

Minutes of the 7th Session of the Informal Group of IWVTA

Date & time: September 28 (~~Wednesday~~) 10:00-15:40

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Venue: CCFA (Paris)

Participants: Messrs. Gauvin (Chairman), Renders (Co-chairman/EC),

Onoda (Co-chairman/Japan), Oshita (Technical Secretary)

Government: Germany, Netherlands, South Africa, United Kingdom

Industry Organization: CLEPA, OICA

Total: ~~23~~ 24 participants

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Agenda 1. Adoption of the agenda (IWVTA-07-02-Rev.1)

- OICA proposed to add an agenda “Rewrite of section B: New technologies development draft provided by OICA”. This proposal was adopted as part of Agenda 9. “Review of WP29/1059”.

Agenda 2. Adoption of the report for the 6th Informal Group meeting (IWVTA-07-01)

- The report was adopted without any comments.

Agenda 3. Draft inventory: List of elements to be addressed in the review of the 1958 Agreements (IWVTA-07-03)

(1) Draft inventory

- OICA stated that an additional appendix for the complete list of data (cf. annex I of 2007/46/EC) would also be needed.
- The Chairman replied that it was not easy to amend an appendix because the procedure to amend an appendix is the same as that of amending the 1958 Agreement. The complete list of data could be stipulated in an annex.
- EC suggested that the vehicle data could be annexed to UN Regulation No.0 and parts/system data could be annexed to each corresponding UN Regulation.
- OICA wants to introduce “standard master document” covering both of vehicles and parts to avoid any complexity. Appendix seems to be the only place that can be applied to both.
- The Chairman indicated the need to continue to give further consideration to OICA proposal.

- Japan stated that it would not be necessary to add an appendix of “the classification and definition of motor-driven vehicles (RE3 Annex 7)” to the 1958 Agreement. Rather, the vehicle classification should be provided in each UN Regulation. In case an appendix of the 1958 Agreement stipulates the vehicle classification, non-contracting parties could be asked

to explain the differences between the UN and their own vehicle classification and how to solve the problems stemming from these differences, if any, to their Congress or Diet when acceding to the 1958 Agreement. Moreover, “RE3 Annex 7” had been revised every five years or so in the past. It would be unrealistic to revise the 1958 Agreement whenever any of the definitions of vehicle categories change.

- EC recalled that the IWVTA informal group has proposed for the new structure of the 1958 Agreement that “RE3 Annex 7” should be attached to 1958 Agreement as an “appendix”. UN definitions of vehicle categories should be part of the revised Agreement to ensure legal certainty about the scope of application of the Regulations annexed to the 1958 Agreement. These vehicles category definitions are applied for the purpose of type approval and the mutual recognition of type-approvals, whereas the vehicle category definitions of each Contracting Party could be applied to any other administrative procedures not related to type-approval.
- Germany stated that the vehicle classification should be made clear no matter where it is stipulated, either in “appendix” or “annex”.
- Japan recommended that “RE3 Annex 7” should be stipulated in UN Regulation No.0.
- The Chairman stated that Informal Group would report to November WP29 session that EC and Japan had different opinions on this issue.
- UK preferred Japanese approach because it would take a couple of years to revise the 1958 Agreement including “appendix”.
- OICA came up with an idea to make a new system of annex to be applied to all UN Regulations.
- EC also suggested that the informal group could consider differentiating the amendment procedure of “the 1958 Agreement text” from that of the vehicle category “appendix”.
- The Chairman mentioned that the viability of these ideas should be verified with the WP29 Secretariat.
- UK summarized these ideas saying that a new amendment procedure would be introduced in addition to current two types of amendment procedures so that there would be three amendment procedures as follows. 1) the current procedure requiring unanimous agreement of all Contracting Parties when revising the 1958 Agreement, 2) a new procedure requiring unanimous agreement of all Contracting Parties when revising a new annex to be applied to all UN Regulations, 3) the current procedure requiring majority voting of Contracting Parties applying a UN Regulation when revising the Regulation.
- The Chairman stated that the idea was worth while being explored.
- The Chairman announced that the name of ECE Regulations had been changed to UN Regulations since June this year. The Informal Group would use the name of UN Regulations from now on.
- OICA stated that the permission to use virtual testing should not be left to each GR. WP29 should discuss the basic concept of virtual testing and provide guidance.

