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**PROPOSAL FOR GENERAL GUIDELINES FOR UNECE REGULATORY PROCEDURES
AND TRANSITIONAL PROVISIONS IN UNECE REGULATIONS**

Transmitted by the representatives of Japan and European Commission (EC)

Note : The text reproduced below was transmitted by the representatives of Japan and European Commission. It is based on documents TRANS/SC.1/WP.29/383, TRANS/WP.29/2003/97, TRANS/WP.29/2004/75 and Informal document No.WP29-135-8. The revised text to the informal document No.WP29-135-8 in the main part of this document and the proposed amendment to TRANS/SC.1/WP.29/383 in Annex 1 of this document are marked in **bold** characters.

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A. PROPOSAL

I. INTRODUCTION

The general guidelines in this document are intended to provide guidance to the subsidiary bodies of WP.29 on the procedure of making and amending UNECE Regulations and on drafting transitional provisions. This document supersedes document TRANS/SC.1/WP29/383, "General Guidelines For Transitional Provisions In UNECE Regulations".

This proposal is for streamlining the future work in the subsidiary bodies and does not alter the current understanding and interpretation of the 1958 Agreement and the existing Regulations. If there is any inconsistency between those guidelines and the current texts of the Regulations, it should be solved, if necessary, on a case by case basis.

II. GENERAL GUIDELINES FOR PROPOSING NEW REGULATION

1. When proposing a new Regulation, experts from Contracting Parties who are planning to apply it as a mandatory basis in their national legislation have to be aware that the approvals to this new Regulation can be granted only after the date of entry into force, and that lead time will be necessary for manufacturers to provide conforming vehicles.
2. The new Regulation can entail transitional provisions, if necessary, which define:
 - 2.1. date of entry into force, as from which manufacturers are able to request UNECE type approvals to the Regulation, and
 - [2.2. *date until which Contracting Parties are recommended not to apply this Regulation on a mandatory basis.*
3. *Subject to a discussion in WP.29, the date until which Contracting Parties are recommended not to apply the new Regulation on a mandatory basis can be indicated in the report of WP.29.]*

Note: *OICA wishes to include paragraph 2.2 in the UNECE Regulation itself, while Japan and the EC ask if this kind of recommendation can be included in UNECE Regulations and suggest having it in a report of WP.29 as indicated in paragraph 3.*

III. GENERAL GUIDELINES FOR AMENDMENT PROCEDURES

1. To adapt the 1958 Agreement to the progress in technology, to improve the road safety and the protection of the environment and to harmonize them, the Regulations may be amended or corrected. When amending or correcting a Regulation, in principle, the following procedures apply, although specific cases may require different procedures:

1.1. Series of amendments

- 1.1.1. A series of amendments shall be used when changing the technical requirements that the vehicle systems or components must fulfil as from a certain date, in order to obtain UNECE approval and, depending on the national *or regional* legislation, to be able to be registered nationally *or regionally*, even if the amendments are a minor technical change and do not affect vehicle/component design drastically. In this procedure the modification of the approval marking is always necessary to differentiate the new approvals to the amended Regulation (hereinafter referred to as "the new approvals") from the existing approvals to the preceding amendments or unamended Regulation (hereinafter referred to as "the existing approvals").
- 1.1.2. The existing approvals can remain valid. However, Contracting Parties are not obliged to accept them as from the date of entry into force of the amendments unless otherwise expressly written in the transitional provisions.
- 1.1.3. The series of amendments shall contain the necessary transitional provisions defining at least the following:
- 1.1.3.1. date of entry into force, as from which manufacturers are able to request UNECE type approvals to the new requirements (defined as **(a) date** in Figure 1),
- 1.1.3.2. date as from which the vehicle/component must comply with the new requirements to obtain UNECE type approval (defined as **(b) date** in Figure 1), and
- 1.1.3.3. date until which Contracting Parties are required to accept the existing approvals (defined as **(c) date** in Figure 1).
- 1.1.4. The Series of amendments shall also contain a transitional provision for Contracting Parties whose application of the Regulation comes into force after the date of entry into force of the amendments. This transitional provision shall state that they are not obliged to accept the existing approvals.
- 1.1.5. General guidelines of transitional provisions for a series of amendments are set forth in Annex 1 of this document.

