement 14.</p>
<p>12.6. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 10 to the original version of this Regulation.</p> <p>12.9. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 11 to the original version of this Regulation.</p> <p>12.11. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 12 to the original version of this Regulation.</p> <p>12.13. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 13 to the original version of this Regulation.</p> <p>12.15. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 14 to the original version of this Regulation.</p> <p>12.18. No Contracting Party applying this Regulation shall refuse to grant or refuse to accept extensions to UN type-approvals to Supplement 14 to the original version of this Regulation.</p> <p>[Extensions of UN type approvals</p> <p>12.19. 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 preceding supplements to this UN Regulation.]</p>	<p>These paragraphs can be merged to one paragraph. The similar arrangement is proposed by OICA in the transitional provisions to Regulations No.13, para. 12.16.</p>	<p>12.9. 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>