

Minutes of the 2nd Session of the Informal Group of IWVTA

Date and time: June 18, 2010, 10:00-15:30

Venue: CCFA(Comite des Constructeurs Francais d'Automobiles), Paris

Attendees: Messrs. Gauvin (chair), Renders (co-chair), Onoda (co-chair), Yamada (secretary)
Government: Australia, Belgium, Canada, France, Germany, Japan, Netherland, Russia,
South Africa, United Kingdom Industry : OICA, CLEPA

1. Adoption of the Agenda

IWVTA-02-01

- EC informs that this week a European Commission proposal was adopted that envisages at rendering the application of 61 ECE regulations mandatory for vehicle type approval under EU legislation. This Commission proposal provides a further step for the EU legislation relying on UNECE Regulations.¹ Copies of the proposal have been circulated for information and further consideration.
- Russia refers to their document for next week WP29 session: WP29/2010/87

2. Adoption of the Report for the 1st Meeting

IWVTA-02-02

- Report was adopted without modifications.

3. Consideration of discussion items and working schedule

IWVTA-02-03

- Intention is to reach a conclusion for the first phase (establishment of a roadmap) by November 2011.
- EC seeks confirmation on the schedule of meetings for the informal group and in particular on the tentative additional meeting scheduled for January 2011. With regard to the working schedule the EU suggests adding in item 17 “submission of a document to WP29”; this is agreed. The chair confirms that meetings will be held as much as possible the Friday before the WP29 session, that the Thursday afternoon of the WP29 session is available and that extra session in January will be held in January 2011 if necessary. Japan suggests that such meeting in January could be organized in Japan.
- Upon request of Mr. Van der Straaten, the chair confirms that by November 2011, the first step of the work must be complete (Roadmap), but that one can expect that at such time also a

¹ For more information, see

complete proposal by this group for the revision of the 58 Agreement could be ready.

- The secretary explained that the issue on budget is mentioned in IWVTA-02-03 just in case that some additional work might be necessary. At this moment, no such activity is scheduled.

4. Consideration of Technical requirement items list / basic concept

IWVTA-02-04 and 05

- The chair explains that the intention here is to draft a list of items that are needed for the IWVTA. For this, we have to check the requirements of the main areas that are NOT equal or similar to ECE regulations.
For the document IWVTA-02-04, this means that Japan has requirements that are equal or similar to ECE regulations. This does not mean that Japan has transposed all these ECE regulations. NL suggest to identify indeed also the items that are unique in areas and that are not covered in the ECE, but that should be in the future IWVTA. The chair agrees that such items should be identified and they should lead to new ECE Regulations. This work is however for the second stage. UK suggests that there are also cases where countries accept the ECE regulations without being contracting parties or having signed the particular Regulations.
- The chair requests all participants especially Russia, South-Africa and Australia to prepare a document similar to 04. Items in this document must be sorted into 3 categories (a), (b) and (c) according to “the work plan for future development” in the document IWVTA-02-05. There was a discussion how to treat category (c). The EC informs that in the future the EU WVTA will be based entirely on ECE Regulations (see point 1 above).
Russia mentions that by next meeting, they will have prepared a document, but they suggest that before a decision is made on the final content of the IWVTA, there should be an evaluation of the risk that requirements cover. It should not be the intention to adopt as many items as possible.
(Any documents used in the next session should be sent to technical secretary by Oct. 20th.)

IWVTA-02-06

- The EC informs that this is the list of WVTA requirements currently applicable under EU legislation. The document may need to be revised once the Council has adopted the Commission proposal on making the application of 61 ECE regulations mandatory.

IWVTA-02-07

- This describes the EU WVTA procedure.

OICA mentions that they have prepared a table that list the ECE Regulations and which Contracting Parties have signed them. Delegates will send OICA copies of their overviews. On request of UK, the chair explains that the final outcome of the IWVTA work is not completely

fixed. A first outcome could be that all CPs agree that once the list of the 3 categories (a), (b) and (c) drawn up. Then this group could start work how to treat the unique items.