1.2. Supplement

- 1.2.1. A Supplement addresses an amendment to a Regulation which does not entail modification in the approval marking and is normally used for;
- 1.2.1.1. clarification of test procedures, not imposing new requirements, and
- 1.2.1.2. permitting previously unexpected new possibilities.

- 1.2.2. The Supplements shall not be used when it is necessary for Contracting Parties to differentiate the new approvals from the existing approvals.
- 1.2.3. The Supplements normally become applicable as from the date of entry into force, after which tests according to the Regulation need to take into account the Supplements in question. In the absence of any other date mentioned, Supplements become applicable for all approval procedures started after the date of entry into force.
- 1.2.4. The existing approvals remain valid and Contracting Parties shall continue to recognize them.

1.3. Corrigendum

A Corrigendum consists of corrections to previously issued texts and is normally used to avoid different interpretations. Corrigenda are deemed ab initio, whereby the date of entry into force indicates the date of circulation by the Depositary, or - as from 16 October 1992 - the date of adoption by WP.29, or - as from 16 October 1995 - the date of adoption by the Administrative Committee AC.1.

2. Consideration for Special Cases

2.1. Special Cases for Series of Amendments

2.1.1. Special Case 1-1

In the case that installation requirements are added to a Regulation relating initially to components type approval only, without modifying the requirements on these components and that it is not necessary to change the approval markings, it is recommended to follow the procedure of the series of amendments with a special transitional provision stating:

- 2.1.1.1. Even after the date of entry into force of the XX series of amendments, approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

2.1.2. Special Case 1-2

When an amendment changes the technical requirements, in line with paragraph 1.1. above, of only some of the various categories of vehicles or components in the scope of the Regulation and when the technical requirements for the other categories of vehicles or components remain unchanged, it is recommended to follow the procedure of series of amendments with a special transitional provision stating:

2.1.2.1 Even after the date of entry into force of the XX series of amendments, approvals of the vehicle categories or the components to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

2.1.3. Special Case 1-3

Notwithstanding paragraph 1.1., if Contracting Parties applying the Regulation in question agree to continue to accept the existing approvals indefinitely, the series of amendments can contain a special transitional provision, instead of defining the date stipulated in paragraph 1.1.3.3., stating:

2.1.3.1. Even after the date of entry into force of the XX series of amendments, approvals to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

2.2. Special Cases for Supplements

2.2.1. Special Case 2-1

Even in the case of Supplements which do not change the technical requirements, manufacturers sometimes need time to prepare for the new test procedure in the amended Regulation. In this case, Supplements can entail the following transitional provision:

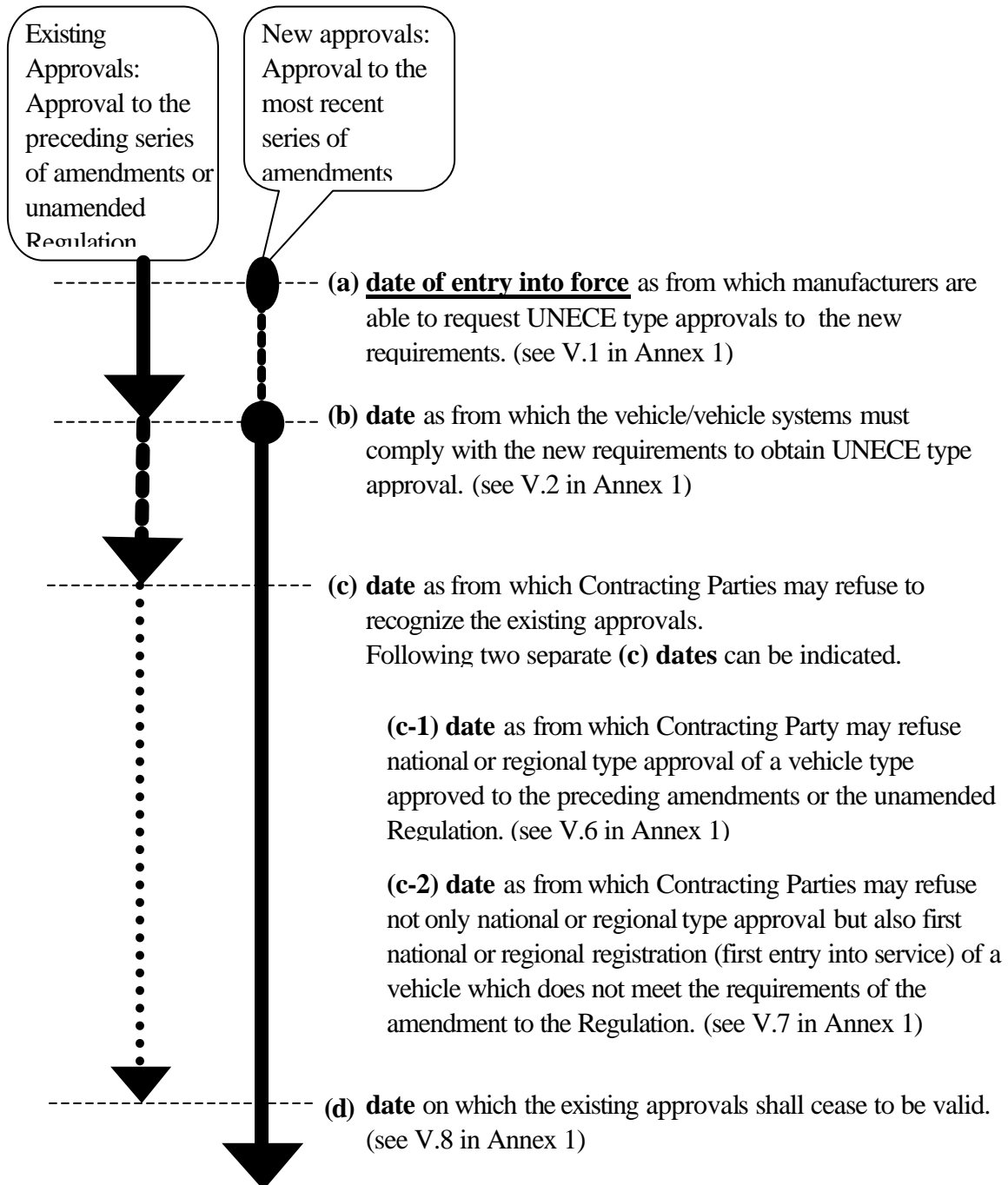
2.2.2. *until ... months after the date of entry into force of the Supplement XX to the XX series of amendments to this Regulation, Contracting Parties applying this Regulation can continue to grant ECE approvals to the unamended Regulation.*

3. Miscellaneous

To propose amendments of Regulations the subsidiary bodies of WP.29 shall bear in mind;

3.1. when several amendment proposals to the same Regulation are under study, these proposals should, wherever possible, be grouped together into the same series of amendments or Supplement,

- 3.2. when submitting proposals for amendment of Regulation, the experts of subsidiary bodies are required to study this document carefully and indicate the amendment procedure they want to take,
- 3.3. when submitting proposals for a series of amendments with transitional provisions, the experts of subsidiary bodies shall propose to delete obsolete transitional provisions for the previous series of amendments, and
- 3.4. the issue of transitional provisions, especially the appropriateness of series of amendments or of Supplements, should always be carefully examined.



Note:

If (b) **date** and (c) **date** are not written in the transitional provisions, they are regarded identical to (a) **date**.

If (d) **date** is not written in the transitional provisions, the existing approvals can remain valid, but Contracting Parties are not obliged to accept them as from (c) **date**.

Figure 1 Illustration of a transitional period of vehicle or vehicle systems Regulation

GENERAL GUIDELINES OF TRANSITIONAL PROVISIONS FOR SERIES OF AMENDMENTS

1. SITUATIONS TO BE CONSIDERED

1.1. Transitional provisions should consider:

1. UNECE type approvals
2. National *or regional* type approvals
3. National *or regional* registrations of new vehicles
4. Vehicles and components "in-use"

1.2. "UNECE type approvals" can relate to:

- 1.-1. A new Regulation
- 1.-2. An amended or revised Regulation
- 1.-3. A previous version of a Regulation

or it can be:

- 1.-4. An approval with extended application

1.3. The products to which type approval (UNECE, *regional* and national), registration and/or in-use requirements apply can be divided into:

- V: Vehicles and systems
- C: Components and separate technical units
- F: Installation of components or separate technical units in new vehicles
- R: Replacement parts for vehicles in use

1.4. Combining the cases of paragraph 1.1. and 1.2. with the products under paragraph 1.3. gives rise to many arrangements of transitional provisions. A proper selection of the various clauses has to be made for each individual case.

