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**1958 Agreement – Proposal for guidelines on the scope,
administrative provisions and alternative requirements in
Regulations annexed to the 1958 Agreement****Proposal for guidelines on the scope, administrative
provisions and alternative requirements in Regulations
annexed to the 1958 Agreement****Note by the Secretariat***

The text reproduced below was prepared by the secretariat to update the guidelines on transitional provisions and to provide additional guidelines on the scope, administrative provisions, alternative requirements and cross-references in Regulations. It includes the comments received by the secretariat on ECE/TRANS/WP.29/2011/48, in accordance with the request of WP.29 at its 154th session (ECE/TRANS/WP.29/1091, para. 46). It supersedes the current guidelines for transitional provisions (TRANS/WP.29/1044). It is submitted to the World Forum for Harmonization of Vehicle Regulations (WP.29) and to the Administrative Committee (AC.1) for consideration.

* In accordance with the programme of work of the Inland Transport Committee for 2006–2010 (ECE/TRANS/166/Add.1, programme activity 02.4), the World Forum will develop, harmonize and update Regulations in order to enhance the performance of vehicles. The present document is submitted in conformity with that mandate.

A. Proposal

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 of 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 UNECE regulatory procedures and transitional provisions in UN Regulations (TRANS/WP.29/1044).

2. This proposal is for streamlining the future work in the subsidiary bodies and does not alter the current understanding and interpretation of the 1958 Agreement and the existing UN Regulations. If there is any inconsistency between these guidelines and the current text of the 1958 Agreement, the latter prevail.

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

3. Articles 1(3) and 3 of the 1958 Agreement lays down two main principles for UN Regulations:

- (a) **Mutual recognition:** A type approval issued according to a UN Regulation by a Contracting Party applying that Regulation shall be accepted by all the Contracting Parties applying the said Regulation through type approval.
- (b) **UN Regulations are optional:** Contracting Parties are free to choose which UN Regulations they access to. Furthermore, even when they access to a UN Regulation, they have the possibility to keep their own alternative national/regional legislation. If they wish, they may substitute their national/regional legislation by the requirements of UN Regulations, but they are not bound by the Agreement to do so. The only obligation concerning UN type approvals is to accept them as an alternative to national/regional legislation.

III. General guidelines on the scope of UN Regulations

4. The scope shall specify:

- (a) For which categories of vehicles (M, N, etc.) UN type approvals according to the Regulation can be issued;
- (b) Which components, systems, parts are covered by the Regulation;
- (c) If necessary, which vehicle categories, components, systems, parts are not covered by the Regulation and for which therefore no UN type approval may be issued.

5. When drafting the scope of a Regulation, experts of subsidiary bodies of WP.29 shall focus on the two principles mentioned in paragraph 3 above. In particular, all UN type approvals issued for vehicles covered by the scope of the Regulation shall be accepted by all the Contracting Parties applying the said Regulation. Furthermore, the choice to make

the requirements of a Regulation mandatory on a national/regional basis is to be dealt nationally/regionally and shall therefore not be addressed within the scope of a Regulation. Finally, when including vehicle/categories/components/systems/parts in the scope of the Regulation, experts shall ensure that these new vehicle/categories/components/systems/parts are clearly defined and shall review the existing requirements accordingly.

IV. General guidelines on cross references to standards in UN Regulations

6. If a UN Regulation refers to an ISO standard or any other standard, which has been produced outside the UN 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

7. When considering alternative requirements within a Regulation, experts of the subsidiary bodies of WP.29 shall bear in mind the two principles mentioned in paragraph 3 above.

8. Alternative technical requirements (e.g. alternative test procedure) may be used in UN Regulations (Art. 1.2(b) of the 1958 Agreement) provided that all UN type approvals issued in accordance with any of the alternative requirements in the Regulations are accepted by all Contracting Parties applying that Regulation.

9. Bearing in mind that UN Regulations are only optional, UN Regulations shall not include options to cope with the national/regional mandatory application of their provisions. This issue has to be dealt with nationally/regionally.

