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on IWVTA

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## **Proposed amendments to Transitional Provisions Guidelines Document ECE/TRANS/WP29/1044/Rev.3**

The text reproduced below was prepared by the Informal Working Group on International Whole Vehicle Type Approval (IWVTA) and was adopted by the World Forum for Harmonization of Vehicle Regulations (WP.29) at its November 2020 session on the basis of ECE/TRANS/WP.29/1044/Rev.2, as amended by WP.29-182-11 (ECE/TRANS/WP.29/1155, para.93).

The amendments to ECE/TRANS/WP.29/1044/Rev.3 are indicated in bold and strike-through.



## General Guidelines for United Nations regulatory procedures and transitional provisions in UN Regulations

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## **I. Introduction**

1. These general guidelines are intended to provide guidance to the subsidiary bodies of the World Forum for Harmonization of Vehicle Regulations (WP.29) on the procedure for making and amending UN Regulations and on drafting their scope, administrative provisions, alternative requirements and cross-references. This document supersedes the current general guidelines for UN regulatory procedures and transitional provisions in UN Regulations (TRANS/WP.29/1044 and its Revision 1). The administrative guidelines for amendments to UN Regulations annexed to the 1958 Agreement are set out in Annex 3.
2. This guidance document aims at:
  - (a) Streamlining the future work in the subsidiary bodies and does not supersede the provisions of the 1958 Agreement and the existing UN Regulations. If there is any inconsistency between these guidelines and the text of the 1958 Agreement, the latter shall prevail;
  - (b) Clarifying the procedures following Revision 3 of the 1958 Agreement;
  - (c) Ensuring "good regulatory practice" by providing clarifications in order to avoid divergence in the understanding of Revision 3 of the 1958 Agreement and the application of UN Regulations.

## **II. Main principles of the 1958 Agreement for the drafting of scope, administrative provisions and alternative requirements in UN Regulations**

3. The 1958 Agreement, and in particular Articles 1 and 3 thereof, lays down two main principles for UN Regulations:
  - (a) Mutual recognition: Article 3 of the 1958 Agreement clearly specifies that a type approval granted according to the latest version of a UN Regulation by a Contracting Party applying that UN Regulation shall be accepted by all the Contracting Parties applying said UN Regulation as proof of compliance to the technical requirements of the UN Regulation in question, without any further testing, documentation, certification or marking concerning this UN type approval. Special provisions, if any, in UN Regulations shall also respect the objectives of international harmonization and mutual recognition of approvals;
  - (b) UN Regulations are optional: Contracting Parties are free to choose which UN Regulations they apply. Furthermore, even when they apply a UN Regulation, they may keep their own alternative national/regional legislation. If they so wish, they may substitute/supplement their national/regional legislation by/with the requirements of UN Regulations, (e.g. mandating the UN regulations) but they are not bound to do so by the Agreement. The only obligation when applying UN Regulations is to accept UN type approvals to these UN Regulations in their latest applicable version, taking into account any transitional provisions, as an alternative to their national/regional legislation.
4. Article 12 of the 1958 Agreement lays down the main principles for amendments to UN Regulations, in particular, the obligation of Contracting Parties to accept UN type approvals granted in accordance with the amended UN Regulations. Revision 3 of the 1958 Agreement also foresees that Contracting Parties applying a UN Regulation have the possibility (but not the obligation) to grant and to accept type approvals to an earlier version of the UN Regulations.

### **III. General guidelines on the scope of UN Regulations**

5. The scope of a UN Regulation shall specify:
  - (a) For which categories of vehicles (M, N, etc.), including any possible restrictions such as mass, UN type approvals according to the UN Regulation can be issued;
  - (b) Which vehicle systems, equipment and parts are covered by the UN Regulation;
  - (c) Which vehicle characteristics that have a bearing on road safety, protection of the environment and energy saving, and/or on the performance of anti-theft technology are covered by the UN Regulation;
  - (d) If necessary, which vehicle categories, vehicle systems, equipment and parts are not covered by the UN Regulation and for which no UN type approval may be issued.
6. When drafting a UN Regulation or amendments thereto, experts of subsidiary bodies of WP.29 shall focus on the main principles mentioned in paragraphs 3 and 4 above. In particular, all UN type approvals granted for vehicles covered by the scope of the latest version of a UN Regulation shall be accepted by all the Contracting Parties applying said UN Regulation. Furthermore, the choice of making the requirements of a UN Regulation mandatory on a national/regional basis is to be dealt nationally/regionally by Contracting Parties, and shall therefore not be addressed within the scope of a UN Regulation. Finally, when adding new vehicle types/categories/vehicle systems/equipment/parts in the scope of a UN Regulation, experts shall review the existing requirements accordingly and ensure that these new vehicle types/categories/vehicle systems/equipment/parts are clearly defined.

### **IV. General guidelines on cross references to standards or other UN Regulations in UN Regulations**

7. With the exception of UN Regulation No. 0, if a UN Regulation makes reference to the provisions of another UN Regulation, it shall not require approval to that UN Regulation, but simply refer to the provisions of the UN Regulation referred to. However, a UN Regulation may require, for the installation of components and/or systems, that these be approved according to their respective UN Regulation. Furthermore, each subsidiary body shall carefully review such references to avoid difficulties in interpretation. Reference to the provisions of another UN Regulation shall indicate the version of that UN Regulation, with the understanding that any later version will be equally acceptable.
8. If a UN Regulation refers to standard of the International Organization for Standardization (ISO) or any other standard, which has been produced outside the United Nations framework, it shall refer to the number and the specific version of the standard, e.g. "ISO 29234:2004".