The following four sets of general guidelines should therefore be considered as an "aide-mémoire." In addition, and in spite of their heading, each set should be considered in each case and for each clause to ensure that the provisions are complete, e.g. paragraph R. Replacement parts on vehicles in use also can apply to the transitional provisions C. Components and separate technical units.

2. AIDE-MEMOIRE

2.1 VEHICLES AND VEHICLE SYSTEMS

TRANSITIONAL PROVISIONS

- 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 approval under this Regulation as amended by the XX series of amendments.
- V.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the XX series of amendments.
- V.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to the preceding series of amendments to this Regulation.
- V.4 Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.
- ~~V.5 *UNECE approvals granted under this Regulation earlier than ... months after the date of entry into force and all extensions of such approvals, including those to a preceding series of amendments of this Regulation granted subsequently, shall remain valid indefinitely. When the vehicle type approved to the preceding series of amendments meets the requirements of this Regulation as amended by the XX series of amendments, the Contracting Party which granted the approval shall notify the other Contracting Parties applying this Regulation thereof.*~~
- V.6 5 No Contracting Party applying this Regulation shall refuse national *or regional* type approval of a vehicle type approved to the XX series of amendments to this Regulation.
- V.7 6 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse national *or regional* type approval of a vehicle type approved to the preceding series of amendments to this Regulation.
- V.8 7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (*national or regional type approval and may refuse*) first national *or regional* registration (first entry into service) of a vehicle which does not meet the requirements of the XX series of amendments to this Regulation.
- V.8 *As from ... months after the date of entry into force of the XX series of amendments to this Regulation, approvals to this Regulation shall cease to be*

valid, except in the case of vehicle types which comply with the requirements of this Regulation as amended by the XX series of amendments.

V.9 *Notwithstanding the transitional provisions above, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.*

V.10-S 1/ *Notwithstanding paragraph....(V.7 or V8 type of transitional provisions), approvals of the vehicle categories 2/ to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.*

V.11-S 3/ *Even after the entry into force of the XX series of amendments to this Regulation, approvals of the vehicles to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.*

2.2 COMPONENTS AND SEPARATE TECHNICAL UNITS

TRANSITIONAL PROVISIONS

C.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 approval under this Regulation as amended by the XX series of amendments.

C.2 As from ... months after the date of entry into force, Contracting Parties applying this Regulation shall grant approvals only if the type of component or separate technical unit to be approved meets the requirements of this Regulation as amended by the XX series of amendments.

C.3 Contracting Parties applying this Regulation shall not refuse to grant extensions of approval to the preceding series of amendments to this Regulation.

C.4 Contracting Parties applying this Regulation shall continue to grant approvals to those types of component or separate technical unit which comply with the requirements of this

1/ *Paragraph V.10-S can be used in addition to V.7 or V.8 only when the amendment follows the procedure of Special Case 1-2.*

2/ *It is recommended to clearly specify here the vehicle categories which are not affected by the amendment (e.g. M1 category of vehicle or N1 category of vehicle)*

3/ *Paragraph V11-S can be used instead of paragraph V.7 or V.8 only when the amendment follows the procedure of Special Case 1-3.*

Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.

- ~~C.5~~ ~~UN/ECF approvals granted under this Regulation earlier than ... months after the date of entry into force and all extensions of approvals, including those to a preceding series of amendments to this Regulation granted subsequently, shall remain valid indefinitely. When the type of component or separate technical unit approved to the preceding series of amendments meets the requirements of this Regulation as amended by the XX series of amendments, the Contracting Party which granted the approval shall notify the other Contracting Parties applying this Regulation thereof.~~
- C.6 5 No Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the XX series of amendments to this Regulation.
- C.7 6 Until ... months after the date of entry into force of the XX series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse a type of component or separate technical unit approved to the preceding series of amendments to this Regulation.
- C.8 7 Starting ... months after the entry into force of the XX series of amendments to this Regulation, Contracting Parties applying this Regulation may refuse (***national or regional type approval and may refuse***) the sale of a type of component or separate technical unit which does not meet the requirements of the XX series of amendments to this Regulation (***unless the component or separate technical unit is intended as a replacement for fitting on vehicles in use and that it would not be technically feasible for the component or separate technical unit in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments.***) 4/
- C.9 8 Contracting Parties applying this Regulation shall continue to issue approvals for devices (components and separate technical units) on the basis of any previous series of amendments, provided that the devices (components and separate units) are intended as replacements for fitting to vehicles in use and that it is not technically feasible for the devices (components and separate technical units) in question to satisfy the new requirements of the latest series of amendments.
- C.9 *As from ... months after the date of entry into force of the XX series of amendments to this Regulation, approvals to this Regulation shall cease to be valid, except in the case of types of component or separate technical unit which*