10. Options in a UN Regulation permitting Contracting Parties to refuse some UN type approvals go against the principle of mutual recognition (A UN type approval shall be accepted by all the Contracting Parties applying the concerned UN Regulation). The only exception given by the 1958 Agreement (Articles 12.1 and 12.2) concerns a transitory period during which two series of amendments may be used as alternative. In this case, only the latest series of amendments (i.e. the safest configuration) have to be recognized by all Contracting Parties. To avoid such options, Contracting Parties have to focus on the mutual recognition principle and consider which vehicle/component configuration(s) (e.g. the safest configuration) will be accepted in all Contracting Parties, not which configuration will be mandated in each national market. For example, it is possible to specify in a UN Regulation that vehicles fitted with Electronic Stability Control (ESC) shall be accepted by all Contracting Parties but this does not mean that Contracting Parties have to mandate ESC for all vehicle sold on their territory.

11. If a UN Regulation covers several components/equipment and Contracting Parties do not want to recognize the UN type approvals of all of them, a solution to avoid options could be to split the Regulation into several new Regulations covering the different components/equipment. This approach will enable Contracting Parties to decide nationally/regionally which of these new Regulations will be applied and therefore which equipment shall be fitted on a mandatory basis as a condition for being accepted on their domestic market, whilst respecting the principle of mutual recognition.

12. As a general guideline, provisions for new components/systems which are not yet covered by existing UN Regulations shall be introduced through the development of new

Regulations and not as options or add-ons to existing Regulations. This approach will avoid difficulties with regard to respecting the principle of mutual recognition of type approvals granted in accordance with a UN Regulation.

V. General guidelines on transitional/administrative provisions

13. When drafting administrative/transitional provisions in a UN Regulation, experts of subsidiary bodies of WP.29 shall bear in mind the two principles mentioned in paragraph 3 above. Administrative/transitional provisions shall focus on the mutual recognition of UN type approvals by all the Contracting Parties applying the said UN Regulation. Administrative/transitional provisions concerning the mandatory application of a UN Regulation at national/regional level have to be dealt nationally/regionally and not within a UN Regulation.

14. Administrative/transitional provisions concerning the national/regional administrative procedure required (i.e. type approval) to put products on the national/regional market have to be dealt nationally/regionally. For example, a UN Regulation can neither prevent nor oblige Contracting Parties to require the type approval system for the sale of some parts in their territories.

15. Administrative/transitional provisions may not set requirements for parts/vehicles that are outside the scope of the Regulation.

A. New UN Regulation

16. A new Regulation shall entail the date of the entry into force of the Regulation, as from which manufacturers are able to request UN type approvals to the Regulation.

17. The Contracting Parties who are planning to apply a new UN Regulation on a mandatory basis in their national/regional legislation have to be aware that UN type approvals to this new UN Regulation can be issued only after the date of entry into force, and that lead time could be necessary for manufacturers to provide conforming vehicles.

18. Subject to a discussion in WP.29, the date until which Contracting Parties are recommended not to require an UN type approval according to the new UN Regulation can be indicated in the report of the WP.29 session in which the UN Regulation is adopted.

B. Series of amendments

19. Series of amendments shall be used when changing the technical requirements that the vehicle systems or components shall fulfil as from a certain date, in order to obtain UN type approval and, depending on the national or regional legislation, to be able to be registered nationally or regionally, even if the amendments are a minor technical change and do not affect vehicle/component 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").

20. Contracting Parties are not obliged to accept the existing approvals as from the date of entry into force of the amendments unless otherwise expressly written in the transitional provisions.

21. The new series of amendments shall contain the necessary provisions defining at least the following:

- (a) Update of the series of amendment used in the marking provisions and updated examples of markings
- (b) Date as from which manufacturers are able to request a UN type approval in accordance with the amended Regulation (defined as (a) date in Figure 1). In general, this date should be the date of entry into force of the series of amendment.
- (c) Date as from which the vehicle/component shall comply with the new requirements to obtain a UN type approval (defined as (b) date in Figure 1), and
- (d) Date until which Contracting Parties are required to accept the existing UN approvals (defined as (c) date in Figure 1).

