

Comments on the Trilateral White Paper on the "Improvement in the Implementation of the 1998 Global Agreement"

Following the informal introduction (June 2015) of the Trilateral White Paper on the "Improvement in the Implementation of the 1998 Global Agreement", several written comments were received. At this session of WP.29 (Nov 2015), a translated version of the White Paper will be tabled for further discussion and open consideration of each comment received.

To aid this process, this document presents a summary of all comments received to date.

OICA Comments Summary⁺

Improving the management of the GTR development process

Establish clear and pre-agreed terms of reference (TORs), timelines, and deliverables Comment: at the same time, it needs to be recognized that setting overly ambitious timelines may be counterproductive, and that the development of a robust and truly harmonized GTR, without contradictory options, may sometimes take more time than originally foreseen.

Ensure that adequate resources are available to complete the work

Take into account and agree on statutory restrictions on policy and/or timing Comment: not sure we understand the meaning of this statement. Response: This statement is intended to recognize that CPs may be bound by statutory requirements that cannot be negotiated.

Hold regular high level meetings, including all stakeholders, to assess progress and resolve issues. Response: this is the intention, however it should be recognized that CPs may have to meet privately on occasion.

Enforce requirements in the 1998 Agreement for data-driven, analytically-based preambles and robust supporting data/research and cost/benefit studies Comment: while OICA strongly supports this, we also believe it should be recognized that especially in the case of new technologies, data and cost/benefit studies may be rather scarce. Response: This is a valid point and must be resolved on a case by case basis as it arises.

~~Make special efforts to facilitate working group and expert meetings through video connectivity in order to reduce travel costs and time and expedite resolution of issues~~

~~Seek agreement to suspend work on GTRs that have become low in priority, less relevant, or cannot be supported by CPs due to resource limitations.~~

Seek to minimize the use of options and/or modules in GTRs, with the aim of including the fewest possible compliance options, while recognizing the need for them in very limited cases, including accommodating differences in test equipment or facility availability. Comment: while the use of modules may have some merit in some cases, provided no contradictory requirements exist among these modules, the use of contradictory options should be avoided. If a draft GTR is developed

containing such contradictory options, then all efforts should be undertaken to eliminate or solve these as soon as possible. If an option in a GTR is totally unavoidable for its adoption, then a new phase of work should be undertaken asap in order to solve the issue (e.g. as was done for GTR 4 on WHDC).

Response: This is reasonable and should always be pursued.

Recognize the need for alternative levels of stringency and possibly alternative test procedures when needed, with the understanding that such alternative test procedures should be "true" alternatives, i.e. CPs would be expected to accept all alternative test procedures to demonstrate compliance with the defined requirements.

When it comes to alternative levels of stringency, another possibility might be contemplated, namely to define the "core" GTR at a "minimum" level of stringency, with the possibility for CPs to opt, at national level, for higher level(s) defined within the GTR (e.g. in separate modules). Response: This item is consistent with the text of the 1998 Agreement and is intended to allow CPs to require a lower level of stringency, but still allow the sale of full stringency compliant product.

Improving the adoption process of GTRs at the national/regional level

~~Involve all stakeholders (including the public) throughout the development of the GTR~~

~~Allocate sufficient resources to complete the adoption~~

~~Submit timely annual status reports, including descriptions of the steps taken to incorporate the GTRs into domestic legislation~~

~~Agree on the general objective of achieving the maximum level of incorporation of GTRs and commit themselves to that objective~~

~~Reflect on measures to make the domestic rulemaking system more compatible with the above mentioned objective~~

~~Recognize the need for allowing alternative levels of stringency for domestic legislation~~

~~Recognize that adoption of a GTR does not necessarily mean that the GTR must become mandatory. All CPs have the possibility, but not the obligation, to make a GTR mandatory, but at the same time, a CP having voted in favor of a GTR would be expected to at least accept, in its domestic market, products certified (one way or another) as complying with the GTR~~

Periodically review the situation as to the national implementation of GTRs and decide on further steps as needed in order to improve the actual implementation of the GTRs in the domestic legislation
Response: This is a reasonable point and is in fact one of the main points of this White Paper

~~Representing the global vehicle suppliers have long supported the 1998 Agreement on Global Technical Regulations through the United Nations Economic Commission for Europe World Forum for Harmonization of Vehicle Regulations (WP.29) and have worked with all parties to strengthen the Agreement. We have read with interest the informal document dated 3 June 2015 transmitted by the European Union, Japan, and the United States during the 166th WP.29 session.~~⁺

~~We have the following comments and suggestions:~~

~~MEMA/JAPIA/CLEPA believe t~~The Contracting Parties (CPs) should focus where there is an absence of regulation or where existing regulations are being rendered obsolete by technological advances. This focus should only include areas where regulations are warranted and only on that portion of regulations that require revision. Primary focus for priorities for harmonization should include:

New, emerging unregulated technologies that will significantly enhance vehicle safety and performance;

Government vehicle-related policies that are undergoing significant shifts;

New testing technologies that promise significant enhancements in regulatory or product effectiveness; and/or,

Harmonization of existing regulations should be considered when potential cost savings are significant.

Encourage all CPs to communicate any concerns or special requirements on timing, research, stringency or other issues minimally on an annual basis.

The draft document proposes that CPs identify medium- and long-term priorities on a yearly basis. We would also propose that WP.29 establish basic criteria to define items of priority. This would include addressing potential barriers for transposition/adoption of GTRs.