4/ The text in parentheses may not be necessary in some cases.

comply with the requirements of this Regulation as amended by the XX series of amendments.

C.10 *Notwithstanding the transitional provisions above, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.*

C.11-S 5/ *Notwithstanding paragraph....(C.7 or C.9 type of transitional provisions), approvals of the components or separate technical units 6/ to the preceding series of amendments to the Regulation which are not affected by the XX series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.*

C.12-S 7/ *Even after the entry into force of the XX series of amendments to this Regulation, approvals of the components and separate technical units to the preceding series of amendments to the Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them.*

2.3 INSTALLATION OF COMPONENTS AND SEPARATE TECHNICAL UNITS IN NEW VEHICLES

TRANSITIONAL PROVISIONS

F.1 As from the official date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall prohibit the fitting on a vehicle of a component or separate technical unit approved under this Regulation as amended by the XX series of amendments.

F.2 Contracting Parties applying this Regulation shall continue to allow the fitting on a vehicle of a component or separate technical unit approved to this Regulation as amended by the preceding series of amendments during the ... months' period which follows the date of entry into force of the XX series of amendments.

F.3 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle for which national type,

5/ *Paragraph V.11-S can be used in addition to C.7 or C.9 only when the amendment follows the procedure of Special Case 1-2.*

6/ *It is recommended to clearly specify here the components or separate technical units which are not affected by the amendment (e.g. safety-belts for M1 category of vehicles).*

7/ *Paragraph V12-S can be used instead of paragraph C.7 or C.9 only when the amendment follows the procedure of Special Case 1-1 or 1-3.*

regional type or individual approval was granted more than ... months after the entry into force of the XX series of amendments to this Regulation.

- F.4 Upon the expiration of a period of ... months after the date of entry into force, Contracting Parties applying this Regulation may prohibit the fitting of a component or separate technical unit which does not meet the requirements of this Regulation as amended by the XX series of amendments on a new vehicle first registered more than ... months after the entry into force of the XX series of amendments to this Regulation.

2.4 REPLACEMENT PARTS FOR VEHICLES IN USE

TRANSITIONAL PROVISIONS

- R.1 Contracting Parties applying this Regulation shall continue to grant approvals to those types of component or separate technical unit which comply with the requirements of this Regulation as amended by any previous series of amendments provided that the component or separate technical unit is intended as a replacement for fitting on vehicles in use and that it would not be technically feasible to fit a component or separate technical unit which satisfies the requirements contained in this Regulation as amended by the XX series of amendments.
- R.2 As from the date of entry into force of the XX series of amendments, no Contracting Party applying this Regulation shall prohibit fitting or use on a vehicle in use of a component or separate technical unit approved under this Regulation as amended by the XX series of amendments.
- R.3 Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a component or separate technical unit approved to this Regulation as amended by the preceding series of amendments during the ... months period which follows the date of entry into force of the XX series of amendments.
- R.4 Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a component or separate technical unit approved to this Regulation as amended by any previous series of amendments provided that the component or separate technical unit is intended as a replacement and that it would not be technically feasible for the component or separate technical unit in question to satisfy the new requirements contained in this Regulation as amended by the XX series of amendments."

B. JUSTIFICATION

1. Introduction

When Contracting Parties apply an UNECE Regulation, sometimes it is difficult to figure out approvals which they are obliged to accept, especially in the case that a Regulation is amended by so-called Supplements and technical requirements in the Regulation are changed without altering approval markings.

