

## I. Proposal

*Paragraph 1.2. to 1.3., deleted:*

~~"1.2. In case of a vehicle type equipped with deployable restraint system and with GVW up to a maximum of 12t, Contracting Parties applying both UN Regulation No. 160 and this Regulation [may/shall] recognize approvals to either Regulation as equally valid."~~

~~"1.3. Notwithstanding paragraph 1.2., in case of a vehicle type equipped with deployable restraint system and with GVW up to 8t, Contracting Parties shall recognize approvals to either regulation as equally valid."~~

*Renumber paragraphs 1.4. to 1.6.*

*Paragraph 4.1., amend to read:*

"4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraph 5. below approval of that vehicle type shall be granted. ~~[Alternatively, approval shall be granted, at the request of the manufacturer and in case of a vehicle type equipped with deployable restraint system with GVW up to 12t, if that this vehicle type meets the technical requirements of paragraph 5.1 to 5.5 and in line with the transitional provisions of paragraph 11 of the 01 or later series of amendments to UN Regulation No. 160 [and for only vehicle types with GVW between 8-12t the manufacturer demonstrates, to [the satisfaction of] the approval authority, that the triggering performance is equally effective to this Regulation.]]~~

~~"4.1.1 Vehicles referred to in paragraph 4.1. which are not subject to national and regional regulations providing for crash tests requirements referred to in paragraphs 5.4.1 and 5.4.2. of UN Regulation No. 160 shall be subject to paragraph 5.4. of this regulation."~~

*Insert new paragraph 5.6., to read:*

**"5.6. As an alternative to fulfilling the requirements of paragraphs 5.1 to 5.5, vehicles with a maximum mass of up to [8,000kg/12,000kg] that are equipped with a supplemental restraint system, may meet the technical requirements and the transitional provisions of the 01 or later series of amendments of UN Regulation No. 160. [For vehicles with a maximum mass between 8,000kg and 12,000kg this shall only be permitted if the manufacturer demonstrates, to the satisfaction of the approval authority, that the triggering performance is equally effective as set out in this Regulation.]**

**5.6.1. Notwithstanding paragraph 5.6., vehicles not subject to national or regional frontal or side impact crash test regulations according to paragraphs 5.4.1 and 5.4.2. of UN Regulation No. 160, shall be subject to paragraph 5.4. of this regulation."**

## II. Justification

Although the desired effect is to allow vehicles up to 8t/12t to utilise approvals to UN R.160 as being equivalent, this is not a like for like recognition, therefore, utilising the scope is not an appropriate means to achieve this. This is because there are conditions based on the vehicle having a supplemental restraint system and the fact that the survivability requirements of the HD EDR regulation may still apply. Having a UN R.160 approval does not clearly indicate if this is the case and would require national or regional authorities to write such provisions into their own legislation.

Adding provisions into paragraph 4. is also not the typical approach taken to recognise equivalence either. Most other regulations establish compliance to other UN Regulations within the technical requirements section. This allows for the conditions in utilising this alternative to be adequately detailed. The proposal here is not changing the overall intention but is aiming to do it in a more manageable and consistent way.

The items in square brackets are still being discussed within the working group and will need to be amended based on to what extent the provisions in the scope are agreed to.

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