

Guidelines on amendments to UN Regulations

At its March 2014 session, the World Forum WP.29 noted concerns on new series of amendments to existing UN Regulations especially those with long transitional provisions (see report ECE/TRANS/WP.29/1108, para. 45) and requested the secretariat to prepare guidelines to address the basic principles when adopting amendments proposed to existing UN Regulations annexed to the 1958 Agreement, also in the view of the forthcoming adoption by WP.29 of draft Revision 3.

This document proposes a first set of such guidelines. However, it does not refer to the proceedings for amendments to UN Type approvals (extensions and revisions), which are specified in section 2 of Schedule 3 to draft Revision 3 of the 1958 Agreement. It does neither address the review the guidelines on transitional provisions, as noted by WP.29 (see ECE/TRANS/WP.29/1108, para. 45). A proposal for the review of the current transitional provisions (ECE/TRANS/WP.29/1044/Rev.1) is expected to be considered by WP.29 informal group to develop a procedure for the International Whole Vehicle Type Approval (IWVTA). The current amendment procedures are listed in the annex to this document.

I. Amendments resulting from draft Revision 3 to the 1958 Agreement

At its March 2010 session, the World Forum agreed to establish an informal group to develop a procedure for the International Whole Vehicle Type Approval (IWVTA) in the framework of the 1958 Agreement (see report ECE/TRANS/WP.29/1083, para. 62). The terms of reference and rules of procedures of IWVTA are laid down in ECE/TRANS/WP.29/1083/Add.1. In March 2014, IWVTA concluded its deliberation of draft Revision 3 to the 1958 Agreement as reflected in ECE/TRANS/WP.29/2014/53 for consideration by WP.29 at its June 2014 session.

Following the expected date of entry into force of that Revision 3 in March 2016, some new provisions to the 1958 Agreement will result in additional administrative tasks and procedures for the UNECE secretariat. One of the main objectives of the revised Agreement consists of inserting new provisions for the IWVTA system and allowing the Contracting Parties to apply former versions of UN Regulations annexed to the 1958 Agreement. The following guidelines aim at addressing some of these new tasks and propose possible procedures to facilitate the performance by the secretariat of these tasks.

II. Proposal for guidelines

1. New series of amendments

In the past, the secretariat was used to prepare a new consolidated text (i.e. Revision) of a UN Regulation following the entry into force of about 5 Amendments (new Series or Supplements), independently from the nature of the technical amendments.

Decision 1: Recently, the secretariat decided to always publish new Series of amendments to a UN

Regulation as a consolidated text.

2. Series of amendments with long transitional provisions

In recent years, the World Forum WP.29 adopted a number of new series of amendments to existing UN Regulations together with long transitional provisions of several years. Some examples of such UN Regulations are listed in informal document WP.29-162-18. During the transitional period, 2 or even 3 series of amendments to such a UN Regulation are applicable in parallel and, subsequently, may be amended by Supplements. In the past, it happened that some incoherencies have been introduced in some of the parallel series of amendments to these UN Regulations. The Office of Legal Affairs requested the Secretariat to indicate clearly to which series of amendments a new Supplement is addressed to.

Proposal 2: All Working Parties subsidiary to WP.29 shall carefully identify to which series of amendments the proposed Supplement is addressed to, when considering and adopting new proposal 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.

3. Version of UN Regulations

The new provisions of draft Revision 3 to the 1958 Agreement allow Contracting Parties to grant type approvals pursuant to former versions of UN Regulations. The term "**version of a UN Regulation**" indicates that a UN Regulation, following its adoption and establishment, may subsequently be amended following the procedures described in this Agreement, in particular Article 12. The unamended UN Regulation as well as the UN Regulation, after integration of any subsequent amendment(s), are considered to be separate versions of that UN Regulation.

A Contracting Party may inform the Secretariat about its intention to grant type approvals pursuant to a former version of a UN Regulation and request the Secretariat to initiate the procedure to prepare a consolidated version of the UN Regulation concerned.