To raise this concern, Japan submitted a document TRANS/WP.29/2003/97 to WP.29 in November 2003, which contains the following proposal:

“When the safety level including the modification of limit values (in particular the strengthening of requirements) is reviewed, the procedure of the Series of Amendment should always be adopted, which will require the necessary transitional provisions specifying the date when Contracting Parties may refuse the preceding approval”

This proposal was generally supported by WP.29, and following the discussion, OICA volunteered to make comprehensive guidelines on UNECE regulatory procedures. They submitted their proposal TRANS/WP.29/2004/45 to WP.29 in June 2004 to which CLEPA expressed their concerns in their Informal Document No. WP.29-133-11, and then OICA submitted their revised proposal TRANS/WP.29/2004/75 to WP.29 in November 2004.

However these proposals from OICA did not solve our original concerns. Under these circumstances, we decided to make this proposal for “General Guidelines for UNECE Regulatory Procedures and Transitional Provisions in UNECE Regulations”.

To make this proposal we carefully studied the right and the obligation of the Contracting Parties under the current text of the 1958 Agreement and UNECE Regulations annexed to it, especially those of new Contracting Parties who apply Regulation individually like Japan, and drafted it based on our current understanding and interpretation of the 1958 Agreement.

We submit this proposal to WP.29 in order to establish common understandings on this issue, in hope that it will contribute to streamline the future work in WP.29 and its subsidiary bodies, and it will facilitate new Contracting Parties to apply UNECE Regulation.

2. **Justification Paragraph by Paragraph**

Chapter II. "GENERAL GUIDELINES FOR PROPOSING NEW REGULATION"

At this moment there is no guideline for proposing a new Regulation. Nevertheless for the enforcement of new regulations lead-time is sometimes necessary mainly for manufactures. This issue was originally raised by OICA in their document TRANS/WP.29/2004/75. We carefully considered what can be included in this proposed guideline and in transitional provisions of ECE Regulations

Paragraph 1.

This paragraph is introduced to address the concerns raised by OICA in their document TRANS/WP.29/2004/75.

Paragraph 2.1.

In the usual procedure to establish new regulations, " date of entry into force" is not defined in the proposed text of new regulations. It will be noticed by UN Secretary-General in accordance with Article 1 paragraph 2. and 3. of the 1958 Agreement and it is usually about 6 months after the adoption by AC.1. However it is also possible to stipulate the date of entry into force in the proposed text of new Regulations at the time of the adoption in AC.1 in accordance with the same Article of the 1958 Agreement. We think this procedure may be useful to solve the concern expressed by OICA.

Paragraph 2.2. and 3.

OICA wants to insert this transitional provision in a new Regulation. This paragraph is square bracketed in this proposal because it is necessary to be discussed in WP.29 whether this kind of recommendation can be included in a Regulation itself. Japan suggests paragraph 3. instead of paragraph 2.2.

Chapter III. "GENERAL GUIDELINES FOR AMENDMENT PROCEDURES"

Three procedures for amendments of Regulations are currently used. Those are Series of amendments, Supplements and Corrigendum. However no definitions or guidelines of these procedures are provided at this moment. We made them in this Chapter.

Paragraph 1.1.2.

It seems that there are some manufacturers who have a different understanding of this issue. Nevertheless, we believe this proposed paragraph is completely in line with the 1958 Agreement. The reason of this is because when a Regulation is amended, Contracting Parties have to amend their national or regional legislation to align it to the amended Regulation in accordance with Article 3 of the 1958 Agreement. It means that Contracting Parties can not continue to be obliged to hold their national legislation to be in conformity with the unamended Regulation and can not be obliged to accept the approvals to the unamended Regulation unless otherwise expressly written in the transitional provisions.

Paragraph 1.1.3.

When a regulation is amended and its technical requirements are changed, manufacturers have to redesign their products to make them conform with the amended Regulation and have to get new approvals or extensions of the existing approvals, type approval authorities have to prepare for new tests for new requirements, and Contracting Parties have to amend their national or regional legislation in order to accept the new approvals. It is necessary for all of them to have transitional period in order to switch the framework of reciprocal recognition system from that of the unamended Regulation to the amended Regulation. Length of this transitional period can vary case by case, nevertheless we think that at least the dates defined in paragraph 1.1.3.1. to 1.1.3.3. shall be stipulated in transitional provisions of the amendment in order to avoid misunderstandings.

Paragraph 1.1.4.