## V. **General guidelines on alternative requirements in UN Regulations**

9. When considering alternative requirements within a UN Regulation, experts of the subsidiary bodies of WP.29 shall bear in mind the main principles mentioned in paragraphs 3 and 4 above as well as paragraphs 10 and 11 below.
10. Alternative technical requirements (e.g. alternative test procedure) may be used in a UN Regulation (Article 1.2(b) of the 1958 Agreement) provided that all UN type approvals granted in accordance with any of the alternative requirements in that UN Regulation are accepted by all Contracting Parties applying that UN Regulation.
11. Bearing in mind the basic principle of mutual recognition of approvals, UN Regulations shall not include options at the choice of the Contracting Parties. However, UN Regulations may contain equivalent alternatives with the understanding that each alternative shall be acceptable.
12. Options in a UN Regulation permitting Contracting Parties to refuse any UN type approvals granted in accordance with that UN Regulation are contrary to the principle of mutual recognition (a UN type approval shall be accepted by all the Contracting Parties applying the UN Regulation concerned, taking into account the transitional provisions). Article 12 of the 1958 Agreement defines the conditions to be fulfilled when a UN Regulation is amended. Contracting Parties applying the UN Regulation are bound to accept UN type approvals granted according to the latest version of that UN Regulation. Contracting Parties applying that UN Regulation are not obliged to accept type approvals granted according to the previous version of the UN Regulation, once the transitional provisions of that latest series of amendments allow the refusal of such approvals.
13. To avoid options in a UN Regulation, Contracting Parties have to bear in mind the mutual recognition principle and acknowledge that UN type approval granted for vehicle systems/equipment/parts configuration(s) according to the latest version of a UN Regulation (e.g. the most stringent configuration) will have to be accepted by all Contracting Parties, irrespective of which configuration Contracting Parties will mandate in their national/regional legislation for their respective territories.
14. Although not required by the 1958 Agreement, when a Contracting Party wishes to continue accepting type approvals to a previous series of amendments of a UN Regulation, it is also expected that it will accept type approvals to any intermediate later version than that series of amendments.
15. If a UN Regulation covers several vehicle systems/equipment/parts and Contracting Parties do not want to recognize the UN type approvals for all of them, a solution to avoid options is to split the UN Regulation in question into several new separate UN Regulations covering the different vehicle systems/equipment/parts. This approach will enable Contracting Parties to decide which of these new UN Regulations they want to apply and, therefore, which product shall comply with the relevant requirements of these UN Regulations as a condition for being accepted on their domestic market, in accordance with the principle of mutual recognition.
16. As a general guideline, provisions for new vehicle systems/equipment/parts which are not yet covered by existing UN Regulations shall be introduced through the development of new UN Regulations and not through amendments as options or add-ons to existing UN Regulations. This approach avoids difficulties and enables Contracting Parties to comply with the principle of mutual recognition of UN type approvals.

## **VI. General guidelines on administrative/transitional provisions**

17. When drafting administrative/transitional provisions in a UN Regulation, experts of the subsidiary bodies of WP.29 shall bear in mind the main principles mentioned in paragraphs 3 and 4 above. Administrative/transitional provisions shall focus on the mutual recognition of UN type approvals. A UN type approval to the latest version of the UN Regulation shall be accepted by all the Contracting Parties applying the UN Regulation concerned. Administrative/transitional provisions concerning the mandatory application of a UN Regulation at national/regional level have to be dealt with by the Contracting Parties concerned nationally/regionally and not through provisions in a UN Regulation. When a UN Regulation is amended, Contracting Parties applying that UN Regulation shall comply with the transitional provisions of that amendment.
18. Administrative/transitional provisions within a UN Regulation may not set requirements for vehicles/vehicle systems/equipment/parts that fall outside the scope of that UN Regulation.
19. Administrative/transitional provisions concerning the national/regional administrative procedure required (i.e. type approval, registration) to place products on the national/regional market have to be dealt with nationally/regionally by the Contracting Parties. For example, a UN Regulation can neither prevent nor oblige Contracting Parties to require the application of the type approval system for the placing on the market of some products in their territories. Contracting Parties not having such type approval system in place in their territories may apply a UN Regulation by accepting vehicles/vehicle systems/equipment/parts, even if they do not themselves grant such type approvals. In other words, the existence of a national type approval system is not a pre-requisite for the application of a UN Regulation. National registration and administrative procedures (e.g. market surveillance) are not covered by the 1958 Agreement.

### **A. New UN Regulation**

20. A new UN Regulation shall specify the date of the entry into force of the UN Regulation, as from which Contracting Parties applying that Regulation can issue UN type approvals according to that UN Regulation.
21. The Contracting Parties intending to apply a new UN Regulation on a mandatory basis in their national/regional legislation shall take into account the date of entry into force of that new UN Regulation, as well as industry's need for lead time to adapt products to the new requirements and obtain the necessary approvals.

### **B. Amendments to a UN Regulation**

22. Technical amendments are aimed at adapting UN Regulations to technical progress, improving vehicle safety and the protection of the environment, as well as achieving global harmonization. Subject to the decisions of the World Forum and its subsidiary body, they may result in new series of amendments in the case of a higher stringency of the requirements (e.g. more stringent limit values) or in Supplements in the case the level of stringency of the requirements is not changed or in the case of clarifications to the existing specifications aimed at avoiding misinterpretation.

