

## **Minutes of the 8th Session of the Informal Group of IWVTA**

Date & time: November 10 (Thursday) 10:00-16:30

Venue: OICA (Paris)

Participants: Messrs. Gauvin (Chairman) Renders (Co-chairman/EC)

Onoda (Co-chairman/Japan) Hubert (WP29 Secretariat)

Government: Australia, France, Germany, the Netherlands, Russian Federation,  
South Africa, United Kingdom

Industry Organization: CLEPA, OICA

JASIC, Oshita (Technical Secretary)

Total: 28 participants

### **Agenda 1. Adoption of the agenda (IWVTA-08-02-Rev.2)**

- Netherlands asked the Chairman to discuss Agenda 8 first because he could not attend the afternoon session and got the Chairman's approval. The agenda was adopted without any other comments.
- The Chairman attached particular importance to Agenda items 3 to 6.

### **Agenda 2. Adoption of the report for the 7th Informal Group meeting (IWVTA-08-01)**

- Referring to action item “-propose the basic concept of virtual testing” on page 7 of doc. IWVTA-07-01, OICA asked advice on the procedure to facilitate virtual testing, especially asked which would be the main body to discuss the basic concept, WP.29 or IWVTA Informal Group. OICA also asked guidance on whether the issue of virtual testing would be addressed in the 58 Agreement or in the individual UN Regulations or both.
- UK suggested that OICA should take this opportunity given by the Government to consider appropriate approaches to address virtual testing.
- Referring to the due date of October 24 set for many of the action items, OICA stated that the due date could be set much later because the discussion of the 8<sup>th</sup> Informal meeting would be concentrated on “the inventory”.
- The Chairman replied that action items for which no comments or proposals had been received so far would be discussed in the next meeting in March, 2012.
- Germany pointed out that one of the names of German participants was left out from the attendant list. He also asked for correction in his statement on safeguard clause on page 3 of doc. IWVTA-07-01. The Technical Secretary was to make necessary corrections.

### **Agenda 8. Proposal to amend Article 1 of the 1958 Agreement: “the scope of the 1958 Agreement” (IWVTA-08-05)**

- The Netherlands drew attention on the scope of the 1958 Agreement. There are some UN Regulations, such as R71, which apply to track laying vehicles although the scope of the 1958

Agreement is limited to wheeled vehicles. The Netherlands proposed to amend the term “wheeled vehicles, equipment and parts” in Article 1 to include track laying vehicles.

- EC replied that attaching a list of other vehicle categories to Article 1 might open Pandora’s box. Article 1 providing the fundamental principle should not be amended. The concern raised by the Netherlands could be settled by a flexible application of the 1958 Agreement, e.g. by using special Resolution R.E.3 for that purpose.

### **Agenda 3.Draft Inventory: List of elements to be addressed in the review of the 1958 Agreement (IWVTA-07-03-Rev.1)**

- OICA stated that WP.29/2011/152 (amendment of WP.29/2011/48/Rev.1) was a surprise to OICA. OICA asked whether the review of the guideline WP.29/2011/152 should be tabled before the revision of the 1958 Agreement will be completed because the influence of the revision of the 1958 Agreement on the guideline would be huge.
- EC replied that it might not be an effective approach but the revision of the 1958 Agreement and review of the guideline should be carried forward in parallel. EC suggested that the guideline should be referred to as “WP.29/1044 and any later revisions” whenever appropriate.
- OICA explained that the following three sets of data are necessary for type approval.
  - i) complete list to be placed in the appendix (or rather placeholder), linked directly or indirectly to the Agreement
  - ii) information document for IWVTA to be placed in UN R0
  - iii) data necessary (i.e. information documents) for respective UN Regulations
- UK pointed out that it takes a lot of time and labor to change an appendix.
- The Chairman stated that it was decided at the last Informal meeting to consider a new series of annex which apply to all UN Regulations and requires unanimous agreement within AC1 for amendment.
- WP.29 Secretariat replied that it was possible to amend both of the new series of annex and annexed UN Regulations by revising Article 12.
- The Chairman indicated that there must be some device to differentiate the voting criteria for the new series of annex (unanimous agreement) and annexed UN Regulations (2/3 agreement).
- EC asked OICA about the intention to amend the wording of the proposed actions on page 3 of IWVTA-07-03-Rev.1.
- OICA replied that the amendment was proposed to make it clear that CPs have to accept type approvals issued in accordance with the latest version of a UN Regulation, while having the possibility to accept on a voluntary basis approvals granted to an earlier version of the UN Regulation.
- Russian Federation suggested that the word “must” should be used in case of accepting type approvals issued in accordance with the latest version of a UN Regulation and the word “may” should be used in case of accepting type approvals issued in accordance with the older version.
- OICA stated that it was not allowed to issue type approval in accordance with the older version

of a UN Regulation under the current 1958 Agreement, but such type approval could be utilized for certification in Contracting Parties or other countries, where an earlier version may be more appropriate.