Contracting Parties whose application of a Regulation comes into force after the date of entry into force of a series of amendments to the Regulation cannot choose to apply the previous series of amendments, because the texts of the technical requirements of the previous series of amendments would have already disappeared from the Regulation at the time of their application.

It means that they cannot grant approvals to the previous series of amendments and that they cannot be obliged to accept approvals to the previous series of amendments. In fact these new Contracting Parties have not received the type approval communications of the previous series of amendments, which are sent only to the Contracting Parties applying the Regulation.

So, even during the transitional period defined in the transitional provisions these new Contracting Parties cannot be obliged to accept approvals to the unamended Regulation.

Even if this provision were not included in transitional provisions, the 1958 Agreement could be interpreted in a similar fashion. Nevertheless we think this proposed paragraph is necessary to avoid misunderstandings and facilitates new Contracting Parties to apply ECE Regulations.

Paragraph 1.2.4.

This paragraph stipulates different content, in terms of the obligation of Contracting Parties to accept the existing approvals, from that of paragraph 1.1.2. which is a paragraph for Series of amendments. The reason is because the Series of amendments require altering approval markings whereas Supplements do not.

Under the framework of reciprocal recognition of the 1958 Agreement, Contracting Parties have to figure out the approvals that they are obliged to accept by means of approval markings, and if the new approvals have the same approval marking as the existing approvals, Contracting Parties practically cannot distinguish between the existing and the new approvals. Contracting Parties have allowed this situation based on their understanding that when a Regulation is amended by Supplements without altering the approval markings, the existing approvals shall continue to be recognized.

The paragraph 1.2.4 intends to clarify the above stated practice.

Paragraph 2.1.1. (Special Case 1-1)

This Special Case 1-1 is designed to address the concerns expressed by CLEPA in their informal document No. WP.29-133-11.

Paragraph 2.1.2. (Special Case 1-2)

As a principle, the procedure of the Series of amendments shall entail transitional provisions which defines the date stipulated in paragraph 1.1.3.3. Nevertheless, when there are some vehicle categories or components which are not affected by a Series of amendments in the Regulation, the existing approvals for them need to continue to be valid and be accepted by the Contracting Parties applying the Regulation in order to avoid the unnecessary burden to manufacturers caused by administrative procedures of type approvals. This is the reason why we made this a Special Case.

Paragraph 2.1.3. (Special Case 1-3)

This Special Case 1-3 is made based on the proposal done by OICA in their document TRANS/WP.29/2004/75. We don't deny the possibility of this Special Case, however we are not sure if this procedure is really necessary because the procedure of Supplements can be used instead of a Series of amendments if it is not necessary for Contracting Parties to differentiate the new approvals and the existing approvals.

When this Special Case is used, we think all Contracting Parties need to carefully study the draft proposal of the amendments.

Annex 1 "GENERAL GUIDELINES OF TRANSITIONAL PROVISIONS FOR SERIES OF AMENDMENTS"

Annex 1 is based on the existing "General Guidelines for Transitional Provisions in UN/ECE Regulations" which has been adopted by WP29 as its document TRANS/SC.1/WP.29/383. Following modifications are made and the name of the guidelines was changed in order to make it clear that these guidelines were designed mainly for the Series of amendments.

Paragraph 1.1., 1.3., new V.5, new V.6, new V.7 and F3

The word "**regional**" is inserted because Whole Vehicle Type Approval under EU directive shall be also taken into account in these contexts.

Existing paragraph V.5 and C.5, and new paragraph V.10-S and C.11-S

The existing paragraph V.5 and C.5 are deleted and instead new paragraphs V.10-S and C.11-S are introduced with footnotes, because these paragraphs can be used only in the Special Cases stipulated in Chapter III, paragraph 2 of the proposal.

New paragraph V.8 and C.9

These new provisions are introduced because these are actually used in the transitional provisions of ECE Regulation No.11, No.13, No.17, No.18, No.25, and No.26. They have different meaning from the new V.7 and C.7, which exist in the current guidelines. The difference is shown in Figure 1 in the proposal. Provisions like the new V.7 and C7 have more flexibilities than these proposed new provisions V.8 and C.9, because in those cases existing

approvals can remain valid and it is useful for Contracting Parties who want to voluntarily continue to accept them.

New paragraph V.9 and C.10

Please see the justification for paragraph 1.1.4. of Chapter III. of the proposal.