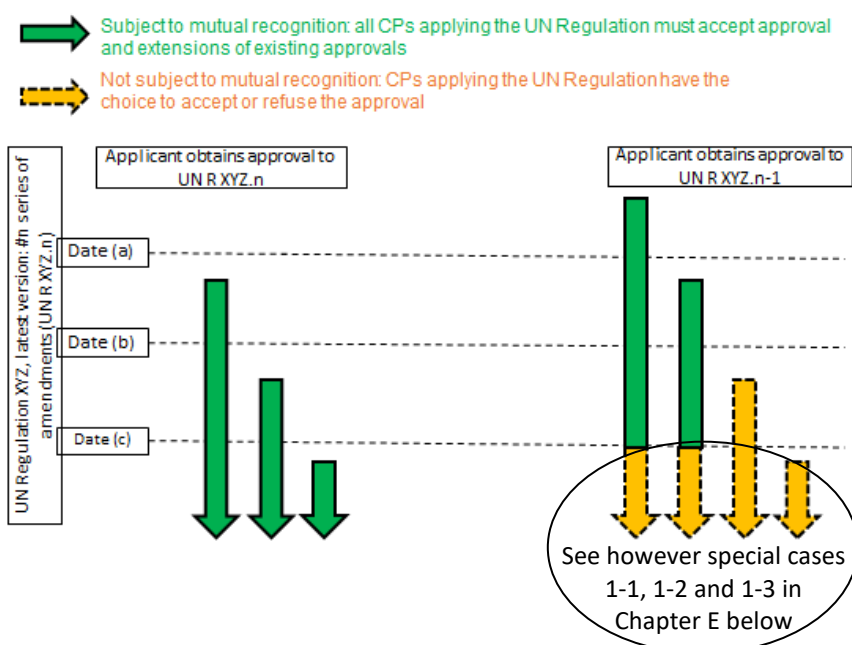
#### **B.1. Series of Amendments**

23. Series of amendments shall be developed to change the technical requirements that the vehicle types, vehicle systems, equipment or parts shall fulfil as from

a certain date, in order to obtain UN type approval according to the new version of the Regulation, even if the amendments consist of minor technical changes and do not affect vehicles/vehicle systems/equipment/parts design drastically. In this procedure, the modification of the approval marking is necessary to differentiate the new approvals to the amended UN Regulation (hereinafter referred to as "the new approvals") from the existing approvals to the preceding amendments or unamended UN Regulation (hereinafter referred to as "the existing approvals").

24. Unless otherwise expressly set out in the transitional provisions of the latest series of amendments, Contracting Parties are not obliged to accept existing approvals from the date of entry into force of these latest series of amendments. Contracting Parties may continue to grant approvals to any previous version(s) of a UN Regulation. However, they may refuse to accept such approvals, subject to the transitional provisions of the later series of amendments.
25. The new series of amendments shall normally contain at least the following:
  - (a) The date as from which Contracting Parties are entitled to issue a UN type approval in accordance with the amended UN Regulation and as from which Contracting Parties are obliged to accept such type approvals (defined as Date (a) in Figure 1). In general, this date should be the date of entry into force of the series of amendments;
  - (b) The date as from which Contracting Parties are no longer obliged to accept UN type approvals to the previous version which were first issued after this date (defined as Date (b) in Figure 1);
  - (c) The date as from which Contracting Parties shall not be obliged to accept UN type approvals issued pursuant to the preceding version(s) of the amended UN Regulation, regardless of the date of issue (defined as Date (c) in Figure 1);
  - (d) An update of the series of amendments used in the marking provisions and updated examples of markings unless such markings are replaced by a Unique Identifier according to Schedule 5 of the 1958 Agreement.

Figure 1  
**Illustration of a transitional period for a vehicle, or vehicle systems, covered by a UN Regulation and its amendments**



*Note:* Existing approvals remain valid, but Contracting Parties are not obliged to accept them as from date (c). If date (c) is not specified in the transitional provisions and if the text of special cases 1-1, 1-2, and/or 1-3 (see paragraphs 40-42 below) is not used, this date (c) is regarded as identical to date (b).

26. The new series of amendments may contain a provision on the conditions for granting extensions to existing approvals (i.e. in the case of slight modifications to an existing vehicle type, without affecting the basic definition of type). Such extensions of approvals shall be accepted under the same conditions set out in paragraph 25 above, i.e. such extensions of approvals, which were originally granted before Date (b), shall continue to be accepted by all Contracting Parties until at least Date (c), (if applicable). Furthermore, the new series of amendments may contain a transitional provision for Contracting Parties applying the UN Regulation after the date of entry into force of the amendments, indicating that such Contracting Parties are not obliged to accept the existing approvals.
27. General guidelines on transitional provisions for new series of amendments are set forth in Annex 1 to this document. In the interest of harmonizing the introduction of technical product changes, Dates (b) and (c) shall be set at September 1<sup>st</sup> of a year whenever feasible.

## **B.2. Supplement**

28. A Supplement is an amendment to a UN Regulation which is used for:
- (a) Clarification of test procedures not changing the level of stringency of the UN Regulation or imposing new requirements; or
  - (b) Regulating new developments which have arisen after the adoption of a UN Regulation (i.e. extension of scope) not changing the level of stringency of the UN Regulation.
29. A Supplement does not entail a modification in the approval marking and shall not be used when it is necessary for Contracting Parties to differentiate the new approvals from the existing approvals.
30. A Supplement becomes applicable as from the date of entry into force, after which tests according to the series of amendments to the UN Regulation, affected by that Supplement, need to take into account the Supplement in question. In the absence of any other date mentioned, Supplements become applicable for all procedures for approvals issued after the date of its entry into force, taking into account the transitional provisions, if any, of the series of amendments to which the Supplement refers and taking into account paragraphs 31.(a) and 31.(b) below.
31. In the case of Supplements that have entered into force:
- (a) Under Revision 2 of the 1958 Agreement, and unless specifically otherwise foreseen, extensions of existing approvals may continue to be granted on the basis of the provisions that were valid at the time of the original approval;
  - (b) Under Revision 3 of the 1958 Agreement, a Supplement shall apply to new extensions of existing approvals. However, the Supplement may foresee that it will not affect existing approvals.
32. Subject to paragraph 28, existing approvals do not need to be extended because of the entry into force of a new Supplement and Contracting Parties shall continue to recognize them in accordance with paragraph 26 above.