22. The series of amendments may also contain a transitional 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). Furthermore, the series of amendments may also contain a transitional provision for Contracting Parties, whose application of the Regulation comes into force after the date of entry into force of the amendments, indicating that such Contracting Parties are not obliged to accept the existing approvals.

23. General guidelines of transitional provisions for a series of amendments are set forth in Annex 1 of this document.

C. Supplement

24. A Supplement addresses an amendment to a Regulation which does not entail modification in the approval marking and is normally used for:

- (a) Clarification of test procedures, not imposing new requirements, or
- (b) Permitting previously unexpected new possibilities. (i.e. extension of scope)

25. A Supplement shall not be used when it is necessary for Contracting Parties to differentiate the new approvals from the existing approvals.

26. A Supplement becomes applicable as from the date of entry into force, after which tests according to the Regulation need to take into account the Supplement in question. In the absence of any other date mentioned, Supplements become applicable for all approval procedures started after the date of its entry into force.

27. The existing approvals remain valid and Contracting Parties shall continue to recognize them.

D. Corrigendum

28. A Corrigendum consists of corrections to previously issued texts and is normally used to avoid different interpretations. Corrigenda are deemed *ab initio*, whereby the date of entry into force indicates the date of circulation by the Depository, or – as from 16 October 1992 – the date of adoption by WP.29, or – as from 16 October 1995 – the date of adoption by the Administrative Committee AC.1.

E. Consideration for Special Cases

1. Special Cases for Series of Amendments

(a) *Special case 1-1: Introduction of new requirements for installation of components*

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

"xx. Even after the date of entry into force of the XX series of amendments, UN type approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them."

(b) *Special case 1-2: Change of requirements only for some categories of vehicles/components*

30. When an amendment modifies the technical requirements of only some of the various categories of vehicles or components in the scope of the Regulation and when the technical requirements for the other categories of vehicles or components remain unchanged, it is recommended to follow the procedure of series of amendments with a special transitional provision stating:

"xx. Even after the date of entry into force of the XX series of amendments, UN type approvals of the vehicle categories or the components to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them."

(c) *Special case 1-3: Indefinite validity of former series of amendments*

31. If the Contracting Parties applying the Regulation in question agree to continue to accept the existing approvals indefinitely, the new series of amendments can contain a special transitional provision, instead of defining the date stipulated in paragraph 21(c), stating:

"xx. Even after the date of entry into force of the XX series of amendments, UN type approvals to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them."

2. Special Case for Supplements (Special case 2):

32. Even in the case of Supplements which do not change the technical requirements, time may be needed to accommodate the production or the test equipment to the provisions of the new Supplement. In this case, Supplements can entail the following transitional provision:

"xx. Until ... months after the date of entry into force of the Supplement XX to the XX series of amendments to this Regulation, Contracting Parties applying this Regulation shall continue to grant UN type approvals to the un-amended Regulation."