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- The Chairman wanted OICA to first propose the basic concept to WP29.
- ~~The Chairman concluded that the inventory was basically approved by Informal Group. The Chairman asked OICA to send their comments to Technical Secretary in two or three weeks. The inventory should be finalized by the end of October.~~

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(2) Revision of Article 3 of the 58 Agreement: Mutual Recognition (IWVTA-06-07-Rev.1)

- UK stated vehicles cannot be registered with a type approval certificate only. UK approved the proposed revision of Article 3 as a working document provided that the wording should be subject to careful scrutiny.
- Japan would support the proposed revision of Article 3 with an understanding that this sentence will not prohibit Contracting Parties from requiring testing, etc. relating to administrative procedures other than type approval.
- The Chairman concluded that the Informal Group basically approved the proposed revision of Article 3 even though the group is not required to finalize the text at this stage.

(3) Revision of Article 4 of the 58 Agreement: safeguard (IWVTA-07-04)

- Germany stated that the proposed safeguard clause could undermine mutual recognition arrangement under the 1958 Agreement. Germany would bring back the proposal as a first draft for consideration.
- OICA pointed out that the decision by the dispute settlement procedure stipulated in Article 10 should be applied to all Contracting Parties whereas the proposed safeguard clause would allow only one Contracting Party to behave differently. Therefore, OICA regarded the proposal as an unsatisfactory one.
- Japan admitted that some kind of mechanism to prevent abuse of this safeguard clause would be necessary. Japan continued that any contracting Party might face a critical situation of withdrawal from IWVTA arrangement without this clause. Withdrawal of one Contracting Party would make both of leaving Contracting Party and remaining ones unhappy. Japan explained that this clause should not be used in cases other than exceptional ones where, e.g., Diet or Congress decided to impose specific safety requirements as countermeasures against excessive traffic accidents. Japan explained the case of rearview mirrors in Japan as an example. Japan regarded this safeguard clause as emergency measures and had no intention to use it for other purpose.
- OICA welcomed the aim of Japanese proposal and agreed that some kind of revision with Article 4 would be necessary. OICA had no concrete proposal at the moment.
- ~~Germany understood the situation Japan is placed in. However, it is not simply possible to install national requirements in Germany regarding the type approval of vehicles. In nearly every case a notification to the European Commission and the European Member States would be necessary to seek acceptance, independent of the national priorities in Germany.~~
- Japan stated that Japanese ordinary citizens would compare its Diet with European Parliament.

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(4) Revision of Article 12 of the 58 Agreement (IWVTA-07-05, -07-09)

- OICA pointed out that EC and Japan proposal (IWVTA-07-09) lacks flexibility and would not attract emerging-market countries because agreement of one fifth of Contracting Parties applying the UN Regulation are necessary to keep the previously amended version of the UN Regulation as option. It seems difficult for new Contracting Parties to get enough number of supports from Contracting Parties.
- EC stated that OICA proposal (IWVTA-07-05) does not stipulate the procedure for new Contracting Parties to adopt the previously amended version of the UN Regulation.
- UK pointed out that it seemed difficult to implement OICA proposal in practice because there should be too many amendments of UN Regulations.
- The Chairman stated the necessity to give further consideration on this issue.

Agenda 4.Approval of IWVTA technical regulations candidate items list; List of national regulations and sorting (M1) (IWVTA-06-04-Rev.1)

- Technical Secretary explained the revisions made since last Informal meeting.

Agenda 5.Structure of UN Regulation No.0 based on 2007/46/EC (IWVTA-06-09)

- OICA stated that the purpose of this document is to prepare draft UN Regulation No.0 using EU WVTA as a model. OICA intended to submit draft UN Regulation No.0 at the 9th IWVTA Informal meeting planned to be held in March next year.
- EC asked OICA whether the elements to be addressed in the review of the 1958 Agreement listed in the inventory (IWVTA-07-03) are sufficient or not.
- OICA replied that they had not enough time to check the inventory for its completeness.

