
IWVTA IWG Response to GRSP on issues related to Transitional Provisions

IWVTA-GRSP Ambassador raised issues related to transitional provisions at #39 IWVTA IWG session on June 17, 2022, as follows;

“Report of the 71th GRSP (9–13 May 2022)

22. Moreover, GRSP agreed that the GRSP Chair would seek guidance at the WP.29 June 2022 session, highlighting the May 2022 session of GRSP, concerning the interpretation of the acceptance of type approvals to the preceding series of amendments (singular or plural) to be mentioned in transitional provisions of UN Regulations in general. In the meantime, GRSP agreed that the expert of Japan (Ambassador of IWVTA to GRSP) would inform the meeting of IWVTA IWG about this issue prior to the June 2022 session of WP.29.”

The comments below are a first draft contribution to clarify the current guidelines as to the transitional provisions, in view of discussions at GRSP (among others) regarding the term "preceding series of amendments" in English and the translation in French where this is clearly indicated as plural. Secondly, the IWG on IWVTA stresses that the standard text for the transitional provisions contained in doc. WP29/1044/Rev3 is to be considered as a template only, such that deviations, on a case-by-case basis, are perfectly possible, since the IWG recognises that it is extremely difficult to address all possibilities in a standard text.

This question needs to be examined with great care in view of the increasing complexity of transitional provisions in subsequent series of amendments.

The comments 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.

IWVTA IWG hopes that this document would be considered by GRSP at its December session and welcome any feedbacks from GRSP hopefully by the end of January 2023. As stated during WP29-188, this issue of transitional provisions affects other GRs as well. (J.Tsukada tsukada@jasic.org.)

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.

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).

Comments:

In this paragraph, the spirit is that CPs can refuse type approvals to ANY of the preceding series. The intention was to enable CPs to require, as from Date (b), all new type approvals to be to the latest series (or version).

However, CPs equally have the choice to continue to accept approvals to any of the preceding series, even if granted after Date (b), as clearly specified in the 58 Agreement.

*Consequently, **the term "the preceding series" in this paragraph is to be considered as plural.***

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

Comments:

In this paragraph, It is understood that only the immediately preceding series is addressed and should consequently be interpreted as singular. It indeed would probably make no sense to require CPs to accept approvals to ANY of the preceding series until Date (c) because it likely would contradict the Transitional Provisions of these previous series/versions, which each in all likelihood define a Date (c).

*The spirit of this paragraph is that, **until Date (c), CPs shall continue to accept approvals to the immediately preceding series (in singular) that were granted before Date (b).** Approvals to older series than XX-1 can of course be refused.*

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}

Comments:

The spirit of this paragraph is that, in the usual situation, as from Date (c), CPs can refuse approvals to any of the preceding series. In other words, only approvals to the latest series are the subject of mutual recognition.

*In this case, **the term "the preceding series" is to be understood as plural.***

V.5. Notwithstanding the transitional provisions above, Contracting Parties who start to apply this Regulation after the date of entry into force of

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.

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.

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)

Comments:

*As a reminder, this paragraph V.6 is complementary to V.4; it covers the situation of UN Regulations addressing equipment/parts, while the series of amendments in question ("series XX") adds requirements relating to the installation of these parts on the vehicle. **The component requirements however remain unchanged compared to the immediately preceding series ("series XX-1").***

However, it may well be that the requirements for these parts/components have remained unchanged over several series of amendments (XX-2, XX-3, ...). Therefore, for these equipment/parts, approvals to the preceding series XX-1, but possibly also other, older series should remain acceptable, in as much as these previous series of amendments foresee this possibility.

In such a case, then the following text could be used as well:

"Contracting Parties applying this Regulation shall also continue to accept type approvals of the equipment/parts issued according to any of the preceding series of amendments to this Regulation, provided the transitional provisions in these respective previous series of amendments foresee this possibility.

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.)

Comments:

*Similar to Paragraph V.6 above, this Paragraph V.7 is complementary to V.4 and addresses the situation whereby the new requirements (series XX) do not affect some particular vehicles/vehicle systems (e.g. other categories or specific vehicle configurations, ...). **The vehicles approved to series XX-1 therefore would remain acceptable.***

However, it may well be that these same vehicles/vehicle systems have remained unaffected over several series of amendments (XX-2, XX-3, ...).

In such a case, then the following text could be used as well:

"Contracting Parties applying this Regulation shall also continue to accept type approvals issued according to any of 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, provided the transitional provisions in these respective previous series of amendments foresee this possibility."

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.)

Comments:

As a reminder, this Paragraph V.8 replaces Paragraph V.4 (which foresees an end date for the acceptance of approvals granted to the previous series). Paragraph V.8 therefore addresses the special case whereby, in the absence of a Date (c), previously granted approvals remain acceptable, without time limit.

*The usual situation is that such special case refers to the previous series XX-1 of the UN Regulation, namely that approvals to series XX-1 remain acceptable, without time limit. **Usually, therefore, the term "the preceding series" is to be interpreted as singular.***

However, the situation that previously granted approvals remain acceptable in the absence of a Date (c) may repeat itself over various series of amendments. In other words, the term "the preceding series" may in exceptional cases refer, in addition to the XX-1 series, also to other series, e.g. XX-2, XX-3, etc.

Consequently, Paragraph V.8 could be reworded as follows:

"V.8. Contracting Parties applying this Regulation shall continue to accept type approvals issued according to any of the preceding series of amendments to this Regulation first issued before Date (b), provided the transitional provisions in these respective previous series of amendments foresee this possibility.³

(Note: V.8 is for special case 1-3 and would replace V.4 when applicable.)"

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
