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World Forum for Harmonization of Vehicle Regulations (WP.29)
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agenda item 8.1.5.)

UNECE REGULATORY PROCESS

Transmitted by the expert from the International Organization of
Motor Vehicle Manufacturers (OICA)

Note : The text reproduced below was transmitted by the experts from OICA. It is based on the text of a document distributed without a symbol (informal document No. WP.29-132-4) during the one-hundred-and-thirty-first session of WP.29 (TRANS/WP.29/992, para. 71).

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I. INTRODUCTION

In its informal document No. 10 to the one-hundred-and-thirty-first session of WP.29 (November 2003), OICA highlighted the need to clarify, where necessary, the current UNECE regulatory procedures, for new UNECE Regulations as well as for their amendment processes.

WP.29 consequently requested OICA to prepare a concrete proposal addressing this issue; this document is submitted by OICA in response to this request.

II. GENERAL RECOMMENDATIONS OF INFORMAL DOCUMENT No. 10 TO WP.29 AT ITS ONE-HUNDRED-AND-THIRTY-FIRST SESSION

The basic conclusion of informal document 10 to the one-hundred-and-thirty-first session of WP.29 (November 2003) contained eight recommendations as follows:

- (a) new Regulations should clearly specify a period of time after entry into force, during which Contracting Parties should not apply this Regulation on a mandatory basis; WP.29 should, for each new Regulation, make the appropriate recommendation;
- (b) Supplements should never be used in the case of any changes in the technical legal requirements which could entail vehicle/component design changes; Supplements clearly should never result in a new approval of existing designs;
- (c) whenever new requirements are enacted, which could require design changes in order for current vehicles or components to comply, these should be through a Series of Amendments;
- (d) keep the Corrigenda concept unchanged;
- (e) where several amendment proposals occur within a relatively short period, group them together into a single unit;
- (f) always examine, case by case, the appropriateness of Series of Amendments or of Supplements;
- (g) always carefully examine the issue of transitional provisions for Series of Amendments;
- (h) add necessary definitions, e.g. in TRANS/WP.29/343.

In order to implement these proposals, OICA suggests a 2-level approach by:

1. amending document TRANS/WP.29/343 in order to incorporate the necessary definitions.
2. amending the WP.29 Terms of Reference (TRANS/WP.29/690) in order to specify some basic rules for establishing new Regulations and their amendments. In this particular respect, WP.29 attention is drawn to the possibility to specify, in each new Regulation, a time frame during which Contracting Parties are recommended not to apply this Regulation on a mandatory basis; an alternative approach could be that such recommendation is inserted in the corresponding WP.29 report.

These two levels are detailed in items III and IV below.

III. SUGGESTED AMENDMENTS TO TRANS/WP.29/343

In order to incorporate the necessary definitions, the following amendment is suggested:

Explanatory notes, item 2.3, amend to read:

"(1) .../Amend.X = an amendment issued as a supplement to the text of the Regulation in force or a new series of amendments to the Regulation comprising the change of the approval marks, *as needed*.

Series of amendments are normally used when changing the technical requirements that the vehicle systems or components must fulfil as from a certain date to obtain ECE approval and, depending on the national legislation, to be able to be registered nationally. These technical requirements affect vehicle/component design and always entail transitional provisions.

Supplements address changes to Regulations which do not entail a change in the approval mark.

Supplements are used for:

- clarification of test procedures, not dictating new requirements;
- adding new possibilities not previously foreseen.

[Supplements become applicable as from the date of entry into force, after which tests according to the Regulation need to take into account the Supplement in question.

In the absence of any other date mentioned, Supplements become applicable for all approval procedures started after the entry into force. Existing approvals remain valid.]

(2) .../Rev.X = a Revision of the text ..." (remainder unchanged).

IV. SUGGESTED AMENDMENTS TO THE WP.29 TERMS OF REFERENCE (TRANS/WP.29/690)

Add a new Annex 3, to read:

"Annex 3

Regulatory Procedures of WP.29 and its subsidiary bodies

(a) When a new Regulation is established, WP.29 shall recommend a period of time after the foreseen entry into force, during which Contracting Parties are requested not to apply this Regulation nationally on a mandatory basis. [This recommendation shall be included in the Regulation.]

(b) When amending an existing Regulation, the following procedures shall apply:

- Supplements address changes to Regulations which do not entail a change in the approval mark.

Supplements are used for:

- clarification of test procedures, not dictating new requirements;
- adding new possibilities not previously foreseen.

Supplements become applicable as from the date of entry into force, after which tests according to the Regulation need to take into account the Supplement in question. In the absence of any other date mentioned, Supplements become applicable for all approval procedures started after the entry into force. Existing approvals shall remain valid.

- Series of Amendments address changes to Regulations, enacting new requirements, possibly entailing design changes in order for current vehicles or components to comply.

Series of Amendments shall contain the necessary transitional provisions, defining at least the following:

- entry into force, at which time manufacturers are able to request approval on a voluntary basis;
- date as from which the vehicle/component must comply to obtain UNECE approval.

Where necessary, Series of Amendments shall also contain a date as from which national governments may require all new vehicles to comply for the purpose of first national registration (first entry into service).

(c) WP.29 shall give instructions to its Subsidiary Bodies to the effect that, when several amendment proposals to the same Regulation are under study, these proposals shall, wherever possible, be grouped together into the same Series of Amendments or Supplement."
