

Regulation No. 13-H (Passenger Car Braking)

Proposal on the transitional provisions for amendments to Regulation No. 13-H regarding Electronic Stability Control and Brake Assist Systems

The text reproduced below was prepared by the expert from the European Commission with the aim of modifying the transitional provisions in documents WP29/2008/81 and WP29/GRRF/2008/15 regarding Electronic Stability Control and Brake Assist Systems respectively.

A. Proposal

1. In Document ECE/TRANS/WP.29/2008/81, paragraphs 12.2 and 12.3, to read as follows:

"12.2. As from 1 November 2011, Contracting Parties applying this Regulation may refuse to grant new approvals if the vehicle type to be approved is not fitted with a Electronic Stability Control System meeting the requirements of Annex 9 to this Regulation.

12.3. As from 1 November 2013, Contracting Parties applying this Regulation may refuse first national registration of vehicles of this type unless fitted with a Electronic Stability Control System meeting the requirements of Annex 9 to this Regulation

12.4. Contracting Parties applying this Regulation shall notify the UNECE Secretariat whether they will apply the option of requiring vehicles to be fitted with Electronic Stability Control systems in accordance with paragraphs 12.2 and 12.3 above."

2. In Document ECE/TRANS/WP.29/GRRF/2008/15, paragraphs 12.4 and 12.5 to be replaced with paragraphs 12.5 to 12.7, as follows:

"12.5. As from 1 November 2011 Contracting Parties applying this Regulation may refuse to grant new approvals if the vehicle type to be approved is not fitted with a Brake Assist System meeting the requirements of Annex 10 to this Regulation.

12.6. As from 1 November 2013 Contracting Parties applying this Regulation may refuse first national registration of vehicles of this type unless fitted with a Brake Assist System meeting the requirements of Annex 10 to this Regulation.

12.7. Contracting Parties applying this Regulation shall notify the UNECE Secretariat whether they will apply the option of requiring vehicles to be fitted with Brake Assist systems in accordance with paragraphs 12.5 and 12.6 above."

B. Justification.

At the last GRRF meeting it was agreed in principle that requirements for Electronic Stability Control and Brake Assist Systems should be optional within Regulation 13-H. Thus, Contracting Parties applying Regulation 13-H would be able to choose whether such systems should be mandatory within their territories. It is important that this optionality is reflected in the wording of the transitional provisions, and that the wording used for the two systems should be as consistent as possible.

In the informal group discussion on Brake Assist, two alternative texts for the transitional provisions in paragraphs 12.4 and 12.5 were discussed; Option A and Option B (see document ECE/TRANS/WP.29/GRRF/2008/15). Discussions with Commission lawyers have concluded that Option A does not achieve the desired effect of allowing a Contracting Party to refuse recognition of a Regulation 13-H Approval which does not include Brake Assist. Option A allows Contracting Parties to refuse to grant new approvals or entry into service if the vehicle type to be approved does not meet the requirements of the proposed supplement to the Regulation. However, since there is nothing in the proposed supplement which *requires* Brake Assist to be fitted, then a vehicle could meet the requirements of the supplement without having a Brake Assist System fitted. This would make it difficult for a Contracting Party that wished to mandate Brake Assist within its territory to refuse entry into service of a vehicle without Brake Assist fitted. Option B is preferred, since it explicitly allows (but does not require) a Contracting Party to require that the Brake Assist option is taken.

The same argument applies to ESC systems in document ECE/TRANS/WP.29/2008/81.

In order to simplify the transitional provisions it is proposed that the dates for Brake Assist and ESC are harmonised in line with the proposal in ECE/TRANS/WP.29/2008/81. This will mean a shorter lead time for BAS systems, but it is believed that such systems are already in an advanced stage of development.

In order to ensure transparency regarding the application of the optional provision of paragraphs 12.2, 12.3, 12.5 and 12.6, it is proposed to add paragraphs 12.4 and 12.7 to require Contracting Parties to notify the secretariat if they intend to require ESC or Brake Assist on a mandatory basis. Thus information on which Contracting Parties require these additional systems could be made available, possibly by means of the ECE/TRANS/WP.29/343 Status document.

- - - - -