- UK suggested that the purpose of the amendments must be made clear first, and then consider what amendments might be necessary to achieve the purpose.
- Germany stated that issuing type approvals in accordance with the older version of a UN Regulation has no negative effects. **While in the EU-WVTA a specific version of UN Regulations is required, the latest version is always accepted.**
- EC pointed out that amendment of Article 11 would be more preferable to that of Article 12 for the purpose of maintaining older versions as options. EC might consider a new mechanism in Article 11, if it would be considered necessary.
- OICA responded that whatever Article is amended, it needs to be ensured that Contracting Parties are able to accept an older version of a UN Regulation and that all signatories to a Regulation can issue a type approval in accordance with the older version, even those CPs who nationally require the latest version.
- OICA added that it should not be allowed to invalidate the type approval once issued, even though of course CP's can decide not to accept nationally these older approvals anymore after a certain date, as specified in the transitional provisions.
- UK stated that it would continue COP audit until the type approval should be made invalid by a UN Regulation
- The proposed action “1. Amend Article 12 to clarify the concepts of options (in particular when different levels of stringency are needed to facilitate the application of the Regulation by certain CPs) and alternatives, whilst maintaining the principles that CPs have to accept TA issued in accordance with the latest version of a Regulation, even if these CPs apply an earlier version (or a lower level of stringency). Amend the relevant provisions of Chapter V of WP.29/2011/48/Rev.1 or later revision.” was adopted as final version. OICA summarized that Article 12 is not clear and needs to be amended anyway. It is not adequate to change only the word “alternative” to “option”.
- EC proposed that the added paragraph by OICA on page 8 should be removed and then inserted as proposed action “44. Application of UN Regulations nationally is not related to the existence of a type approval system” and this proposal was agreed by the Informal Group.
- The WP.29 Secretariat proposed to add the proposed action “9. Consider to add a new article 7 to Appendix 1 of the 1958 Agreement which enable a CP to delegate in writing its presence for the purpose of the determination of the quorum and its right to vote on its behalf to another CP or regional economic integration organization to which the CP belongs” and this proposal was agreed by the Informal Group.

#### **Agenda 4.Draft IWVTA technical requirements items list (IWVTA-06-04-Rev.2)**

- Japan explained the changes it made regarding items “R21: Interior fittings” and “R27: Advance

warning triangle”.

- EC pointed out that R27 would be changed from the category (4) “Non candidate for IWVTA” to category (1) “Candidate for IWVTA base” by the change made by Japan and then confirmed OICA stance that there is no validity in R27.
- OICA replied that the issue was not merely on R27, rather, on the whole list. A review on the whole list must be performed from the point of view that the item is really necessary for IWVTA or not.
- UK stated that it did not obligate R27.
- Japan replied that R27 was if-fitted requirements in Japan.
- OICA confirmed its position that submitting a list of candidate items to WP29 was premature. Possibly however, the Informal group could submit, for information, a “preliminary” list of candidate items for technical requirements applicable to IWVTA to WP.29 at its 155th session, while a “first-draft” candidate items list would be submitted at its 156th session.
- Russian Federation suggested that the Informal Group should postpone submitting draft candidate items list to WP.29 because there still remained some mistakes in the list on Russian national regulations such as R110.
- Japan indicated that GRs should start reviewing the candidate items of technical regulations applicable to IWVTA as soon as possible considering the dead line of IWVTA activity to be March, 2016.
- EC indicated the target date for the Informal Group to agree on the candidate items of technical regulations currently set as November, 2011 in the roadmap had to be changed to March, 2012. However, the date to submit proposal to WP.29 for consideration should be unchanged in the roadmap.

