

**Proposed amendments to Annex1 Chapter II. Aide-mémoire section A.
of Transitional Provisions Guidelines
Document ECE/TRANS/WP29/1044/Rev.3**

The text reproduced below is prepared by IWG on IWVTA and is submitted to WP.29 at its 189 session in March 2023 to seek guidance from WP29 and GRs, because this relates to all UN Regulations. (see paragraphs 53 and 54 of the report of 188th session of WP29).

The draft amendment proposal below was prepared to clarify the current guidelines as to the transitional provisions, in view of discussions at GRSP regarding the interpretation of the term “series” as singular or plural in the phrase "the preceding series of amendments" in English. At its June 2022 session of WP29, GRSP asked WP.29 for its guidance, and WP29 requested the IWG on IWVTA to devise a solution.

The amendments below only refer to the section A – "Transitional provisions for vehicles, vehicle systems and the installation of equipment and parts in new vehicles". Extension of these comments to the other sections on components, replacement parts, etc may need to be considered as well.

Justification:

GRSP's questions with regard to the interpretation of the term “series” as singular or plural relates to the interpretation of the legal expression and can be interpreted correctly by the authorities responsible for the legal system if they strictly read the transitional provisions of the past amendments.

However, the problem is that there are situations that are difficult for other stakeholders to understand.

In principle, the 1958 agreement states that only type approvals based on the latest versions of the UN Regulations fall under the obligation of mutual recognition.

However, depending on how the grace period was granted, there may still be an obligation to accept type approvals to multiple series of amendments, and it may be difficult for some people to confirm this from transitional provisions.

For this reason, IWVTA IWG decided not to stipulate strict interpretation in the text of the Guideline of the transitional provisions (WP29/1044), but to use Aide Memoire in Annex 1 of the Guideline, which has been contributing to give basic expression of transitional provisions to have basic understanding of the interpretation of the term “series” in transitional provisions.

Based on this approach, IWG on IWVTA drafted the following which is to put explanation of the term “series” for paragraphs as necessary.

It also contains the recommendation of what wording should be used for clarification in place of “the preceding series of amendments” in the future.

IWVTA IWG recommends using as clear language as possible.

A. Transitional provisions for vehicles, vehicle systems and the installation of equipment and parts in new vehicles

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 or refuse to accept type approvals under this Regulation as amended by the XX series of amendments.

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- V.2. As from 1 September Date (b), Contracting Parties applying this Regulation shall not be obliged to accept type approvals to the preceding series of amendments, first issued after 1 September Date (b).

Interpretation of the term "series"⁴:

V.2 is intended to clarify that as from Date(b), CPs are only obliged to accept type approvals to the latest series of amendments and can refuse type approvals to any of the preceding series.

Therefore, "the preceding series of amendments" in V.2 is interpreted as "any of the preceding series of amendments". Thus, the term "series" in "the preceding series of amendments" in V.2 is interpreted as plural.

For clarity, the term "the preceding series of amendments" in V.2 might need to be replaced by "any of the preceding series of amendments"

- V.3. Until 1 September Date (c), Contracting Parties applying this Regulation shall accept type approvals to the preceding series of amendments, first issued before 1 September Date (b).³

Interpretation of the term "series"⁴:

V.3. is intended to clarify that, until Date (c), CPs are obliged to continue to accept type approvals to the immediately preceding series of amendments granted before Date(b).

Therefore, "the preceding series of amendments" in V.3 is interpreted as "the immediately preceding series of amendments". Thus, the term "series" in "the preceding series of amendments" in V.3 is interpreted as singular.

For clarity, the term "the preceding series of amendments" in V.3 might need to be replaced by "the XX-1 series of amendments"

- V.4. As from 1 September Date (c), Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued to the preceding series of amendments to this Regulation.^{1,2,3}

Interpretation of the term "series"⁴:

V.4. is intended to clarify that, as from Date (c), CPs are only obliged to accept type approvals to the latest series of amendments and can refuse type approvals to any of the preceding series of amendments.