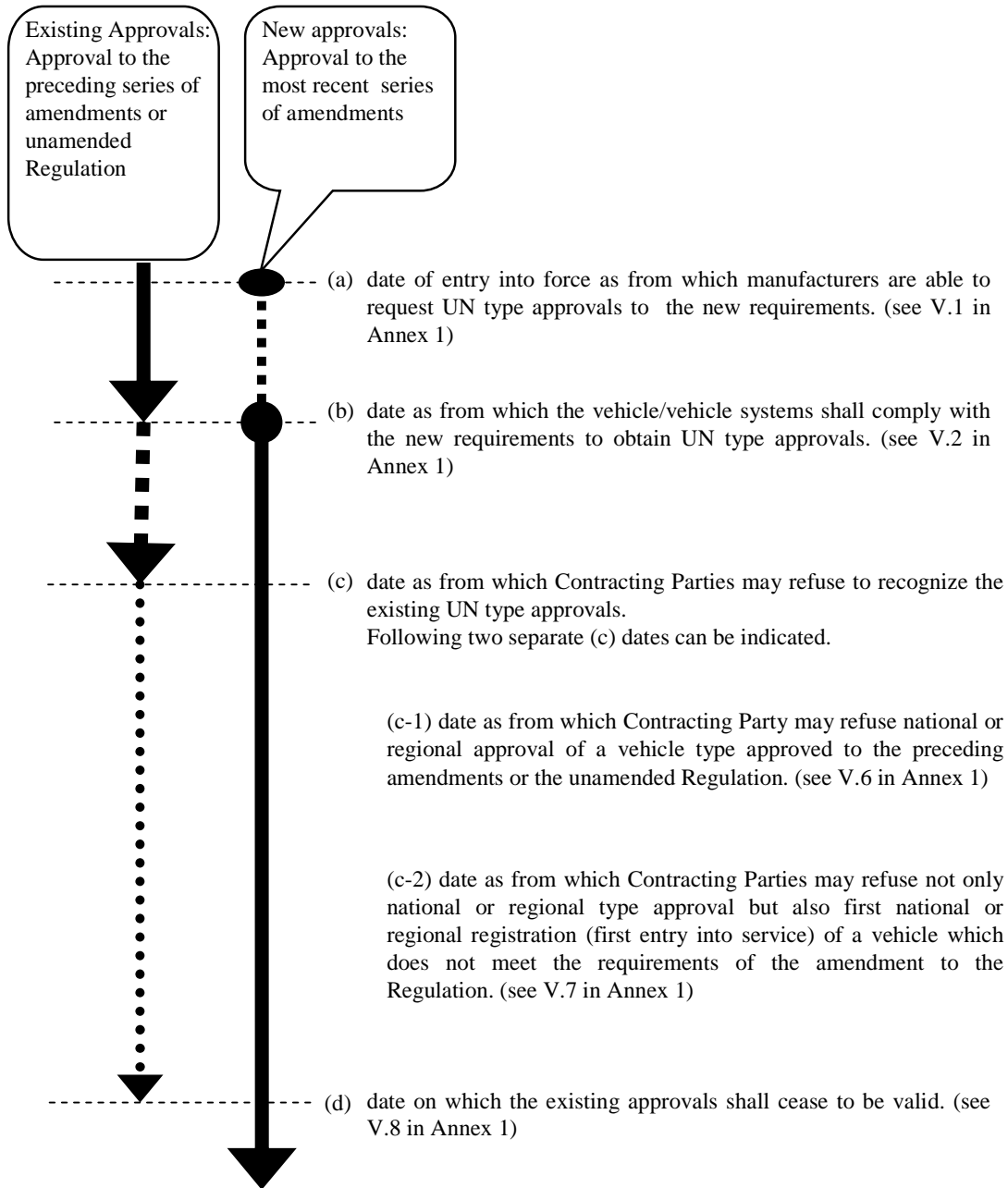
3. Miscellaneous

33. When considering amendments of UN Regulations, the subsidiary bodies of WP.29 shall bear in mind:

- (a) When several amendment proposals to the same Regulation are under consideration, these proposals should, wherever possible, be grouped together into the same series of amendments or Supplement,
- (b) Before submitting proposals for amendment to 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, and to reproduce the whole text of the transitional provisions, and
- (d) The issue of transitional provisions, especially the appropriateness of series of amendments or of Supplements, should always be carefully examined.

34. When a new supplement to a preceding series of amendments is needed, due to the long schedule of transitional provisions of the latest one, keen revision of the requirements should be done by the experts to avoid conflicts of provisions among the series of amendments concerned.

Figure 1
Illustration of a transitional period for a vehicle or vehicle systems Regulation



Note:

If (b) and (c) dates are not written in to the transitional provisions, they are regarded as identical to date (a).

If date (d) is not written in the transitional provisions, the existing approvals can remain valid, but Contracting Parties are not obliged to accept them as from date (c).

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 for national/regional type approvals
 - (c) The acceptance of UN type approvals for national/regional registrations of new vehicles
 - (d) The acceptance of UN type approvals for vehicles and components "in-use"
2. "UN type approvals" can relate to:
 - (a) A new Regulation
 - (b) An amended or revised Regulation
 - (c) A previous version of a Regulationor it can be an approval with extended application
3. The products to which type approval (UN, regional and national), registration and/or in-use requirements apply can be divided into:
 - V: Vehicles and systems
 - C: Components and separate technical units
 - F: Installation of components or separate technical units in new vehicles
 - 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 R. Replacement parts on vehicles in use also can apply to the transitional provisions C. Components and separate technical units.