## **B.3. Corrigendum**

33. A Corrigendum consists of corrections (i.e. bringing into order of one or several errors, e.g. correction of linguistic errors or unintended omissions) to previously adopted UN Regulations and amendments and is normally used to



avoid different interpretations. Corrigenda are deemed to enter into force *ab initio*, whereby the date of entry into force is the date of adoption by the Administrative Committee AC.1. Further instructions for preparing Corrigenda to UN Regulations are set out in Annex 3 to this document.

### **C. Version of a UN Regulation**

34. A "Version" of a UN Regulation is a legal status of that Regulation at a specific date and means the text (whether or not published as a consolidation) of the Regulation based on the original text of the Regulation or on a series of amendments including all subsequent Supplements and corrigenda to that series of amendments are in force at that date.
35. Entry into force of subsequent series of amendments to a UN Regulation will result in various versions of that same UN Regulation. Transitional provisions in the various versions have to be complied with.
36. A new UN Regulation, when adopted and entering into force, is considered to start at version 00. Subsequent Supplements, if any, to that UN Regulation in its original form, become part of that version 00 upon their entry into force. Subsequently, each series of amendments to that UN Regulation entails a new version (version 01, version 02, ...).
37. When a Supplement to a series of amendments enters into force, it is then considered as an integral part of the respective individual version, whether or not the text of that version has been published in a consolidated form.
38. Contracting Parties may decide to accept, for the placing on their market, approvals granted to earlier versions than the latest one of a UN Regulation.

### **D. Revision of a UN Regulation**

39. A "Revision" of a UN Regulation is an administrative procedure by the secretariat of the United Nations Economic Commission for Europe (UNECE) and means a consolidation of the original text or of the previous Revision of that UN Regulation incorporating all subsequent amendments (Amend. and Corr.) to the original text or to that Revision.

### **E. Consideration for special cases**

#### **E.1. Special cases for Series of Amendments**

- (a) *Special case 1-1: Introduction of new requirements for the installation of equipment/parts*

40. In the case of requirements for the installation of equipment and/or parts that are added to a UN Regulation but without modifying the requirements on these equipment/parts, not being necessary to change the approval and markings of the equipment/parts, it is recommended to follow the procedure of the series of amendments with a special transitional provision stating:

"xx. Contracting Parties applying the UN Regulation shall continue to accept type approvals of the equipment/parts to the ~~XX-1preceding~~ series of amendments to the UN Regulation and shall continue to grant extensions of approvals to equipment/parts to the ~~XX-1preceding~~ series of amendments to the UN Regulation."

- (b) *Special case 1-2: Change of requirements only for some vehicles/vehicle systems/equipment/parts*
41. When an amendment modifies the technical requirements of only some vehicles/vehicle systems/equipment/parts in the scope of the UN Regulation and when the technical requirements for the other vehicles or vehicle systems/equipment/parts remain unchanged, it is recommended to follow the procedure of the series of amendments with a special transitional provision stating:
- "xx. Contracting Parties applying the UN Regulation shall continue to accept type approvals of, and to grant extensions of approvals to, the vehicles or the vehicle systems/equipment/parts to the **XX-1preceding** series of amendments to the UN Regulation which are not affected by the changes introduced by the XX series of amendments."

- (c) *Special case 1-3: Indefinite validity of former series of amendments*
42. If the Contracting Parties applying the UN Regulation in question agree to continue to accept the existing approvals indefinitely, the new series of amendments may contain a special transitional provision, instead of defining the date stipulated in paragraph 25 (c), stating:
- "xx. Contracting Parties applying this Regulation shall continue to accept type approvals to the **XX-1preceding** series of amendments to the UN Regulation, first issued before Date (b). "

**E.2. Special cases for Supplements (Special case 2):**

43. Even in the case of a Supplement which does not change the technical requirements, UN type approvals granted in accordance with that Supplement shall be accepted as from the date of its entry into force. To that effect, Supplements shall contain the following provision:
- "xx. As from the official date of entry into force of Supplement YY to the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse to grant or refuse to accept type approvals according to Supplement YY to the XX series of amendments to this Regulation."
44. In case time is needed to accommodate the production to the provisions of the new Supplement, the following transitional provision may be used:
- "xx. Until ... months after the date of entry into force of the Supplement YY to the XX series of amendments to this Regulation, Contracting Parties applying this Regulation can continue to grant type approvals to the XX series of amendments to this Regulation without taking into account the provisions of Supplement YY."

**E.3. Miscellaneous**

45. When considering amendments to UN Regulations, the subsidiary bodies of WP.29 shall bear in mind:
- (a) When several amendment proposals to the same version of a UN Regulation are under consideration, these proposals should, wherever possible, be grouped together into the same amendment;
  - (b) Before submitting proposals for amendments to UN Regulations, the experts of the subsidiary bodies are required to study this document carefully and indicate the amendment procedure they want to propose;
  - (c) When submitting proposals for a new series of amendments with transitional provisions, the experts of subsidiary bodies shall propose to

delete obsolete transitional provisions for the previous series of amendments, if applicable; and

- (d) The issue of transitional provisions, especially their appropriateness for series of amendments or for Supplements, shall always be carefully examined to ensure that the principles referred to in paragraphs 3 and 4 above are fully respected.