Proposal 3: The Secretariat shall inform the Working Party responsible for the UN Regulation about such a request of a Contracting Party. The Working Party shall then consider the possibility to no longer amend the series of amendments concerned of that specific UN Regulation (IWVTA used the wording "engraved in stone"). The Working Party shall nominate a technical sponsor in charge of the consolidation and review of the version of the UN Regulation, together with the assistance of the Secretariat. If necessary, the Working Party may adopt a further amendment (Supplement) to that series of amendments in order to clarify the provisions (e.g. review of cross references to other UN Regulations/standards and of the test procedures in terms of stringency, i.e. specifying the series of amendments or the use of optional (newer) testing equipment). In every case, the initial level of stringency of the test requirements shall remain the same. After the endorsement by WP.29/AC.1, the secretariat will proceed to prepare, if electronically available, a consolidated version of that series of amendments by including all Supplements and Corrigenda applicable to the series concerned. The document will then be published on the UNECE website.

4. Use of static cross-references within UN Regulations

In the past, a number of cross-references have been introduced in some of the existing UN Regulations. The World Forum endorsed the approach by the Working Party Chairs (see report ECE/TRANS/WP.29/1095, para. 52) to use static or dynamic references to other UN Regulations on a case by case basis.

Proposal 4: For the purpose of clear references in UN Regulations and the future use of versions of UN Regulations, the Secretariat recommends the Working Parties to use static cross references to other UN Regulations indicating, whenever possible, the level of the series of amendments.

5. Common commencement date

The WP.29 informal group on IWVTA currently develops new UN Regulation No. 0 inserting new provisions for the whole vehicle type approval system, specifying the conditions and listing the series of amendments of each UN Regulation which the type of vehicle has to comply with in order to be type approved as a whole vehicle. IWVTA expressed the need to "trigger" the application date of a new series of amendments and in order to ensure that vehicles, type approved according to UN Regulation No. 0, have to fulfill the same level of stringency. IWVTA suggested providing transitional provisions with a common commencement date (e.g. 1 September). Thus, UN Regulation No. 0 will also include introductory provisions starting on 1 September.

Endorsement 5: The secretariat endorses the proposal by IWVTA that, when considering transitional provisions for new series of amendments to the UN Regulation listed in draft UN Regulation No. 0, Working Parties shall consider the possibility of inserting the common commencement date of "1 September" instead of the usual wording "xx months after the entry into force of this series of amendments".

6. Submission by Working Parties of amendments to WP.29

Following the entry into force of Revision 3 to the 1958 Agreement in 2016, the Secretariat has to assume a number of new additional administrative tasks.

Proposal 6: It is recommended to limit the submission of a set of amendments to an existing UN Regulation to only one session of WP.29 per year in order to reduce the burden on the secretariat.

7. Other administrative procedures by UNECE secretariat

UNECE secretariat is in the process of clarifying with the Document Management Section (DMS) the following issues:

- (a) Official symbol for new UN Regulations adopted after the entry into force of Revision 3:
Proposal 7.(a): To simplify the references of the legal documents, it is proposed to eliminate the double symbols of the documents maintaining the second symbol only. A new UN Regulation No. 134 adopted after the entry into force of Revision 3 will bear the shorter symbol E/ECE/TRANS/505/Rev.3/Add.133

Note: Amendments to existing UN Regulations will continue bearing the double symbols.

(b) Official symbol for the new UN Regulation No. 0 on IWVTA for passenger cars:

*Proposal 7.(b): Following the forthcoming adoption of UN Regulation No. 0, the legal document shall bear the symbol either **E/ECE/TRANS/505/Rev.3/Add.0-1** (if proposal 7.(a) above is acceptable) or **E/ECE/324/Rev.3/Add.0-1 – E/ECE/TRANS/505/Rev.3/Add.0-1**.*

Justification: The symbol "0-1" leave the possibility to WP.29 to adopt in future another set of UN Regulations on IWVTA for other vehicle categories such as heavy duty vehicles, motorcycles or agricultural tractors bearing the symbol "Add.0-2", "Add.0-3" etc.