Agenda 6.Updates of roadmap for the revision of 1958 and Introduction of IWVTA (IWVTA-06-06-Rev.3)

- OICA asked whether the date to propose UN Regulation No.0 should be made earlier or not.
- EC considered that it was not necessary to advance the date. It is good to be ahead of schedule, but not good to be behind the schedule.
- OICA pointed out that the date for approval of UN Regulation No.0 by WP.29 should be changed to March, 2016 from November, 2013 because UN Regulation No.0 cannot be approved by WP.29 before IWVTA applicable UN technical Regulations are fully decided.
- Informal Group agreed with OICA on this amendment. The Informal Group also confirmed that the date for the submission of the draft revision of the 1958 Agreement to WP.29 should be left as it is, i.e., June, 2012.

Agenda 7. Draft proposal; The review of the 1958 Agreement and the introduction of international whole vehicle type approval (IWVTA-07-08)

- CLEPA pointed out that introduction of IWVTA should be mentioned in Paragraph 1.
- EC indicated that the title of Chapter III should be “Roadmap for the revision of the 1958 Agreement and introduction of IWVTA” instead of just “Roadmap for IWVTA”.
- OICA suggested to delete Chapter V to avoid any misunderstanding that the list of technical regulations applicable to IWVTA have been fixed.
- EC stated that it was important to inform WP.29 fully of the activities of IWVTA Informal Group, and therefore to include the reporting on the work and envisaged approach related to the IWVTA candidate Regulations .
- Japan added that it would become difficult to get WP.29 approval on “the guideline for GRs to review technical regulations applicable to IWVTA” at its March, 2012 Session without giving WP.29 related information in advance at its November, 2011 Session.
- The Chairman stated the conclusion should be reached by November.

Agenda 8. Proposed guideline for GRs to review IWVTA technical regulations (IWVTA-07-07)

- UK proposed to discuss the draft guideline with GRs Chairmen before submitting to WP.29.
- EC agreed with UK on the idea but noted the difficulty to hold such a meeting with a short notice.
- OICA was not sure who would made final decision on the list of technical regulations applicable to IWVTA, each GR or IWVTA Informal Group?
- The Chairman replied that they would be proposed by each GR and approved by WP.29.
- OICA further asked how should IWVTA Informal Group be involved in finalizing the list of technical regulations applicable to IWVTA.
- EC replied that this should be discussed at the 8th Informal meeting. Anyway, the guideline will be submitted to WP.29 at its November, 2011 Session either as an attachment to a report on the inventory and roadmap or as a separate informal document in order to get feedback from WP.29. WP.29 guidance on this issue should be sought.

Agenda 9. Review of WP.29/1059

(1) Rewrite of section B: New technologies development draft provided by OICA (IWVTA-07-10)

- The Chairman invited preliminary discussion on this issue. Full discussion will be expected in March, 2012.
- OICA explained the special applications to deal with new technologies. The special application is limited in time but has no limitation in geography. The application obtained in one Contracting Party should be applied to other Contracting Parties.
- Germany suggested that it would be more efficient to establish another group to discuss this issue.

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- The Chairman replied that establishment of new group are not allowed at the moment because of budgetary limitations.

(2) Qualification, designation and notification and duties of technical services

(IWVTA-07-06)

- The Chairman concluded that IWVTA Informal Group basically approved this document. The details will be discussed when the revision of the 1958 Agreement is drafted.

Agenda 10.Introduction of the DETA database in the revised 1958 Agreement

(DETA-12-10)

- Netherlands (Technical Secretary of DETA Informal Group) asked comments on creating a legal basis for DETA and the mandatory application of the system. DETA Informal Group will submit a proposal to WP.29 at its November, 2011 Session on this issue.
- EC pointed out that the order of discussion should be reversed. First, WP.29 should approve the proposal of DETA Informal Group, and then WP.29 should request IWVTA Informal Group to consider necessary revisions of the 1958 Agreement on this issue.
- Netherlands replied that DETA Informal Group wanted to give related information to IWVTA Informal Group in advance of getting approval of WP.29.
- The Chairman stated that information was welcome on every occasion and confirmed that the decision would be made by WP.29.