## **VII. Amendment procedure and transitional provisions for UN Regulation No. 0 on International Whole Vehicle Type Approval (IWVTA)**

46. UN Regulation No. 0 on IWVTA is a special case inasmuch as it does not contain technical requirements of its own but implicitly combines requirements for whole vehicles by referencing to other UN Regulations listed in Annex 4, Part A of UN Regulation No. 0. For this reason, dedicated provisions concerning the amendment of this Regulation as well as its transitional provisions are needed.
47. When the list of UN Regulations in Annex 4 of UN Regulation No. 0 is amended to include new series of amendments of already listed UN Regulations and/or additional UN Regulations, this will create a new series of amendments of UN Regulation No. 0.
48. UN Regulation No. 0 shall be amended as described in paragraph 47. not more than once per year subject to the following conditions:
- (a) The proposal for the new series of amendments shall be put to vote for adoption in the last session of WP.29 in any year;
- (b) The update may include any new series of amendments of UN Regulations already included in Annex 4 of UN Regulation No. 0 for which the Date (b) in the transitional provisions as defined in paragraph 25.(b) above is no later than 1 September of the year following the vote. It may also include any UN Regulations which were not included in Annex 4 before. In the process to include a new UN Regulation in UN Regulation No. 0 due consideration should be given to the industry's need for lead time.
49. The new series of amendments of UN Regulation No. 0 shall have the following transitional provisions (cf. Figure 1):
- (a) Date (a) represents the entry into force of the new series of amendments;
- (b) Date (b) shall, by default, be 1 September of the year following the vote for adoption in WP.29 unless exceptional circumstances warrant a different date. In the case additional UN Regulations are included in Annex 4 of UN Regulation No. 0 via the new series of amendments, then for these UN Regulations this same Date (b) specified above applies;
- (c) In general, no Date (c) shall be specified for UN Regulation No. 0.

However, when the new series of amendments of UN Regulation No. 0 incorporates later versions of UN Regulations which had already been listed in Annex 4 in the previous version, then any Date (c) contained in these later versions of the separate UN Regulations shall be relevant for acceptance of the IWVTA.

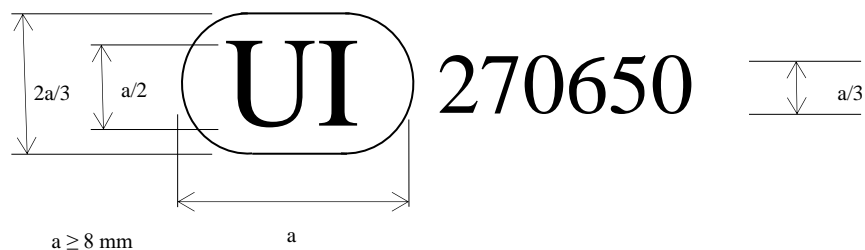
Notwithstanding the above, the transitional provisions of UN Regulation No. 0 may include a Date (c) both for the addition of a UN Regulation that was not yet included in Annex 4 of UN

Regulation No. 0, or of a later version of a UN Regulation, which had already been listed in Annex 4, as appropriate.

For the acceptance of a universal IWVTA (U-IWVTA) this later Date (c) would supersede Date (c) specified in the transitional provisions of the individual UN Regulation.

## **VIII. Circulation of type approval documentation, use of the secure internet database and use of a Unique Identifier**

50. When drafting a new UN Regulation or an amendment of a UN Regulation, the subsidiary bodies of WP.29 shall bear in mind the general principle that the distribution of type approval documentation can be performed by using the secure internet database established by UNECE and that, in principle, the approval marking may be replaced by a Unique Identifier, generated by that database application. The subsidiary bodies shall make a reference to Schedule 5 of Revision 3 of the 1958 Agreement and may specify:
- (a) That the circulation of type approval documentation has to be performed by using the secure internet database; and / or
  - (b) That the approval marking may not be replaced by a Unique Identifier.
51. In the absence of such specification, and where the approval documentation is stored on the secure internet database, the approval markings required by UN Regulations may be replaced by the Unique Identifier.
52. For consistency throughout the UN Regulations, the following text is suggested to be included in the chapter "Approval" of the UN Regulation;
- For case (a) of paragraph 50 above: "Notice of approval or of extension, refusal or withdrawal of approval of a vehicle type pursuant to this Regulation shall be communicated by means of a secure internet database in accordance with Schedule 5 of the 1958 Agreement to the Contracting Parties applying this Regulation, using the communication form conforming to the model in Annex ...";
- For case (b) of paragraph 50 above: "The approval mark prescribed in paragraph .... above may not be replaced by a Unique Identifier (UI) as referred to in Schedule 5 of the 1958 Agreement."
53. Where the Unique Identifier replaces the approval marking, a template shall be added to the chapter "Arrangement of the type approval marking", following:
- "type approval marking using the Unique Identifier referred to in paragraph ... of this Regulation."



54. The above Unique Identifier shows that the type concerned has been approved and that the relevant information on that type approval can be accessed on the UN secure internet database by using 270650 as Unique Identifier. Any leading zeros in the Unique Identifier may be omitted in the approval marking.
55. Finally, the subsidiary bodies of WP.29 may consider clarifying that, in the case the Unique Identifier replaces the approval mark, all provisions with regard to the legibility, location of the marking on the product, etc., also apply to the Unique Identifier.