(c) Possibility to submit a new type of documentation:

Proposal 7.(c): Following the advice by DMS, the secretariat proposes to use for the consolidated former versions of UN Regulations a new symbol "COMPILATIONx" (starting with x=1, as gaps in the symbol are no longer accepted by DMS), e.g.:

E/ECE/324/Rev.2/Add.106/COMPILATION1 – E/ECE/TRANS/505/Rev.2/Add.106/COMPILATION 1 may include Version 04 of UN Regulation No. 107, i.e. the consolidated 04 series of amendments with all Supplements to that series. On the other hand, a further compilation .../Add.106/COMPILATION2 may include Version 01 of UN Regulation No. 107.

Note: In each case of compilation, the content of the consolidated text has to be clearly indicated on the cover-page of the document concerned.



Annex: Current situation of amendment procedures

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.

1. Technical amendments adopted by the Contracting Parties:

Technical amendments are aimed at adapting the UN Regulations to the progress in technology, to improve vehicles safety and the protection of the environment and to globally harmonize them. They may result in new series of amendments in the case of a higher stringency of the test requirements (i.e. more stringent limit values) or only in Supplements in the case of clarifications to the existing specifications to avoid misinterpretation (excerpt of ECE/TRANS/WP.29/1044/Rev.1), up to the **decisions of the World Forum** and its 6 subsidiary Working Parties:

Series of amendments shall be developed to change the technical requirements that the vehicle types, systems or components shall fulfil as from a certain date, in order to obtain UN type approval, even if the amendments are a minor technical change and do not affect vehicle/component/system/part 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").

The new series of amendments may 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 new series of amendments may contain a transitional provision for Contracting Parties, whose application of the UN 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.

A Supplement addresses an amendment to a UN Regulation which does not entail a modification in the approval marking and is normally used for (a) Clarifying test procedures, not imposing new requirements, or (b) Taking into account of new developments which have arisen after the adoption of a UN Regulation (i.e. extension of scope).

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 procedures for new approvals started after the date of its entry into force, taking however into account the transitional provisions, if any, of the series of amendments to which the Supplement refers.

A Corrigendum consists of corrections (i.e. bringing into order of one or several errors, e.g. correction of linguistic errors or involuntary 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 reproduced in Annex 3 to ECE/TRANS/WP.29/1044/Rev.1.

At its November 2011 session (see report ECE/TRANS/WP.29/1093, para. 19), WP.29 noted that OLA had informed the secretariat that Corrigenda should aim at correcting, without modifying the meaning or substance of the text of the treaty:

- (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*.

OLA had indicated that the depositary has the responsibility to scrutinize each apparent error in order to determine whether it does fall into one of the above categories and that it does not have the effect of modifying the meaning or substance of the text of the treaty. OLA had noted that some of the corrections submitted did not necessarily represent "corrections of errors", but rather affect the substance of the text. WP.29 recommended that careful attention should be made to ensure that the Corrigenda adopted in the framework of the Agreements respond to the criteria expressed by OLA.

2. Administrative amendments initiated by the Secretariat:

Following the adoption by WP.29 of a technical amendment to a UN Regulation, the secretariat proceeds with its administrative tasks to prepare an official document of the amendment, which is expected to be published shortly after the date of entry into force of the corresponding amendment.

Each UN Regulation is issued as a separate addendum to the 1958 Agreement. As UN Regulations Nos. 1 and 2 were combined in one document and became Addendum 1 to the Agreement, the following UN Regulations carry an addendum number equal to the number of the UN Regulation minus one (see status document ECE/TRANS/WP.29/343/Rev.22, section 2 of the explanatory notes).

Depending on the extent of the amendment to a UN Regulation, the **secretariat may decide** to prepare the official document either as a revision (extensive amendments or in need of a consolidated document), an amendment (in the case of small amendments), or as a corrigendum (corrections) to the UN Regulation. In this respect, the official document will bear the 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. As from 1969 the corrections are deemed made ab initio, the "date of entry into force" indicates the date of circulation by the Depositary, or - as from 16 October 1992 - the date of adoption by WP.29; after 16 October 1995 the date of adoption by the Administrative Committee AC.1.