II. Aide-mémoire

A. Transitional provisions for vehicles and vehicle systems

- 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 UN type approvals under this Regulation as amended by the XX series of amendments.
- V.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant UN type approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the XX series of amendments.
- V.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of UN type approvals to the preceding series of amendments to this Regulation.
- V.4 Contracting Parties applying this Regulation shall continue to grant UN type approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- V.5 No Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the XX series of amendments to this Regulation.
- V.6 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the preceding series of amendments to this Regulation.
- V.7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (national or regional type approval and may refuse) first national or regional registration (first entry into service) of a vehicle which does not meet the requirements of the XX series of amendments to this Regulation.
- [V.8 As from ... months after the date of entry into force of the XX series of amendments to this Regulation, UN type approvals to this Regulation shall cease to be valid, except in the case of vehicle types which comply with the requirements of this Regulation as amended by the XX series of amendments.
]¹
- V.9 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 UN type approval granted in accordance with the XX series of amendments.

¹ Note by the secretariat: OICA proposes to delete this paragraph.

- V.10¹ Notwithstanding paragraph... (V.7 or V8 type of transitional provisions), UN type approvals of the vehicle categories ² to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them for national or regional type approval and first national or regional registration of a vehicle (entry into service).
- V.11³ Even after the entry into force of the XX series of amendments to this Regulation, UN type approvals of the vehicles to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.

B. Transitional provisions for components and separate technical units

- 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 UN type approval under this Regulation as amended by the XX series of amendments.
- C.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant UN type approvals only if the type of component or separate technical unit to be approved meets the requirements of this Regulation as amended by the XX series of amendments.
- C.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of UN type approval to the preceding series of amendments to this Regulation.
- C.4 Contracting Parties applying this Regulation shall continue to grant UN type approvals to those types of component or separate technical unit which comply with the requirements of this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- C.5 No Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the XX series of amendments to this Regulation.
- C.6 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the preceding series of amendments to this Regulation.
- C.7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (national or regional type approval and may refuse) the sale of a type of component or separate technical unit which does not meet the requirements of the XX series of amendments to this Regulation (unless the component or separate technical unit is intended as a replacement for fitting on vehicles in

¹ Paragraph V.10 can be used in addition to V.7 or V.8 only when the amendment follows the procedure of Special Case 1-2.

² It is recommended to clearly specify here the vehicle categories which are not affected by the amendment (e.g. M₁ category of vehicle or N₁ category of vehicle)

³ Paragraph V.11 can be used instead of paragraph V.7 or V.8 only when the amendment follows the procedure of Special Case 1-3.

use and that it would not be technically feasible for the component or separate technical unit in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments.)⁴

- C.8 Contracting Parties applying this Regulation shall continue to grant UN type approvals for devices (components and separate technical units) on the basis of any previous series of amendments, provided that the devices (components and separate units) are intended as replacements for fitting to vehicles in use and that it is not technically feasible for the devices (components and separate technical units) in question to satisfy the new requirements of the latest series of amendments.
- [C.9 As from ... months after the date of entry into force of the XX series of amendments to this Regulation, UN type approvals to this Regulation shall cease to be valid, except in the case of types of component or separate technical unit which comply with the requirements of this Regulation as amended by the XX series of amendments.]⁵
- C.10 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 UN type approval granted in accordance with the XX series of amendments.
- C.11⁶ Notwithstanding paragraph...(C.7 or C.9 type of transitional provisions), UN type approvals of the components or separate technical units⁷ to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.
- C.12⁸ Even after the entry into force of the XX series of amendments to this Regulation, UN type approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.

C. Transitional provisions for the installation of components and separate technical units in new vehicles

- F.1 As from the official date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall prohibit the fitting on a vehicle of a component or separate technical unit approved under this Regulation as amended by the XX series of amendments.
- F.2 Contracting Parties applying this Regulation shall continue to allow the fitting on a vehicle of a component or separate technical unit approved to this

⁴ The text in parentheses may not be necessary in some cases.