## Annex 1

### General guidelines on transitional provisions for series of amendments

#### I. Situations to be considered

1. Transitional provisions should consider:
  - (a) UN type approvals;
  - (b) The acceptance of UN type approvals as equivalent to national/regional type approvals.
2. "UN type approvals" can relate to:
  - (a) A new UN Regulation;
  - (b) An amended or revised UN Regulation;
  - (c) A previous version of a UN Regulation;or it can be an approval with extended application.
3. The products to which UN type approval apply can be divided into:

V: Vehicles, vehicle systems and the installation of equipment or parts in new vehicles;

C: Equipment and parts; and

R: Replacement parts for vehicles in use.
4. The combination of cases of the above paragraphs 1 and 2 with the products under paragraph 3 of this annex could result in a larger number of transitional provisions. A proper selection of the various clauses has to be made for each individual case.
5. The following four sets of general guidelines should be considered as an "aide-mémoire" including the different possibilities for transitional provisions. This does not mean that all of them should be used together and a careful selection should be made to avoid contradictions. 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 "Replacement parts on vehicles in use", can also apply to the transitional provisions "Equipment and parts".
6. The transitional provisions described in Chapter II below may be adapted, if necessary, in exceptional cases provided they remain in line with the requirements of the 1958 Agreement.

## II. Aide-mémoire

### A. Transitional provisions for vehicles, vehicle systems and the installation of equipment and parts in new vehicles

- 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 or refuse to accept type approvals under this Regulation as amended by the XX series of amendments.
- V.2. As from 1 September Date (b), Contracting Parties applying this Regulation shall not be obliged to accept type approvals to **any of** the preceding series of amendments, first issued after 1 September Date (b).
- V.3. Until 1 September Date (c), Contracting Parties applying this Regulation shall accept type approvals to the **XX-1** preceding series of amendments, first issued before 1 September Date (b).<sup>3</sup>
- V.4. As from 1 September Date (c), Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued to **any of** the preceding series of amendments to this Regulation.<sup>1, 2, 3</sup>
- V.5. Notwithstanding the transitional provisions above, Contracting Parties who start to apply this Regulation after the date of entry into force of the most recent series of amendments are not obliged to accept type approvals which were granted in accordance with any of the preceding series of amendments to this Regulation / are only obliged to accept type approval granted in accordance with the XX series of amendments.

<sup>1</sup> Special case 1-1: V.6 can be used in addition to V.4 when requirements for the installation of equipment/parts are added to a UN Regulation but without modifying the requirements of, and the approval markings for these equipment/parts.

<sup>2</sup> Special case 1-2: V.7 can be used in addition to V.4 when some vehicle categories/vehicle systems are not affected by the amendment.

<sup>3</sup> Special case 1-3: V.8 replaces V.3 and V.4 in the case of indefinite acceptance of existing approvals previously granted according to the former series of amendments

- V.6. Notwithstanding paragraph V.4, Contracting Parties applying this Regulation shall continue to accept type approvals of the equipment/parts issued according to the **XX-1** preceding series of amendments to this Regulation. <sup>1,4</sup>
- (Note: V.6 is for special case 1-1 and comes in addition to V.4 when applicable)*
- V.7. Notwithstanding paragraph V.4, Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the **XX-1** preceding series of amendments to this Regulation, for the vehicles/vehicle systems which are not affected by the changes introduced by the XX series of amendments. <sup>2,5</sup>
- (Note: V.7 is for special case 1-2 and comes in addition to V.4 when applicable.)*
- V.8. Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the **XX-1** preceding series of amendments to this Regulation, first issued before Date (b). <sup>3,6</sup>
- (Note: V.8 is for special case 1-3 and would replace V.4 when applicable.)*
- V.9. Contracting Parties applying this Regulation may grant type approvals according to any **of the** preceding series of amendments to this Regulation.
- V.9bis. Contracting Parties applying this Regulation shall continue to grant extensions of existing approvals to any **of the** preceding series of amendments to this Regulation.

<sup>4</sup> Special case 1-1, additional comment: In case the requirements for the equipment/parts have remained unchanged over several previous series of amendments (XX-2, XX-3, ...), then also these previous versions should remain acceptable, inasmuch as they foresee this possibility. In such a case, then the following text could be added as well:

"Contracting Parties applying this Regulation shall also continue to accept type approvals of the equipment/parts to any of the previous series of amendments to this Regulation, provided the transitional provisions in these respective previous series of amendments foresee this possibility."

<sup>5</sup> Special case 1-2, additional comment: In case the vehicles/vehicle systems have remained unaffected over several previous series of amendments (XX-2, XX-3, ...), then the following text could be added as well: "Contracting Parties applying this Regulation shall also continue to accept type approvals issued according to any of the previous series of amendments to this Regulation, for the vehicles/vehicle systems which are not affected by the changes introduced by the XX series of amendments, provided the transitional provisions in these respective previous series of amendments foresee this possibility."

<sup>6</sup> Special case 1-3, additional comment: In case also other, previous series (XX-2 and/or XX-3, ...) foresee continuous acceptance of approvals to previous series, then the following text could be added as well:

"Contracting Parties applying this Regulation shall also continue to accept type approvals issued according to any of the previous series of amendments to this Regulation first issued before Date (b), provided the transitional provisions in these respective previous series of amendments foresee this possibility."