Agenda 11.Others

- UK stated that introducing televoting would make the administrative procedure of WP.29 more efficient. There are as many as 120 voting procedures a year at WP.29. Contracting Parties have to come to Geneva three times a year.
- Next meeting

Date: November 10 (Thursday) 10:00 -

Venue: OICA in Paris

Provisional Agenda would include the following items;

- Discussion on the report “the inventory on issues eligible for amendments of the 1958 Agreement and roadmap” to be submitted to WP.29 at its 155th session
- Discussion on the informal document “Proposed guideline for GRs to review technical regulations applicable to IWVTA” to be submitted to WP.29 at its 155th session
- IWVTA Informal Group activities in 2012

Action Items

Action Items	Responsibility	Due
Agenda 3. Inventory : elements to be addressed in the review of the 1958 Agreement (IWVTA-07-03) •submit comments on inventory to Technical Secretary	OICA, other members, if any	October 24
Agenda 3. Inventory : elements to be addressed in the review of the 1958 Agreement (IWVTA-07-03) •propose the basic concept of virtual testing	OICA	March, 2012
Agenda 3. Inventory : elements to be addressed in the review of the 1958 Agreement (IWVTA-07-03) •submit comments on the proposed revision of Article 4 to Technical Secretary	All members	October 24
Agenda 3. Inventory : elements to be addressed in the review of the 1958 Agreement (IWVTA-07-03) •submit comments on the proposed revision of Article 12 to Technical Secretary (Especially, comments on the conditions to apply the previously amended version of the UN Regulation)	All members	October 24
Agenda 6. Roadmap (IWVTA-06-06-Rev.3draft) •amend the roadmap to reflect comments at the 7 th IWVTA Informal meeting	Technical Secretary	done
Agenda 7. Proposal on the inventory and roadmap to WP.29 (IWVTA-07-08) •submit comments to Technical Secretary	All members	October 24
Agenda 8. Proposed guideline for GRs to review technical regulations applicable to IWVTA (IWVTA-07-07) •submit comments to Technical Secretary (Especially, comments on how Informal Group should be involved in deciding the technical regulations applicable to IWVTA)	All members	October 24
Agenda 9. Rewrite of section B: New technologies development (IWVTA-07-10) •submit comments to Technical Secretary	All members	March, 2012
Agenda 9. Qualifications, duties etc. of technical services (IWVTA-07-06) •submit comments to Technical Secretary	All members	October 24
Other •consult WP.29 Secretariat about the possibility to establish new annex system which can be applied to all UN Regulations, and the possibility to differentiate the procedure to amend 1958 Agreement text from that of its appendix.	The Chairman, Co-chairmen	November 10

Attendant List

	NAME	Country or organization
1	Mr. Bernard Gauvin	Chairman
2	Mr. J. Renders	European Commission / Co-chairman
3	Mr. Takao Onoda	JAPAN / Co-chairman
4	Mr. Harry Jongenelen	Netherlands
5	Mr. Ian Yarnold	UK
6	Mr. Donald Macdonald	UK
7	Mr. Steve Morgan	South Africa
8	Mr. Richard Damm	Germany
9	<u>Mr. Frank Wrobel</u>	<u>Germany</u>
10	Mr. Jean-Loup Marduel	UTAC
11	Mr. Yves Van der Straaten	OICA
12	Mr. Peter Schramm	OICA
13	Mr. Olivier Fontaine	OICA
14	Mr. Turan Haldun	OICA
15	Mr. Janayk Torsten	OICA
16	Mr. Rainhold Labza	OICA
17	Mr. Tadaomi Akiba	OICA
18	Mr. Michio Miyamoto	OICA
19	Mr. Ben Van Assche	OICA
20	Mr. Takehisa Yamakawa	OICA
21	Mr. Dominique Mennesson	OICA
22	Mr. Louis Sylvain Ayrat	CLEPA
23	Mr. Masahiko Sakai	JASIC/ Japan
24	Mr. Ryuzo Oshita	JASIC /Japan, Technical Secretary
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