

**Proposal for amendments to ECE/TRANS/WP.29/1044/Rev.2
(Guidelines on transitional provisions)**

I. Proposal

“Aide mémoire”, V9 amend to read:

~~“V.9. Contracting Parties applying this Regulation shall not refuse to grant type approvals according to any preceding series of amendments to this Regulation or extensions thereof.”~~

V.9. Contracting Parties applying this UN Regulation may grant type approvals according to any preceding series of amendments to this Regulation.

V.9bis. Contracting Parties applying this UN Regulation shall continue to grant extensions of existing approvals to any preceding series of amendments to this Regulation.”

II. Justification

1. V9 was introduced by revision 2 of the Guidelines on transitional provisions. This provision is actually not fully in line with Article 12(4) the 1958 agreement on vehicle regulations reproduced below:

“4. Notwithstanding that transitional provisions in any version of UN Regulations may have stipulated otherwise, Contracting Parties to this Agreement which are applying UN Regulations may, subject to compliance with the provisions of Article 2, nevertheless issue type approvals pursuant to earlier versions of UN Regulations. However, subject to paragraph 3 of this Article, Contracting Parties applying a UN Regulation shall not be obliged to accept type approvals issued pursuant to these earlier versions.”

2. Under Article 12(4) of the 1958 Agreement, Contracting Parties are not obliged to grant approvals in accordance with an older version of a regulation (they are not even obliged to grant approvals at all), but have the possibility to do so. Current V9 goes beyond the provisions of the 1958 agreement and requires Contracting Parties to grant approvals to any versions of a regulation. The wording of the guidelines should not create law and should not go beyond the provisions of the 1958 agreement.

3. On the other hand, it is also recognised that the granting of extensions to previously granted approvals remains an obligation: as also stated in Article 1(6) of the 1958 Agreement, if a Contracting Party ceases to issue approvals to a UN Regulation it shall continue to grant extensions to existing approvals.

4. For these reasons, the IWG-IWVTA considers that, V.9 needs some further corrections in order to distinguish between the possibility to grant approvals to preceding versions of a UN Regulation and the obligation to grant extensions to previously granted approvals.

5. Therefore, ‘V9’ should be deleted and replaced by new V9 and V9 bis.
