AMALGAMATION OF GLOBAL TECHNICAL REGULATIONS (gtr) INTO NATIONAL LAW:

THE CANADIAN PERSPECTIVE

UNECE - WP.29 - Geneva - June 2006
Canadian law

how does it work?
**Division of Regulatory Responsibilities**

**Transport Canada**
- Motor Vehicle Safety Act
  - Motor Vehicle Safety Regulations
    - Safety
    - Noise

**Environment Canada**
- Canadian Environmental Protection Act
  - On-Road Vehicle & Engine Emission Regulations
    - Emissions
Canadian law: - development of Regulations

- Regulatory initiative = concept
  - consultations
  - analysis: cost benefit, risk, environmental impact
  - reviews: legal, inter-branch, minister’s office
  - Parliament: Treasury Board / PCO review & PC approval

- Canada Gazette Part I publication = formal proposal
  - comments => amendments => analysis & reviews
  - Parliament: Treasury Board / PCO review & PC approval

- Canada Gazette Part II publication = final law

- Self certification - new vehicles = enforcement
Canadian law: - applicability of Regulations

- Regulations apply to vehicle manufacturers
  - Regulated components:
    - tyres (Transport Canada)
    - child seats (Transport Canada)
    - heavy-duty engines (Environment Canada)
  - Manufacturers certify by testing
  - No government approvals/certifications
  - Government may audit/review evidence of conformity & conduct selective testing
  - Aftermarket products & modification
    - jurisdiction of Provinces and Territories
Canadian regulation principles

North American harmonization

- Emission standards fully aligned with U.S. rules with some differences in implementation (e.g. averaging)
- Safety standards closely aligned with U.S. rules

Unique safety requirements caused by:
- Different fleet composition (underride guard)
- Different values (seat belts, controls’ ID)
- Harmonization with Provinces and Territories (natural gas container and installation provisions)
Global harmonization

- ECE Regs incorporation (not practicable)
- gtr adoption – best means to address Canadian and global needs (best practice regulations)

Adoption of foreign/global regulations

- as direct incorporation, reference or alternative (modular structure of gtr could help)
  - reference ECE Regulations (MVSR 108.1 & 114)

Canadian unique requirements ... ?

- Climate (lamp corrosion test in MVSR 108.1)
- Self certification (precision of language in MVSR 114)
1998 Global Agreement: gtr development gtr adoption

Canadian perspective
1998 Global Agreement
Canadian understanding

- Ultimate goal is to adopt all gtr requirements into national regulations
- Obligation to initiate regulatory process towards gtr adoption (if not abstaining)
- No obligation to adopt
  - must advise Secretary-General of any decision to not adopt the gtr and the basis for that decision
- Pending national regulatory process, national regulations could ultimately incorporate:
  - only parts of gtr requirements (modules?)
  - include additional requirements beyond gtr
    - will jeopardize global harmonization
gtr development

Canadian process
gtr development: Canadian process

6 Phases in gtr development process

– Phase 1 – Compendium - vote
– Phase 2 – gtr proposal - vote
– Phase 3 – preliminary report - vote
– Phase 4 – gtr development - contribution
– Phase 5 – gtr establishment - vote
– Phase 6 – gtr adoption - internal process
Phase 1 – Vote to include a regulation into the Compendium of Candidate Regulations

- allows Regulations of Contracting Parties to be formally recognized
- Canada considers supporting all proposals
- no consultations with Canadian stakeholders
Phase 2 – Vote to accept proposal for new gtr

(a) proposal by Canada
   - consultation with Canadian stakeholders

(b) proposal by another Contracting Party
   - broadens the scope of information exchange
   - Canada considers supporting all proposals if permitted by the workload of GRs
   - if approved, information incorporated into national regulatory plans
Phase 3 – Vote to accept the preliminary report from GR...

- allows full exchange of information
- Canada considers supporting GRs’ recommendations
- information incorporated into national regulatory plans
Phase 4 – Development of a gtr by GR...

- time to address all safety and environmental concerns
- consultation with Canadian stakeholders and resulting Canadian contribution throughout gtr development process
gtr development: Canadian process

Phase 4½ – Draft gtr adopted by GR... & sent to WP.29/AC.3 for approval

– Formal notification of stakeholders (e.g. publish Notice or Proposal in Canada Gazette for stakeholder information and comment)

– consultation with Canadian stakeholders
Phase 5 – Vote by WP.29/AC.3 to establish gtr in Global Registry

- Canadian vote in WP.29/AC.3 will take into account consultations with Canadian stakeholders
Phase 6 – Adoption of the gtr established in the Global Registry

– publish proposed regulatory text incorporating gtr requirements into Canadian regulation

– based on stakeholder comments make decision on whether to incorporate all or portions of gtr requirements

– publish final document in Canada Gazette Part II

– notify the UN Secretary General of the status of gtr adoption
gtr adoption

Canadian way
gtr adoption: Canadian principles

- **Ultimate goal is to adopt all gtr requirements**
- **Case 1:** Existing similar Canadian regulation
  - Canada will consider proposing gtr provisions as alternative performance requirements
  - Compliance with ‘old’ regulation may continue to apply providing industry with time to adapt
- **Case 2:** No existing Canadian regulation
  - Canada would propose gtr as new regulation
  - Industry will be given reasonable ‘lead time’
Vehicles category \( a, b, c \) shall conform with this section or any version of ECE Global Technical Regulation No. \( x \). “\( \text{title} \)” \( (ECE/TRANS/180/Add.x) \) in effect within the \( xx \) months before the day on which manufacture of the vehicle is completed.

…”
Parting thoughts
While there is still room for improvement ...

- Understand CPs’ needs (values, vehicles, climate ...)
- Appreciate needs of self certification regime vs. type approval
- Allow “options” as interim step
- Consider “modules”
- Streamline cost benefit & legal assessments for “new” requirements
- Develop UNECE and/or national regulations in convergence with gtr
- Address gtr adoption issues
... significant progress achieved

- 29 Contracting Parties to the 1998 Agreement affecting 39 countries
- Good gtr development and administrative process
- 2 gtr registered (2 submitted for adoption)
- 12 gtr under development (new proposals considered)
- Better understanding of the 1998 Agreement
- Better understanding of partners at the table
  - goals, policies, legal systems, regulatory regimes, enforcement, ... etc.
THANK YOU for your attention