



Transport Division of UNECE

Vehicle Regulations and Transport Innovations Section

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

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Incorporation by reference of private standards

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at

Working Party on Regulatory Cooperation and Standardization Policies
(WP.6 of the UNECE Trade Division)

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The World Forum for Harmonization of Vehicle Regulations (WP.29)

- The UNECE Transport Division has been providing secretariat services to WP.29 for more than 50 years
- WP.29 is:
 - a unique worldwide regulatory forum for the automotive industry, and
 - administrating 3 Multilateral Agreements
- WP.29 is administrating:
 - 132 UN Regulations annex to the 1958 Agreement
 - 2 UN Rules annexed to the 1997 Agreement
 - 13 UN Global Technical Regulations annexed to the 1998 Agreement

A horizontal collage of six images related to transport: a road with cars, a train, a traffic light, a highway at night, a truck, and a modern train.

→ 3 sessions per years for decades



What is WP.29 doing?



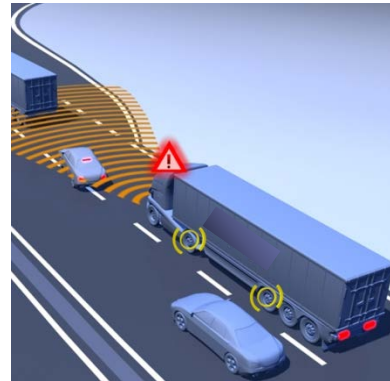
Regulations on passive safety



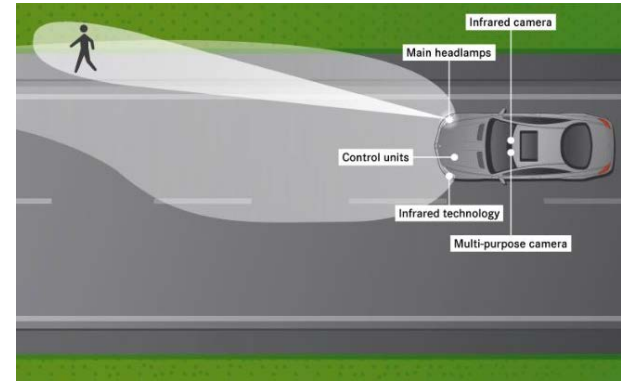
Regulations on pollutants and CO₂ emissions



Regulations on noise



Regulations on active safety

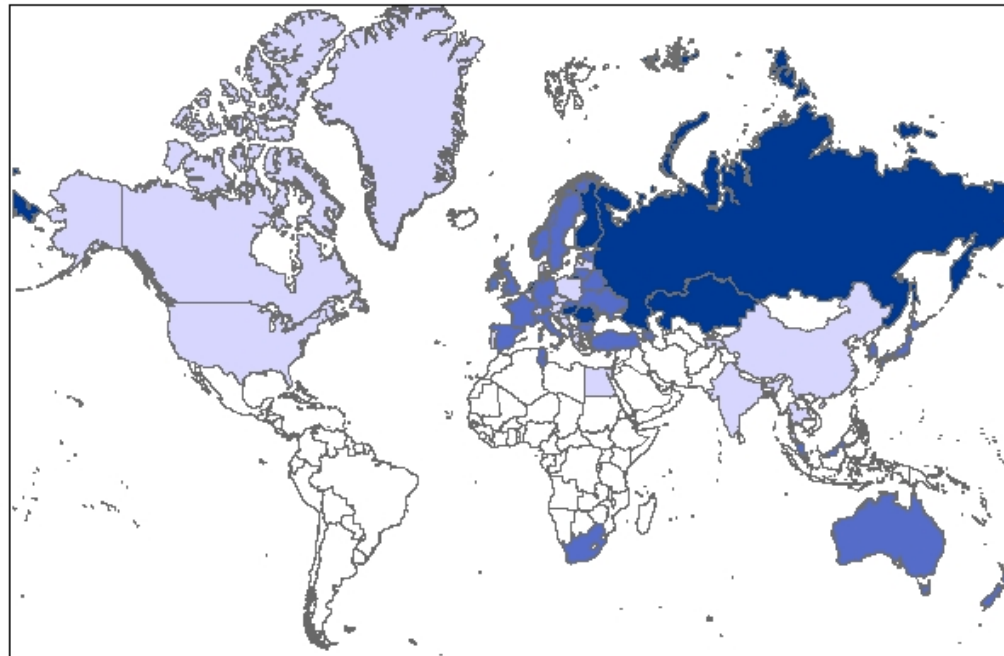


Regulations on lighting

→ For Passenger Cars, Vans, Trucks, Busses & Coaches, Motorcycles and their parts



Maps showing the Contracting Parties



Countries contracting parties to Vehicle Regulations Agreements

Number of Agreements



→ ~60 Contracting Parties (UNECE has 56 Member States)



WP.29 and the use of Private Standards

- According to ISO, more than 130 ISO standards are referenced in the UN Regulations
- UN Regulations are also referencing other standards from other SDOS (e.g. ASTM, IEC)
- Method of incorporation by direct reference:
 - Because of the mandatory character of the regulations
 - Specifying the exact number of the standard and its date (because standards are often updated)
- Some other methods exist:
 - Undated direct reference, appropriate for voluntary use (opposed to mandatory use)
 - Indirect reference (outside of regulations), appropriate to avoid difficulties when updating a regulation



→ WP.29 is seeing the use of private standards as an efficient regulatory tool



Challenges

- Difficulties when incorporating standards into regulations by reference :
 - The referenced standards may not be available once updated or revised
 - Due to timing issues, draft standards had to be used. But draft standards were replaced by final standards (and therefore not available/for sale).
- Most court ruling are stating that everyone should have the right to access standards referenced in legislation and be able to review them “for free” .
- But Private Standards are copyrighted and Standards Developing Organizations issuing them live from the sales of publications.
- The “incorporation by reference process” was jeopardized when:
 - The background material, results of studies etc. supporting the wording for the standards was not available for assessment by the regulators.

→ This stress the need of cooperation of standards developing organizations with regulatory bodies to insure regulatory transparency



State of play on this item at WP.29 (1/2)

- During the 161st session of WP.29 (November 2013):
 - Discussion on issues linked to the incorporation by reference of standards into regulations
 - An informal meeting was organized in the presence of 2 ISO representatives
- Highlights:
 - Contracting Parties who funded and provided researches results necessary to establish one standard expressed their disappointment because they discovered that the access to this standards was copyrighted and limited.
 - The delegates welcomed the introduction of the virtual «reading room» launched on 28 October 2013 by ANSI (ibr.ansi.org):
 - insuring transparency, and
 - providing access to standards referenced in legislation to everyone.

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State of play on this item at WP.29 (2/2)

- The Delegates:
 - welcomed the existence of a virtual «reading room» (e.g. ibr.ansi.org)
 - expressed the need to use this type of tool for insuring transparency:
 - At the time of legislation adoption
 - Later for the citizens wishing to freely access standards referenced in legislation
 - stated that such virtual «reading room» should be hosted by trusted intergovernmental organizations (e.g. United Nations)
 - For guarantying the neutrality of the hosting organization
 - For guarantying the long-term availability of the documentation
 - concluded that such virtual «reading room» should provide access to the text of the standards and the related background material permitting the its assessment by the regulators and other interested parties.

→ WP.29 suggests the "read-only" access of standards referenced in the regulations through virtual "reading rooms" hosted by trusted organizations, such as the United Nations



Thank you for your attention



More information at: <http://www.unece.org/trans/main/welcwp29.html>