**Agenda item 5.Proposal; the review of the 1958 Agreement and the introduction of international whole vehicle type approval (IWVTA-07-08-Rev.1: the Chairman and the Co-chairmen, IWVTA-07-08-Rev.2: OICA)**

- WP29 Secretariat pointed out that the wording “(i)-a: whether the said UN Regulation is valid or not (some of the UN Regulations are out of fashion and almost no Contracting Parties adopt them)” in paragraph 16 should be amended to be, for example, “(i)-a: whether the said UN Regulation is valid or not (some UN Regulations are old and need amendments)”.
- EC recommended that the wording should be “(i)-a: whether the said UN Regulation is valid or not (whether the requirements are suitable as IWVTA purpose)”.
- OICA requested to delete paragraph 17 and 18 and also Annex 3 and 4 because further consideration would be necessary on the candidate list for technical regulation items to be applied to IWVTA and the guideline for GRs to review technical regulations applicable to IWVTA.
- Japan explained that the candidate list and the guideline were annexed because they need to be

reviewed and checked by GR experts as soon as possible in order to complete the work, i.e., making all the UN Regulations applicable to IWVTA by 2016. Japan continued that OICA's request was a surprise but could be acceptable provided that OICA believed that it is better to delete these annexes in order to complete the work by 2016. The Informal Group concluded to delete these annexes.

- Major changes in the roadmap are as follows;
  - making a draft revision of the 1958 Agreement: changed from June, 2012 to November, 2012
  - submission of proposed revision of the 1958 Agreement to WP.29: changed from November, 2012 to March, 2013
- WP.29 Secretariat asked what inquiries should be addressed to NY Legal Division.
- EC responded that inquiries should be addressed after the contents of placeholder should be made clear.
- Germany proposed to number the envisaged actions in the paragraphs of the document.

**Agenda item 6.Proposed guideline for GRs to review technical regulations applicable to IWVTA (IWVTA-07-07-Rev.1) and its Flowchart (IWVTA-08-03)**

- UK suggested trying the guideline in one of the GRs to see whether it really should work or not although it would be a challenging approach in a limited time frame.
- OICA stated that the workload on some GRs could be reduced. As an example, the individual UN Regulations on lamps are not needed and R48 would be enough for IWVTA purpose. OICA proposed to discuss this issue in March, 2012.
- Technical Secretary would update the guideline based on the discussion.

**Agenda item 7.Draft Proposal to amend Article 4 of the 1958 Agreement: “enforcement, market surveillance, and recalls” (IWVTA-08-04; EC), “enforcement, market surveillance, and recalls/ safeguard” (IWVTA-08-07; Japan)**

- UK pointed out that a new Agreement would be necessary to enable or empower a CP which issued a type approval to make decisions on manufacturer recalls in the territory of other CPs.
- OICA would like to maintain manufacturers' rights in the decision process of a recall (involvement in recall consultation).
- Japan illustrated that the document IWVTA-08-07 reflected the discussion on safeguard issue at the 7<sup>th</sup> Informal meeting and also made clear that the authority to judge whether the recall is appropriate or not belongs to a CP where the said products are sold.
- Russian Federation suggested that the wording “The CP which issued the approval shall take the necessary steps to ensure that the manufacturer recalls the products presenting a serious risk and takes adequate corrective action to **eliminate** this risk” in the document IWVTA-08-04 should be changed to “The CP which issued the approval shall take the necessary steps to ensure that the

manufacturer recalls the products presenting a serious risk and takes adequate corrective action to **reduce** this risk”.

- OICA stated that Japan at the 7<sup>th</sup> Informal meeting raised a concern that should be dealt with by a safeguard clause. This concern was shared by the group. Further essential discussions are needed on how to solve the concern, how to set up possibly a recall system be. Once these essential elements are defined, drafting the revision of Article 4 should follow to make that happen.
- Australia asked EC whether the recall authority of a CP which issued the approval should extend beyond the scope of type approval or not.
- Germany recommended handling this issue by the safeguard clause rather than adding a recall clause and asked the purpose to add recall clause in Article 4.
- EC replied that the purpose is to prevent different corrective actions to be taken by different countries.
- Germany gave an instance that different countries might adopt different corrective actions referring to a special traffic condition in Germany, i.e., 240km/h cruising speed in autobahn.
- Australia asked how to implement the recall system.
- EC replied that the approach might be different with the country.
- UK suggested that the things could be done at most would be only removal of MRA obligation in case safety risk of the products was detected.
- Australia asked who had the recall authority in case there should be only some type approvals on parts/systems and no WVTA issued.
- EC replied that it had not considered such case yet.

