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INLAND TRANSPORT COMMITTEE

World Forum for Harmonization of Vehicle Regulations

Working Party on Brakes and Running Gear

Sixty-third session
Geneva, 4 - 8 February 2008
Item 10(a) of the provisional agenda

MEETING OF THE GRRF WORKING GROUP ON ELECTRONIC STABILITY CONTROL

Development of the draft global technical regulation on Electronic Stability Control

Proposed amendments to draft global technical regulation on Electronic Stability Control

Submitted by the expert from the European Association of Automotive Suppliers (CLEPA) ^{*/}

The text reproduced below was prepared by the expert from CLEPA to include into the draft global technical regulation (gtr) on Electronic Stability Control (ESC) the relevant prescriptions concerning the intellectual property of ESC. The modifications to document ECE/TRANS/WP.29/GRRF/2007/14 are marked in **bold** characters.

^{*/} In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.4), the World Forum will develop, harmonize and update Regulations in order to enhance performance of vehicles. The present document is submitted in conformity with that mandate.

A. PROPOSAL

Paragraphs 5.7. to 5.7.4., amend to read:

- "5.7. ESC System Technical Documentation. To ensure a vehicle is equipped with an ESC system that meets the definition of "ESC System" in paragraph 3.2., the vehicle manufacturer **shall, at the time of submission of the type approval application or upon request**, make available to the regulatory entity designated by the Contracting Party, the documentation specified in paragraphs 5.7.1., **5.7.2., 5.7.3. and 5.7.4.**

The documentation specified in paragraphs 5.7.1., 5.7.2. and 5.7.3. shall be retained by the regulatory entity designated by the Contracting Party.

The documentation specified in paragraph 5.7.4. shall be retained by the manufacturer, but made open for inspection at the time of type approval or when requested.

- 5.7.1. System diagram identifying all ESC system hardware. The diagram **shall** identify what components are used to generate brake torques at each wheel, determine vehicle yaw rate, estimated side slip or the side slip derivative and driver steering inputs.
- 5.7.2. A brief written explanation describing the ESC system basic operational characteristics. This explanation **shall** include a discussion on the system's capability to apply brake torques at each wheel and how the system modifies engine torque during ESC system activation. The explanation **shall** also identify the vehicle speed range and the driving phases (acceleration, deceleration, coasting, during activation of the ABS or traction control) under which the ESC system can activate.
- 5.7.3. Logic diagram. This diagram supports the explanation provided under paragraph 5.7.2.
- 5.7.4. Understeer information A discussion of the pertinent inputs to the computer or calculations within the computer and how its algorithm uses that information and controls ESC system hardware to limit vehicle."

B. JUSTIFICATION

At the first meeting of the ESC working group held in Paris on 5-6 June, there was a discussion with regard to Part B, paragraph 5.7.4. and the confidentiality of the referred to documentation.

It was argued by the representative of the Department of Transportation (DOT) of the United States of America (USA) that the documentation required to be provided under this paragraph would be treated as confidential and industry should have no concerns with regard to such documentation reaching a third party. The only place in the draft GTR where reference is made to confidentiality is in the preamble (ECE/TRANS/WP.29/GRRF/2007/14, part A, para. 166) which states "..... information may be proprietary and would be submitted under a request for confidential treatment".

The information that can be requested under paragraph 5.7.4. is, without any doubt, proprietary information. It is the core knowledge of the ESC system which the ESC system supplier/vehicle manufacturer has spent many man-years and billions of dollars gaining and for other parties to have such information would be of tremendous commercial value/advantage.

While a request for confidentiality may be adhered to by the USA Government with regard to FMVSS No. 126, here we are considering a global technical regulation and it is well known that not all countries in the world have the same view with regard to confidentiality and property rights.

It is well accepted in UNECE Regulations annexed to the 1958 Agreement that there are two levels of documentation, that which is 'handed-over' and that which can be 'inspected' at the manufacturer, e.g. UNECE Regulation No. 13, Annex 18 paragraph 3.1.1., and the above proposal follows this approach.

In light of the discussions at the sixty-second session of the Working Party on Brakes and Running Gear (GRRF) in Geneva 25-27 September 2007, the following text in paragraph 5.7.4. of ECE/TRANS/WP.29/GRRF/2007/27 "for the inspection at the vehicle manufacturer or the ESC system supplier/manufacturer. A copy of this documentation cannot be demanded." has been replaced by the two subparagraphs under paragraph 5.7.

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