**OICA comments to the section on Transitional Provisions  
Document ECE/TRANS/WP29/1044/Rev.3**

The text reproduced below was prepared by the representative of OICA and is submitted to the Informal Working Group on International Whole Vehicle Type Approval (IWVTA).

The comments below are a draft contribution with the hope 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. At its May 2022 session, GRSP agreed to ask WP.29, at its June 2022 session, to refer this question to the WP.29 Informal Working Group on IWVTA; the OICA comments therefore aim at starting the discussion process at the IWG-IWVTA.

OICA considers that 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.

These comments by no means are to be interpreted as a final OICA proposal, since internal discussions have not been totally completed yet; they are however aimed as a contribution by the OICA secretariat for further discussions.

Finally, OICA wishes to point to some comments already made at previous meetings of IWG-IWVTA, back in 2020 (just before the COVID crisis). These comments may need to be further discussed as well, but some other questions may arise in addition.

1. What happens if, for instance, Date (c) of series N+1 is BEFORE Date (c) of series N? Would in this case the transitional provisions of Series N+1 invalidate those that had been agreed upon for Series N? Would then the later Date (c) of Series N be replaced by the earlier Date (c) of Series N+1?
2. What happens if, for instance, series N+1 has a Date (c), while series N does not have a Date (c)? If indeed series N foresees that approvals to series N-1 remain acceptable ad infinitum, is this possibility cancelled when Date (c) of series N+1 is attained?

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).

Comment OICA:

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 and, for clarity, it might need to be replaced by one of the following possibilities:

* "preceding series of amendments" (delete the definite article "the")
* "any of the preceding series of amendments"
* "any of the preceding versions"
* "preceding versions"

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

Comment OICA:

In this paragraph, OICA understands 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** preceding version (in singular) that were granted before Date (b). Approvals to older series than XX-1 can of course be refused.

For clarity, the term " the preceding series" in this paragraph might need to be replaced by one of the following possibilities:

* "the XX-1 series of amendments"
* "the immediately preceding series of amendments"
* "the preceding version"

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]](#footnote-2), [[2]](#footnote-3), [[3]](#footnote-4)

Comment OICA:

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, OICA therefore believes that the term "the preceding series" is to be understood as plural.

For clarity, it might be replaced by one of the following suggestions:

* "preceding series of amendments" (delete the definite article "the")
* "any of the preceding series of amendments"
* "any of the preceding versions"
* "preceding versions"

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.

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*)

Comment OICA:

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 previous version/immediately preceding series ("series XX-1").

For clarity, the term " the preceding series" in this paragraph might need to be replaced by one of the following possibilities:

* "the XX-1 series of amendments"
* "the immediately preceding series of amendments"
* "the preceding version"

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 versions should remain acceptable, inasmuch as these previous series of amendments foresee this possibility.

In such a case, then the following text could be added 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.)*

Comment OICA:

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.

For clarity, the term " the preceding series" in this paragraph might need to be replaced by one of the following possibilities:

* "the XX-1 series of amendments"
* "the immediately preceding series of amendments"
* "the preceding version"

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 added as well:

"Contracting Parties applying this Regulation shall alsocontinue 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.)*

Comment OICA:

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.

Such situation was, for instance, encountered in UN R94.04 (see informal document GRSP-67-27, adopted by GRSP, with the following justification:

*"The proposed paragraph 12.3. is, in principle, in accordance with the standardized provision V.8 of the general guideline. However, it is not always clear whether “the preceding series” is singular or plural in its English text.* ***With the understanding that it should mean “any of the preceding series”, the additional phrase “provided the transitional provisions …” is supplemented in order to clarify that the possibilities, if any, given in such earlier series of amendments are still applicable.***

*In the case of UN R94, the following possibilities are foreseen:*

* + *R94.02: affects only EV. Approvals to R94.01 for non-EV remain acceptable because they are not affected. EV however must meet R94.02 (TA/NR: June 2013/June 2015).*
  + *R94.03: introduced 42 mm chest compression for new models only (both EV and non-EV). Approvals to R94.02 (or R94.01 for non-EV) remain acceptable if granted before 2018.*

The above example of UN R94.04 (in this case "series XX") therefore foresees that approvals to UN R94.03 ("series XX-1"), first issued before 1 September 2023, remain acceptable, but also approvals to UN R94.02 ("series XX-2") and even some approvals to UN R94.01 ("series XX-3").

For that reason, some wording was added to clearly state that provisions of older series remain applicable.

Consequently, Paragraph V.8 could be reworded along the same spirit as UN R94.04, while at the same time clarifying that the usual situation addresses the continued acceptance of series XX-1.

One of the following possible solutions are suggested:

"V.8. Contracting Parties applying this Regulation shall continue to accept type approvals issued according to

* "the XX-1 series of amendments"
* "the immediately preceding series of amendments"
* "the preceding version"

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

Depending on the situation, in case also other series (XX-2 and/or XX-3, …) foresee continuous acceptance of approvals to previous series, then the following text could be added 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 first issued before Date (b), provided the transitional provisions in these respective previous series of amendments foresee this possibility.

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

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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. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)