#### **Agenda item 10.Other: Informal Group activities in 2012 and beyond**

- The Chairman announced to organize a small team drafting the revision of the 1958 Agreement in March, 2012.
- OICA told the necessity to set up two teams drafting the revision of the 1958 Agreement and UN R0 respectively.
- The Informal Group was invited to consider two different approaches to make a draft; revising Articles one by one or coming up with a new Agreement from the outset.
- TOR for the drafting team would be formulated by March, 2012.
- It was decided to hold the Informal meeting basically on Friday of the previous week of WP.29 session at OICA. The ninth Informal meeting will be held on March 9 (Friday), 2012 starting 10:00am at OICA.

### Action Items

Action Items	Responsibili	Due
Agenda 3.Draft inventory -submit comments on the purpose to keep old versions as options -submit a proposal of the revision of the 1958 Agreement (amendment of Article 11 or 12?) to realize the above purpose	All members	February 24, 2012
Agenda 4.Draft IWVTA technical requirements items list -submit the corrected sorting list (A/B/C/n) of national regulations in Russian Federation	Russian Federation	January 23, 2012
Agenda 4.Draft IWVTA technical requirements items list -submit comments on the list (IWVTA necessity of UN Regulations on each lamp unit, etc.)	OICA Other members, if any	February 24, 2012
Agenda 5. Proposal on the inventory and the roadmap -make the contents of the placeholder clear	All members	March, 2012 or thereafter
Agenda 5. Proposal on the inventory and the roadmap -make an inquiry to NY Legal Division about the possibility to equip the 1958 Agreement with the new concept of placeholder.	WP29 Secretariat	March, 2012 or thereafter
Agenda 7.Amendment of Article 4 of the 1958 Agreement -make the purpose of the amendments clear (what are the problems and how to solve them?) -submit a concrete proposal on the revision of the 1958 Agreement to achieve the above-mentioned purpose	All members	February 24, 2012
Agenda 10.Other -submit comments on the two different approaches to make a draft; revising Articles one by one or coming up with a new Agreement from the outset.	All members	February 24, 2012
<b>Continued action items raised at the 7th Informal meeting</b> -propose the basic concept of virtual testing	OICA	February 24, 2012
-submit comments on the proposed revision of Article 12 (IWVTA-07-05,-07-09)	All members	February 24, 2012
-submit comments on rewrite of section B : New technologies development (IWVTA-07-10)	All members	February 24, 2012

**Attendant List**

	<b>NAME</b>	<b>Country or organization</b>
1	Mr. Bernard Gauvin	Chairman
2	Mr. J. Renders	European Commission / Co-chairman
3	Mr. Takao Onoda	JAPAN / Co-chairman
4	Mr. Harry Jongenelen	Netherlands
5	Mr. Ian Yarnold	UK
6	Mr. Tony Stenn	UK/VCA
7	Mr. Steve Morgan	South Africa
8	Mr. Richard Damm	Germany
9	Mr. Frank Wrobel	Germany
10	Mr. Yawick Soochet	France
11	Mr. Jean-Loup Marduel	UTAC
12	Mr. Stephen Spencer	Australia
13	Mr. Boris Kisulenko	Russian Federation
14	Mr. Yves van der Straaten	OICA
15	Mr. Peter Schramm	OICA
16	Mr. Olivier Fontaine	OICA
17	Mr. Turan Haldun	OICA
18	Mr. Torsten Janzyk	OICA
19	Mr. Rainhold Labza	OICA
20	Mr. Dominique Mennesson	OICA
21	Mr. Tadaomi Akiba	OICA
22	Mr. Michio Miyamoto	OICA
23	Mr. Takehisa Yamakawa	OICA
24	Mr. Louis Sylvain Ayral	CLEPA
25	Mr. Jean-Claude Noirhomme	ETRTO
26	Mr. Romain Hubert	UNECE
27	Mr. Ushio Ueno	JASIC/ Japan
28	Mr. Masahiko Sakai	JASIC/ Japan
29	Mr. Ryuzo Oshita	JASIC /Japan, Technical Secretary