⁵ Note by the secretariat: OICA propose to delete this paragraph

⁶ Paragraph C.11 can be used in addition to C.7 or C.9 only when the amendment follows the procedure of Special Case 1-2.

⁷ It is recommended to clearly specify here the components or separate technical units which are not affected by the amendment (e.g. safety-belts for M₁ category of vehicles).

⁸ Paragraph C.12 can be used instead of paragraph C.7 or C.9 only when the amendment follows the procedure of Special Case 1-1 or 1-3.

Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.

- F.3 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle for which national type, regional type or individual approval was granted more than ... months after the entry into force of the XX series of amendments to this Regulation.
- F.4 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle first registered more than ... months after the entry into force of the XX series of amendments to this Regulation.

D. Transitional provisions for replacement parts for vehicles in use

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

Annex 2

Example of wording for the scope of Regulations

- "1. Scope
- 1.1. This Regulation applies to the type approval of vehicles of categories M₂ or M₃⁹ with regard to
- 1.2. This Regulation does not apply (UN 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.
- ... "

⁹ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3) (ECE/TRANS/WP.29/78/Rev.2).

B. Justification

1. The purpose of this document is to harmonize the practice of the World Forum subsidiary bodies regarding the scope and the administrative provisions of UN Regulations.

Background

2. One of the main goals of the 1958 Agreement is to facilitate trade through the mutual recognition of UN type approvals as an *alternative* to the national/regional type approvals. Article 3 of the 1958 Agreement states:

"Wheeled vehicles, equipment or parts for which (UN) type approvals have been issued by a Contracting Party ... *shall be held to be in conformity with the legislation of all the Contracting Parties applying the said Regulation through type approval.*"

3. An increasing number of Contracting Parties (e.g. EC and Japan), not only consider UN Regulations as an alternative to their national legislation, but make them as the only valid legislation for type approval in their territory (i.e. by direct reference to UN Regulations). Consequently, to cope with the different national priorities, Contracting Parties (CP) tend to introduce in UN Regulations specific administrative provisions on the national application of these Regulations: options, "optional" scope, national transitional provisions, etc. As an international agreement, the 1958 Agreement only deals with the mutual recognition of UN approvals. It does not cover the mandatory application of UN Regulations at the national/regional level, which remains in the hand of the CP. Introducing provisions on the national mandatory application of UN Regulations may therefore confuse CP on what they can do at national level, increase the risk of inconsistencies in the Regulations and increase the risks of disputes over mutual recognition. At the end, this practice may result in the withdrawal by some CP from some UN Regulations and may jeopardize the 1958 Agreement itself.

4. In addition, in some of the existing Regulations (i.e. ESC in Regulation No. 13-H), it was proposed to give the possibility to the CP to reject certain UN type approvals. This contradicts Article 3 of the Agreement (recognition by *all* CP) and Article 11, paragraph 3 (no reservation accepted with the exception to Article 10 of the Agreement). The non-acceptance of UN type approvals will undermine the principle of mutual recognition of the Agreement.

Proposal

5. To cope with above mentioned problems, CP may wish to amend the 1958 Agreement to make it mandatory for national approvals. However, in the meantime, it is proposed in the above guidelines to recall the basic principles of the Agreement

- (a) *All* UN type approvals granted according to a Regulation shall be accepted by *all* the Contracting Parties applying the Regulation as an *alternative* to the national/regional type approval.
- (b) The administrative provisions of the Regulations shall focus on the *mutual recognition* of UN approvals. The mandatory application of a UN Regulation nationally/regionally may not be dealt within this Regulation but within national/regional legislation.
- (c) New requirements for equipment not covered by existing UN Regulations (i.e. TPMS, BAS, ESC, etc) should be introduced as new Regulations and

not as an amendment to an existing Regulation. This principle will avoid options in the Regulations.

6. The changes to the current guidelines (TRANS/WP.29/1044) concern mainly new paragraphs 3 to 14 of this proposal dealing with the principles of the Agreement, the scope, the administrative provisions and alternative requirements in UN Regulations. The section on transitional provisions remains mostly unchanged.

7. An alternative drafting of transitional provisions V9 and C10 is offered.