## B. Transitional provisions for equipment and parts

- 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 or refuse to accept type approval under this Regulation as amended by the XX series of amendments.
- C.2. As from 1 September Date (b), Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued according to **any of** the preceding series of amendments, first issued after 1 September Date (b).
- C.3. Until 1 September Date (c), Contracting Parties applying this Regulation shall accept type approvals issued according to the **XX-1preceding** series of amendments, first issued before 1 September Date (b).<sup>47</sup>
- C.4. As from 1 September Date (c), Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued to **any of** the preceding series of amendments to this Regulation<sup>4</sup> (unless the equipment or part is intended as a replacement for fitting on vehicles in use and that it would not be technically feasible for the equipment or part in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments).<sup>4, 57, 8</sup>
- C.5. Notwithstanding paragraph C.4, Contracting Parties applying this Regulation shall continue to grant and accept type approvals for devices (equipment and parts) on the basis of any **of** the previous series of amendments, provided that the devices (equipment and parts) are intended as replacements for fitting to vehicles in use and that it is not technically feasible for the devices (equipment and parts) in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments.
- C.6. 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 UN type approvals which were granted in accordance with any of the preceding series of amendments to this Regulation / are only obliged to accept type approval granted in accordance with the XX series of amendments.
- C.7. Notwithstanding paragraph C.4, Contracting Parties applying this Regulation shall continue to accept type approvals of the equipment or parts issued according to the **XX-1preceding** series of amendments to this Regulation which are not affected by the XX series of amendments.<sup>58</sup>
- (Note: C.7 is for special case 1-2. and comes in addition to C.4 when applicable)*
- C.8. Contracting Parties applying this Regulation shall continue to accept type approvals to the **XX-1preceding** series of amendments to this Regulation, first issued before Date (b).<sup>47</sup>
- (Note: C.8 is for special case 1-3. and would replace C.3 and C.4 when applicable.)*
- C.9. ~~Contracting Parties applying this Regulation shall not refuse to grant type approvals according to any preceding series of amendments to this Regulation or extensions thereof.~~ **Contracting Parties applying this Regulation may**

<sup>47</sup> Special case 1-3: C.8 replaces C.3 and C.4 in the case of indefinite acceptance of existing approvals previously granted to the former series of amendments.

<sup>58</sup> Special case 1-2: C.7 can be used in addition to C.4 when some equipment or parts are not affected by the amendment. It is recommended to clearly specify here the components or parts which are not affected by the amendment (e.g. safety-belts for M1 category of vehicles).

grant type approvals according to any of the previous series of amendments to this Regulation.

**C.9bis.** Contracting Parties applying this Regulation shall continue to grant extensions of existing approvals to any of the previous series of amendments to this Regulation.

## C. Transitional provisions for replacement parts for vehicles in use

- R.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 or refuse to accept type approvals under this Regulation as amended by the XX series of amendments.
- R.2. Contracting Parties applying this Regulation shall continue to grant type approvals to those types of equipment or part which comply with the requirements of this Regulation as amended by any **of the** previous series of amendments provided that the equipment or part is intended as a replacement for fitting on vehicles in use and that it would not be technically feasible to fit an equipment or part which satisfies the requirements contained in this Regulation as amended by the XX series of amendments.
- R.3. 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 an equipment or part approved under this Regulation as amended by 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 an equipment or part approved to this Regulation as amended by the **XX-1preceding** series of amendments during the ... months period which follows the date of entry into force of the XX series of amendments.<sup>69</sup>
- R.5. Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of an equipment or part approved to this Regulation as amended by any previous series of amendments provided that the equipment or part is intended as a replacement and that it would not be technically feasible for the equipment or part in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments.<sup>69</sup>

*(Note: R.5 is for Special case 1-3 and replaces R.4 when applicable.)*

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<sup>69</sup> Special case 1-3: R.5 replaces R.4 in the case of indefinite acceptance of ~~former~~ series of amendments for replacement parts for vehicles in use.

## Annex 2

### Example of wording for the scope of UN Regulations

#### "1. Scope

- 1.1. This Regulation applies to the type approval of vehicles of categories M<sub>2</sub> or M<sub>3</sub><sup>1</sup> with regard to ....
- 1.2. This Regulation does not apply (approvals to this Regulation may not be granted) to the following vehicles:
  - 1.2.1. Vehicles designed for the secure transport of persons, for example prisoners;
  - 1.2.2. Vehicles specially designed for the carriage of injured or sick persons (ambulances);
  - 1.2.3. Off-road vehicles.  
..."

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<sup>1</sup> As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, para. 2 - [www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html](http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html)

## Annex 3

### Administrative guidelines on amendments to UN Regulations

The UN Regulations annexed to the 1958 Agreement may be amended according to the provisions of Article 12 of the 1958 Agreement. Such amendments may be of technical and/or administrative nature.

#### A. Administrative procedures

1. Depending on the extent of the amendment to a UN Regulation, the secretariat may decide to prepare such a document either as a revision (a consolidated document including the necessary amendments and corrections – voted by the Administrative Committee of the 1958 Agreement (WP.29/AC.1) - to provide for a consistent document), an amendment or as a corrigendum (corrections) to the UN Regulation. In this respect, the document shall bear the official symbol E/ECE/324/Add.XX/... or E/ECE/TRANS/505/Add.XX/... with the following extension:

- (a) .../Amend.X = An Amendment issued as a Supplement to the text of the UN Regulation in force or a new series of amendments to the UN Regulation comprising the change of the approval marks.
- (b) .../Rev.X = A Revision of the text comprising all previous text(s) of the UN Regulation in force (as a consolidated text).
- (c) .../Corr.X = A Corrigendum consists of editorial corrections of errors in the issued texts. Corrections are deemed to have been made ab initio.