MEMA/JAPIA/CLEPA wish a framework in the context of the WP.29 forum to annually review medium- and long-term priorities, status updates, and domestic regulatory and research planning schedules. This would include annual high-level meetings to assess progress and resolve issues.

Regularly maintain and update the electronic reporting system available to industry stakeholders and all CPs that provides transparency regarding working group leadership points-of-contact, the operating terms of reference, meeting minutes, discussions, anticipated issues, and other critical information relevant to the GTR development process.

CPs should be encouraged to use domestic regulatory systems to keep all interested parties updated on progress on all discussions and provide sufficient transparency for full public participation.

GTR working groups should be encouraged to hold a minimum number of sessions with full teleconferencing (audio/visual) connectivity to allow for fuller participation.

⁺~~Informal Document WP.29-166-17~~

~~MEMA/JAPIA/CLEPA would be happy to discuss these issues with you at any time.~~

~~The Motor & Equipment Manufacturers Association (MEMA) represents more than 1,000 companies that manufacture and remanufacture motor vehicle parts, components and systems for use in the light and heavy duty vehicle original equipment and aftermarket industries. Our members provide over 734,000 direct jobs in the motor vehicle parts manufacturing industry, making this industry the largest creator of manufacturing jobs nationwide. MEMA represents its members through four affiliate associations: Automotive Aftermarket Suppliers Association (AASA); Heavy Duty Manufacturers Association (HDMA); Motor & Equipment Remanufacturers Association (MERA); and, Original Equipment Suppliers Association (OESA).~~

~~CLEPA is the European Association of Automotive Suppliers. One hundred thirteen of the world's most prominent suppliers for car parts, systems and modules and 24 national trade associations and European sector associations are members of CLEPA, representing more than 3,000 companies, employing more than 5 million people and covering all products and services within the automotive supply chain. Based in Brussels, CLEPA is recognised as the natural discussion partner by the European Institutions, United Nations and fellow associations (ACEA, JAMA, MEMA, etc).~~

~~Japan Auto Parts Industries Association (JAPIA) was established in August 1969 on the foundations of a predecessor organization created in 1938. Its chief aims are to promote the sound development of the auto parts manufacturing industry and contribute to social and economic welfare. Today, with their annual turnover in auto parts exceeding 13 trillion yen, JAPIA 450 members are helping to support the automobile industry on a global basis. JAPIA is recognised as the natural discussion partner by the MITI, MLIT and fellow associations presents its members JAMA, JASIC.~~

Three areas for improvement have been identified by the paper.

1. Improving the project selection strategy for the POW:

a) The GTR should seek to achieve uniform measurement and testing

protocols and refrain from setting uniform stringency; especially when stringency will impact on safety, health and environment the UNECE should refrain as a matter of principle.

b) Improve the project selection to ensure that only technical projects are selected, political projects must not be included.

c) Project selection should not paralyse the members to advance with national legislation, while pending decision and outcome which can take years.

d) To increase the democratic legitimacy of the process within the EU, the European Commission should allow the European Parliament to have oversight of the process, particularly to ensure the maintenance of technical project selection.

e) The addition of items in the POW, should be based on safety and environmental benefits, however priority should not only be given to potential cost saving but should include other key parameters such as green-house-gas emissions (GHG), public health cost.

f) The inclusion of relevant stakeholders for medium to long term priorities, must be more clearly defined. The definition of stakeholders should be revised in the management of the GTR.

2. Improving the management of the GTR:

a) On the administrative procedures of the GTR:

- a. Minutes should be approved by the WP, before being sent to the higher groups, it is important for dissent and concerns to be accurately noted.
- b. Formal and informal papers tabled must include the name of the author (individual and organization), who is held accountable and must be available to discuss and answer questions.
- c. Implement the same standards and rules for transparency, access to documents, and right of complaint/appeal as are in place for EU Institutions.
- d. Establish mechanisms and bodies to deal with complaints and petitions, and an investigatory body / ombudsman with the right to install an independent observer where concerns have been raised by any participant.
- e. Serious consideration and funds need to be placed on revising the website to ensure clear communication and information.

b) On the inclusion of stakeholders in the GTR:

- a. Civil society access procedures must be made quicker and more transparent; “NGOs” should be reclassified into civil society representatives and those with commercial interests.
- b. Require mandatory declaration of interest forms to be completed by all participants (for example WHO requirements); public availability of participants’ lists including names and organisations.

- c. Limit the size of non-governmental delegations to a certain number of representatives per industry federation.
 - d. Stop commercially-owned / private sector test houses / laboratories from participating in national delegations C they should be encouraged to participate but in another capacity, as organisations with commercial interest (given that their clients are the regulated industries).
 - e. Levels of alternative stringency cannot be considered since this goes against the very ethos of establishing a GTR C otherwise nation legislation is just as adequate.
- c) On the use of data the GTR should
- a. Require that data-driven, analytically-based preambles and robust supporting data/research and cost/benefit studies must not only focus on monetary parameters but other such as green-house-gas emissions (GHG), public health cost.
 - b. Ensure industry is obliged to share complete sets of type approval test data C and penalties for withholding and selective presentation.
(Suitably anonymised so as not to reveal commercially sensitive information)
 - c. Levels of alternative stringency cannot be considered since this goes against the very ethos of establishing a GTR C otherwise nation legislation is just as adequate.