

UN Regulation No. 121 (Controls and tell-tales) OICA proposal to adapt the transitional provisions according to the decision of WP.29 at its 175th session

The text reproduced below was prepared by the expert from OICA to correct the transitional provisions of the regulation such to accommodate the decision of WP.29 at its 175th session (June 2018) to adapt the transitional provisions of several regulations with regard to the supplements adopted by WP.29 prior to the 14 November 2017.

I. Proposal

Add a new paragraph 12.4., to read:

"12.4. ~~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.~~

Until 31 December 2019, Supplement 2 to the 01 series of amendments to this Regulation may not apply to extensions of approvals that were originally granted prior to the entry into force of Supplement 2."

II. Justification

1. Revision 3 of 1958 Agreement (ECE/TRANS/WP.29/2016/02) entered into force on 14 September 2017.
 2. Guidelines for UN regulatory procedures and transitional provisions (ECE/TRANS/WP.29/1044/Rev.2 - General Guidelines) were finally adopted in November 2017. They however potentially create difficulties for extensions of previously granted approvals, since Supplements, when extended, would become applicable to existing approvals as well.
 3. OICA assessed the situation of past supplements that might be "triggered" when a new supplement enters into force under Revision 3 of 58 Agreement and produced document WP.29-175-17 at 175th WP29 session of June 2018 for flagging the potential concerns.
 4. 175th WP29 (see report ECE-TRANS-WP29-1139, paragraphs 63-66) then identified several supplements as containing new requirements, and clarified that the Guidelines apply to:
 - a. all supplements adopted by WP.29 after 14 November 2017; and
 - b. all supplements adopted by WP.29 prior to the 14 November 2017 with the exception, until 31 December 2019, of those amending the following UN Regulations and their corresponding series: R14.07, R16.06, R43.01, R48.04, R50, R55.01, R83.06, R83.07, R116, R121.01.
 5. WP.29 invited the respective GRs to immediately start working on the necessary amendments to the UN Regulations listed above.
 6. OICA consequently proposes adding a new paragraph to the transitional provisions for definitely solving the issue.
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