2. The only legally binding texts of UN Regulations, their supplements or corrigenda are those authentic texts that have been approved by WP.29/AC.1 and that are referred to in the Depositary Notifications. These texts bear the symbol ECE/TRANS/WP.29/... . Therefore, official documents bearing the official symbol E/ECE/324/Add.XX/... or E/ECE/TRANS/505/Add.XX/... shall include a disclaimer with a reference to the authentic texts to read as follows:

"This document is meant purely as documentation tool. The authentic and legal binding texts are ECE/TRANS/WP.29/...".

3. Corrigenda aim at correcting, without modifying the meaning or substance of the text of the treaty and the UN Regulations annexed to, as follows:

- (a) Physical errors on typing, printing, spelling ...;
- (b) Lack of conformity of the treaty with the official records; and/or
- (c) Lack of concordance between the texts of the different authentic languages.

**B. Further clarifications on amendments to UN Regulations***(a) Series of amendments with long transitional provisions*

4. New series of amendments to existing UN Regulations may have long transitional provisions of several years. During the transitional period, two or even more series of amendments to such a UN Regulation may be applicable in parallel and, subsequently, may be amended by Supplements. In order to avoid incoherencies, the subsidiary bodies of WP.29 shall carefully identify to which series of amendments the proposed Supplement is addressed to, when considering and adopting new proposals for Supplements to UN Regulations. In the case several series of amendments are addressed to by a Supplement, the secretariat will prepare separate documents for submission and adoption by WP.29/AC.1.

*(b) Version of UN Regulations*

5. The new provisions of Revision 3 to the 1958 Agreement allow Contracting Parties to grant type approvals pursuant to former versions of UN Regulations.

6. According to the provisions of Article 1, paragraph 1 of Revision 3 to the 1958 Agreement, the term "version of a UN Regulation" indicates that a UN Regulation, following its adoption and establishment, may subsequently be amended in accordance with the procedures described in the Agreement, in particular Article 12. The unamended UN Regulation as well as the UN Regulation after integration of subsequent amendment(s) are considered to be separate versions of that UN Regulation.

7. In the case of specific interpretation problems arising from the use of former versions of UN Regulations, Contracting Parties shall use the provisions of Schedule 6 to the 1958 Agreement.

Justification for addressing GRSP's questions with regard to the interpretation of the term “series” as singular or plural:

1. In principle, the 1958 agreement states that only type approvals based on the latest series of the UN Regulations fall under the obligation of mutual recognition.
2. However, depending on how the grace period is given, there may still be an obligation to accept type approvals to the immediately preceding (the XX-1) series of amendments on top of the latest (the XX) series of amendments.
3. In order to avoid any confusion, Annex 1 Chapter II. Aide-mémoire of Transitional Provisions was amended in the following way:
4. Where the term “series” in the phrase “the preceding series of amendments” can be interpreted as plural, this phrase was replaced by “any of the preceding series of amendments” for clarity.
5. Where the term “series” in the phrase “the preceding series of amendments” can be interpreted as singular, this phrase was replaced by “the XX-1 series of amendments” for clarity.
6. It is noted that the use of Aide-mémoire in Annex 1 of the Guidelines could contribute to basic understanding of how to provide the transitional provisions of a UN Regulation. However, it would be sometimes necessary for Working Party subsidiary to the World Forum for Harmonization of Vehicle Regulations (WP.29) to adjust the transitional provisions to the respective situation surrounding the UN regulation.

Justification for "Aide mémoire", C.9. amendment ;

1. C.9. was introduced by revision 2 of the Guidelines on transitional provisions. This provision is actually not fully in line with Article 12(4) the 1958 agreement on vehicle regulations reproduced below:
 

*“4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to this Agreement which are applying UN Regulations may, subject to compliance with the provisions of Article 2, nevertheless issue type approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3 of this Article, Contracting Parties applying a UN Regulation shall not be obliged to accept type approvals issued pursuant to these earlier versions.”*
2. Under Article 12(4) of the 1958 Agreement, Contracting Parties are not obliged to grant approvals in accordance with an older version of a regulation (they are not even obliged to grant approvals at all), but have the possibility to do so. Current C.9. goes beyond the provisions of the 1958 agreement and requires Contracting Parties to grant approvals to any versions of a regulation. The wording of the guidelines should not create law and should not go beyond the provisions of the 1958 agreement.
3. On the other hand, it is also recognised that the granting of extensions to previously granted approvals remains an obligation: as also stated in Article 1(6) of the 1958 Agreement, if a Contracting Party ceases to issue approvals to a UN Regulation it shall continue to grant extensions to existing approvals.
4. For these reasons, the IWG-IWVTA considers that, C.9. needs some further corrections in order to distinguish between the possibility to grant approvals to preceding versions of a UN Regulation and the obligation to grant extensions to previously granted approvals.
5. Therefore, ‘C.9.’ should be deleted and replaced by new C.9. and C.9.bis.
6. Similarly, ‘V.9.’ was already deleted and replaced by new ‘V.9.’ and ‘V.9.bis’ in revision 3 of the Guidelines on transitional provisions.

Justification for adding footnote <sup>4</sup> Special case 1-1, additional comment, footnote <sup>5</sup> Special case 1-2, additional comment, and footnote <sup>6</sup> Special case 1-3, additional comment;

1. In case Special case 1-1, 1-2, or 1-3 also applies to several previous series of amendments, the additional comment could be included in the transitional provisions to call attention to the transitional provisions in these respective previous series of amendments.

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