Therefore, "the preceding series of amendments" in V.4 is interpreted as "any of the preceding series of amendments". Thus, the term "series" in "the preceding series of amendments" in V.4 is interpreted as plural.

For clarity, the term "the preceding series of amendments" in V.4 might be replaced "any of the preceding series of amendments"

- V.5. Notwithstanding the transitional provisions above, Contracting Parties who start to apply this Regulation after the date of entry into force of the most recent series of amendments are not obliged to accept type approvals which were granted in accordance with any of the preceding series of amendments to this Regulation / are only obliged to accept type approval granted in accordance with the XX series of amendments.

¹ Special case 1-1: V.6 can be used in addition to V.4 when requirements for the installation of equipment/parts are added to a UN Regulation but without modifying the requirements of, and the approval markings for these equipment/parts.

² Special case 1-2: V.7 can be used in addition to V.4 when some vehicle categories/vehicle systems are not affected by the amendment.

³ Special case 1-3: V.8 replaces V.3 and V.4 in the case of indefinite acceptance of existing approvals previously granted according to the former series of amendments.

V.6. Notwithstanding paragraph V.4, Contracting Parties applying this Regulation shall continue to accept type approvals of the equipment/parts issued according to the preceding series of amendments to this Regulation.¹
(Note: V.6 is for special case 1-1 and comes in addition to V.4 when applicable)

Interpretation of the term “series”⁴:

V.6 is complementary to V.4 and addresses the situation where the latest series of amendments adds requirements relating to the installation of equipment/parts, but leaves requirements on equipment/parts unchanged. In this regard, V.6 is clarifying that CPs are obliged to continue to accept type approvals for such equipment/parts to the immediately preceding series of amendments.

Therefore, " the preceding series of amendments" in V.6 is interpreted as “the immediately preceding series of amendments”. Thus, the term “series” in " the preceding series of amendments" in V.6 is stipulated as singular.

For clarity, the term " the preceding series of amendments" in V.6 might need to be replaced by "the XX-1 series of amendments"

V.7. Notwithstanding paragraph V.4, Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the preceding series of amendments to this Regulation, for the vehicles/vehicle systems which are not affected by the changes introduced by the XX series of amendments.²
(Note: V.7 is for special case 1-2 and comes in addition to V.4 when applicable.)

Interpretation of the term “series”⁴:

V.7 is complementary to V.4 and addresses the situation where the new requirements introduced by the latest series of amendments do not affect type approvals for some particular vehicles/vehicle systems (e.g. other categories or specific vehicle configurations). In this regard, V.7 is clarifying that CPs are obliged to continue to accept type approvals for such vehicles/vehicle systems to the immediately preceding series of amendments.

Therefore, " the preceding series of amendments" in V.7 is interpreted as “the immediately preceding series of amendments”. Thus, the term “series” in " the preceding series of amendments" in V.7 is interpreted as singular.

For clarity, the term " the preceding series of amendments" in V.7 might need to be replaced by "the XX-1 series of amendments"

V.8. Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the preceding series of amendments to this Regulation first issued before Date (b).³
(Note: V.8 is for special case 1-3 and would replace V.4 when applicable.)

Interpretation of the term “series”⁴:

V.8 is the special case where there is no time limit to the obligation to accept type approvals in V.3

Therefore, just like V.3, " the preceding series of amendments" in V.8 is interpreted as “the immediately preceding series of amendments”. Thus, the term “series” in " the preceding series of amendments" in V.8 is interpreted as plural.

For clarity, the term " the preceding series of amendments" in V.8 might need to be replaced by "the XX-1 series of amendments"

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

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

⁴ Interpretation of the term "series" as singular or plural in the phrase of "the preceding series of amendments" in each paragraph below is basic understanding of the case, but not limited to it.