5. Consideration of additional elements

IWVTA-02-08

- EC explains that this document focuses on the second part that is necessary for the IWVTA: quality assurance of Type Approval. This includes also some critical questions on the procedures in the 58 Agreement.
- Point 14(criteria for establishing New Regulations).There is e.g. no criterion to define if a Regulation should be established and what its effect should be. NL is of the opinion that we first must answer the question where we will put the IWVTA: in the 58 Agreement, in a separate or in another prescription. OICA agrees and suggests that also issues such as transitional periods for new Regulations, mandatory fitment of equipment (that should not be regulated in the Regulations, but in the national or Regional legislation). The chair suggests submitting this issue to the WP29 (also because CLEPA has different views)
- Point 15(criteria for amending Existing Regulations). OICA suggests that keeping earlier versions of Regulations can be useful for use in certain regions. OICA also favours that approvals should still be possible for earlier versions and is against multiple subjects in a single Regulation. OICA would also favour adopting new Regulations rather than amending existing ones when new subjects are to be covered. CLEPA then requests clarification from the Commission: will new EU Regulations still take as much time as before now that the Lisbon Treaty is in force? The EU Commission informs that they are still looking into , the impact of the Lisbon Treaty may have on the regulatory procedure for the EU to adopt and apply UNECE regulations. However, recent experience has shown that the co-decision procedure involving the Council does not necessarily require more time than the comitology procedure. Hence the EC considers that new UNECE Regulations should be aimed at whenever possible and if appropriate.
- Point 16. (Adoption procedure) No detailed discussion. Several questions are raised. The issue on accelerated procedure leads F and UK to mention the document 1059 and the question to have a New Technology procedure.
- Point 17(Quality of rulemaking). CDN points out that quality of documents starts at the level of the proposals: language level, ambiguities, etc. It would be useful to have a legal/linguistic group to check documents. This would also speed up the process of drafting (point 16). OICA mentions that there is no clarity on the legal level of WP29 decisions (reflected in the report) or on the WP29 documents that are not Regulations (doc 1044, 1059, ...). The chair suggests that the IG can look at the issue and suggest possible solutions.
- Point 18. (Rights and obligations for CPs arising from adopted new regulations and amendments to existing Regulations) No discussion

- Point 19 (need to maintain reference to self certification). The chair recalls that at the time of the revision of the 58 Agreement, they deliberately included the possibility for self certification as at that time, the USA were not really against the option of being included in the 58 Agreement. As later on the 98 Agreement was established, referring to self certification in the 1958 Agreement seems not necessary anymore. CLEPA mentions that Korea seems to use ECE regulations with self certification. The chair mentioned that he was not familiar with Korean system. CDN mentions that self certification seems impossible because of the type approval marking and because of the responsibility that is taken away from the manufacturers by the type approval given by authorities. Chair considers that it would not be appropriate to have self certification under the 58 Agreement. NL position is that they see no need to cover self certification under the 58 Agreement.
- Point 20. No discussion
- Point 21. No discussion.
- Point 22(testing). This is a summary of the procedures to be used during type approval. NL suggests adding a requirement on the language of the test report. Japan explains that Japan needs substantial transitional period if Japan follows the provisions of WP29/1059/E (worst case selection)because of differences of language and type approval procedures between Europe and Japan. Chair points out that the 58 Agreement should remain a relatively short document and that details must be settled elsewhere.
- Point 23(self/virtual testing). CDN also suggests keeping the Agreement short and covering the self and virtual testing in those Regulations annexed to the 1958 Agreement where considered appropriate. CLEPA suggests that the self testing must be linked to the quality of approval. Only so, fair competition in the (after) market can be guaranteed. NL suggests that self testing should be limited to the own production of a manufacturer. Japan clarifies that they use already virtual testing for some issues. The EU points out that the intention is not to use virtual testing for all subjects.
Point 24(New technology). Already discussed with reference to doc 1059. Japan said that it would prepare a paper that describes the procedure in Japan.
- Point 25. These issues concern after type approval situations. This covers also the issue of limited validity of certificates that Russia mentioned.
- Point 26. This stresses the importance of COP. The Chair invited the EC to draft a proposal for enhancing the provisions on CoP.
- Point 27. Covers the possibility of CoC for the vehicles. CLEPA supported the view that market surveillance should be addressed.
- Point 28(DETA, manufacturing country, etc.) This covers the exchange of information. OICA is concerned that Article 3 might restrict the possibilities for manufacturers to have plants in countries that are not CPs. The chair's opinion is that the Article 3 is outdated and not relevant anymore.

On request of NL, The EU clarifies that they have no intention to store CoCs in a central database (to trace falsifications).

- Point 29. This covers the quality requirements for the type approval technical services. Japan expressed concern about introducing in the 1958 Agreement the provisions on technical services as provided for in ECE/WP.29/1059. The chair invited Japan to provide in writing the main reasons for this concern.
- Point 30. This suggests to introduce Market Surveillance, dispute settlement and recall of the vehicle. Japan points out that the changes to the Agreement should not make the system less attractive to possible new Contracting Parties.

Chair summarized that the issues that can be relatively solved quickly will be covered in the first stage. The chair will prepare a 09-Rev1 document that will contain the relevant parts from document 08 so that IG can finalise the work of identifying the issues quickly, i.e. by the end of next session. Based on this result, draft amendments of 58 Agreement can be prepared. Such amendments are not necessarily limited to the IWVTA issues.

6. Consider elements to be addressed in the review of the 1958 Agreement

By next meeting, all issues to be changed in the 58 Agreement should be identified.

7. Other business

None, the meeting closes at 15.30h
