

**1998 Global Agreement
Draft definition of "OPTION" and "MODULE"**

(Transmitted by the representative of Canada)

Proposal:

Before AC.3 makes its final decision with regard to the use of "options" and "modules" in gtr, and to avoid future confusion, "option" and "module" must be defined. Following an offer made during the 15th session of AC.3 (137th session of WP.29), Canada is submitting draft definitions of "option" and "module" with the understanding that these definitions would be introduced only as interim measures to allow progress in gtr development. An ultimate goal would be to replace all "options" and "modules" with mutually acceptable provisions in the future.

"Option" – means a part of a gtr that is one of two or more mutually exclusive provisions regarding a single regulated item included in the gtr. Each Contracting Party, while adopting the gtr, must select the option(s) satisfying its regulatory needs.

"Module" – means a part of a gtr that is a self-standing provision or unique set of provisions, which a Contracting Party may adopt in addition to the basic gtr text. A module does not contradict any one of the gtr requirements.

Rationale:

During the development of global technical regulations (gtr), several WP.29 Working Parties (GRs) have encountered topics where well-established regulatory provisions of one world region have either clashed with different, equally well-established and proven provisions of another region, or have been opposed by some Contracting Parties (CPs) as unjustifiable or unenforceable in their jurisdictions.

OPTIONS

In cases where there are different national provisions regarding the same regulatory element, GRs must consider all arguments and attempt to find one, mutually acceptable solution. Inevitably, in some cases, GR experts may fail to determine which provision is more effective or more cost beneficial.

An example of such a situation materialized during consideration of gtr 1 - "Door locks and door retention components", where philosophical differences in opinion on how best to address the need for egress from a rear seat, while respecting the need to prevent children from opening a locked door, precluded a single solution to rear door lock requirements. As it was unreasonable to expect some CPs to change their long-standing national requirements without evident promise of improved safety, it was decided to allow CPs a choice of two options.

For the time being, options would allow one CP to maintain its national prescription while a different prescription for the same element might apply in another CP's jurisdiction. Since the goal of the 1998 Agreement is to have one, best practice prescription for a safe vehicle, it is expected that, in time, paragraphs containing options would be replaced by a consensus provision.

MODULES

In other instances, existing regulatory provisions or certification/approval test procedures may not be unanimously accepted by all CPs, if there is no convincing proof of the added safety value or effectiveness of such a unique provision, or of the objectivity of a specific test procedure. Yet, conformance of a vehicle or vehicle component with such a requirement would not contradict national laws of any CP and therefore would not affect trade.

Although there are no examples of this scenario in the two adopted gtrs, it is expected that future gtrs may contain such "module-liable" requirements. A potential example could be the gtr regarding tyres, where not all CPs may believe that a plunger test, required presently in some jurisdictions, is necessary for tyre safety evaluation. At present time, without a well-justified expectation of improved safety, it would be unreasonable to expect these CPs to add the additional test at a pecuniary loss to their industry and public. Since a tyre conforming to the gtr including the requirement for a plunger test still could be sold around the world, the solution of creating a "module" would leave the decision of module adoption to the discretion of individual CPs.

A module would be a self-standing requirement which, whether adopted or not, would not render the product noncompliant with the remainder of gtr requirements.

Further Step:

In case the proposed definitions are adopted, AC.3. would have to decide how to incorporate these definitions into the formal frame work under the 1998 Agreement. Canada envisages three possibilities:

- 1) add definitions of "option" and "module" and the manner of incorporating them into a gtr to the WP.29 final documents describing format and guidance for preparing gtr (TRANS/WP.29/882 and TRANS/WP.29/883);
- 2) add the definitions of "option" and "module" and the manner of incorporating them into a gtr to Special Resolution No. 1 (SR.1); or
- 3) amend the 1998 Agreement and add sections in Article 4 and 7 to introduce the concept of options and modules (Article 4) and the notification requirements with regard to their disposition (Article 7).
