

Proposal to amend WP.29/2017/42, WP.29/2017/43 and WP.29/2017/44 on draft transitional provisions for UN Regulations Nos. 83 and 101 following the transposition of GTR No. 15 into 1958 Agreement

Working documents WP.29/2017/42, WP.29/2017/43 and WP.29/2017/44 will be presented at next WP.29 session in March 2017 to introduce new transitional provisions in Regulations No. 83 and 101. Since the opinion of GRPE-74 on these documents is required, OICA would like to propose further modifications. The modifications to the text of the working documents are marked in bold or strikethrough characters.

I. Proposals

A. Supplement 9 to the 06 series of amendments to Regulation No. 83

Insert a new paragraph 12.1.3., to read:

- "12.1.3. As from the official date of entry into force of Supplement 9 to the 06 series of amendments to Regulation No. 83, ~~and by way of derogation to the obligations of Contracting Parties during the transitional period set out in paragraphs 12.1.1. and 12.1.2. above,~~ the Contracting Parties applying this Regulation and also applying in their national/regional territory the provisions on the Worldwide Harmonized Light Vehicle Test Procedure (WLTP) set out in global technical regulation No. 15 may ~~no longer accept~~ **refuse** type approvals granted on the basis of this Regulation as an alternative to compliance with their national/regional legislation.
The provisions of this paragraph are limited until the requirements under the 1958 Agreement have been adapted to include WLTP."

B. Supplement 5 to the 07 series of amendments to Regulation No. 83

Insert a new paragraph 12.1.2., to read:

- "12.1.2. As from the official date of entry into force of Supplement 5 to the 07 series of amendments to Regulation No. 83, ~~and by way of derogation to the obligations of Contracting Parties during the transitional period set out in paragraphs 12.1.1. above,~~ the Contracting Parties applying this Regulation and also applying in their national/regional territory the provisions on the Worldwide Harmonized Light Vehicle Test Procedure (WLTP) set out in global technical regulation No. 15 may ~~no longer accept~~ **refuse** type approvals granted on the basis of this Regulation as an alternative to compliance with their national/regional legislation.
The provisions of this paragraph are limited until the requirements under the 1958 Agreement have been adapted to include WLTP."

C. Supplement 7 to the 01 series of amendments to Regulation No. 101

Insert a new paragraph 13.5., to read:

- "13.5. As from the official date of entry into force of Supplement 7 to the 01 series of amendments to Regulation No. 101, ~~and by way of derogation to the obligations of Contracting Parties during the transitional period set out in paragraphs 13.1. to 13.4. above,~~ the Contracting

Parties applying this Regulation and also applying in their national/regional territory the provisions on the Worldwide Harmonized Light Vehicle Test Procedure (WLTP) set out in global technical regulation No. 15 may ~~no longer accept~~ **refuse** type approvals granted on the basis of this Regulation as an alternative to compliance with their national/regional legislation.

The provisions of this paragraph are limited until the requirements under the 1958 Agreement have been adapted to include WLTP."

II. Justification

1. Basically, the added new paragraphs do not really entail a derogation to the existing transitional provisions of Regulation No. 83 and Regulation No. 101 which (except partly for Regulation No. 101) simply state that Contracting Parties cannot refuse to grant approvals as from the date of entry into force. They also state the mandatory application, for the granting of approvals, of Supplement 2 to the 06 series of amendments to Regulation No. 83. The existing transitional provisions, except for Regulation No. 101, do not state anything on accepting the approvals. The acceptance of type approvals is a cornerstone of the 1958 Agreement and any "derogation" is in fact to the principles of the 1958 Agreement, not to the current transitional provisions. In addition, **mentioning such "derogation" could be misinterpreted** "as preventing" the granting of type approvals to Regulation No. 83, while this possibility must remain possible (even though these type approvals may be refused by some Contracting Parties).
In conclusion, OICA suggests it would be best to delete the wording implying a derogation to the current transitional provisions.
2. In order to avoid further misinterpretation on the acceptance of type approvals according to Regulations No. 83/101 as alternative to national/regional legislation, OICA suggests to replace "may no longer accept" by "may refuse". Indeed, "may no longer accept" could be interpreted as "are not allowed to accept anymore", whereas the relevant Contracting Parties in fact would be free to accept or refuse these type approvals.
3. Finally, OICA thinks it is important to define a sunset clause for the validity of these new provisions, the end time being when WLTP will be implemented under the 1958 agreement.