

Draft June 3, 2015

**Trilateral White Paper
Improvement in the Implementation of the 1998 Global Agreement**

European Union, Japan, United States of America
165th Session of WP.29 – March 2015

Introduction, Summary and Proposed Timeline

The purpose of this paper is to provide a framework through which the delegates to the World Forum for the Harmonization of Vehicle Regulations (WP.29) and other interested stakeholders can examine the experience with the 1998 Global Agreement and agree on ideas and processes for improvement in its implementation.

With 15 years of experience to consider, including successes, shortcomings, and various rough patches encountered along the way, the three sponsors of the Agreement (the European Union, Japan, and the United States of America) held initial discussions to brainstorm on ideas for improvement. A synopsis of those discussions is presented in this draft White Paper to serve as a starting point for a fuller discourse at WP.29.

To that end, the paper is being presented as an informal document at the June 2015 session of WP.29, and as a fully translated (French and Russian) paper for the November 2015 session. Once all discussion and input has been concluded, the Administrative Committee for the Coordination of Work (AC.2) and the Executive Committee of the 1998 Agreement (AC.3) will work to adopt its agreed recommendations.

Background

Administered by the World Forum for the Harmonization of Vehicle Regulations (WP.29), the 1998 Global Agreement is intended to serve two primary purposes. As set forth in the Agreement's preamble, the first is facilitating the development and establishment of Global Technical Regulations (GTRs) that can serve as the basis for setting harmonized national regulations, which attain high levels of vehicle safety, theft prevention, environmental protection and energy efficiency. The second is promoting the harmonization of existing technical regulations. In addition to preserving and even increasing protections for consumers, harmonization through the Agreement can also provide economic benefits by reducing regulatory compliance costs and redundant certification.

1998 Agreement Selected Excerpts

Preamble

The Contracting Parties,

Having decided to adopt an Agreement to establish a process for promoting the development of global technical regulations ensuring high levels of safety, environmental protection, energy efficiency and anti-theft performance of Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles;

Having decided that such process shall also promote the harmonization of existing technical regulations, recognizing the right of subnational, national and regional authorities to adopt and maintain technical regulations in the areas of health, safety, environmental protection, energy efficiency and anti-theft performance that are more stringent than those established at the global level;

...

Article 1. Purpose

1.1. The purpose of this Agreement is:

1.1.1. To establish a global process by which Contracting Parties from all regions of the world can jointly develop global technical regulations regarding the safety, environmental protection, energy efficiency, and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles;

1.1.2. To ensure that, in developing global technical regulations, due and objective consideration is given to the existing technical regulations of Contracting Parties, and to the UN/ECE Regulations;

1.1.3. To ensure that objective consideration is given to the analysis of best available technology, relative benefits and cost effectiveness as appropriate in developing global technical regulations;

1.1.4. To ensure that the procedures used in developing global technical regulations are transparent;

1.1.5. To achieve high levels of safety, environmental protection, energy efficiency, and anti-theft performance within the global community, and to ensure that actions under this Agreement do not promote, or result in, a lowering of these levels within the jurisdiction of Contracting Parties, including the subnational level;

1.1.6. To reduce technical barriers to international trade through harmonizing existing technical regulations of Contracting Parties, and UN/ECE Regulations, and developing new global technical regulations governing safety, environmental protection, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, consistent with the achievement of high levels of safety and environment protection and the other above-stated purposes; and

1.1.7. To ensure that, where alternative levels of stringency are needed to facilitate the regulatory activities of certain countries, in particular developing countries, such needs are taken into consideration in developing and establishing global technical regulations.

Soon after entry into force of the Agreement, the Executive Committee for the 1998 Agreement (AC.3) agreed to an initial Program of Work (POW) consisting of existing national regulations that were perceived to be easily harmonized. Examples of these included vehicle safety regulations for door locks, lighting, glazing, and braking (Please refer to the Appendix 1 for the complete list of items). These regulations were chosen primarily to give the Contracting Parties an opportunity to gain some practical experience with the procedures of the new Agreement which calls for the use of a data-driven, analytically-based process for developing and establishing regulations.

As of 2014, many of these regulations were successfully harmonized. However, several unanticipated difficulties were encountered over time. Many of the proposals in the initial POW were based on longstanding national regulations whose requirements and test procedures were difficult to change in a cost-beneficial manner. In other cases, the proposals were not considered significant or particularly relevant to the evolving priorities of the CPs and were therefore not adequately resourced and supported. For these reasons, several of the items were either dropped or took many more years than originally planned to complete as listed below:

GRE

Installation Lighting and Lighting-Signaling Devices – (Dropped from POW)

GRRF

Motorcycle Brakes – Completed November 2006
 Passenger Vehicle Brakes – (Dropped from POW)

GRSG

Safety Glazing – March 2008
 Controls and Displays – (Dropped from POW)
 Vehicle Classification, Masses and Dimensions – June 2005

GRSP

Pedestrian Safety – November 2008
 Lower Anchorages and Tethers for Child Safety Seats – (Dropped from POW)
 Door Retention Components – November 2004
 Head Restraints – March 2008

GRPE

World-wide Heavy-Duty Certification Procedure (WHDC) – November 2006
 World-wide Motorcycle Emission Test Cycle (WMTC) – June 1998
 OBD (Heavy Duty) – November 2006
 Off-Cycle Emissions – June 2009
 Non-road Mobile Machinery (PM Test) – November 2009

Around 2007, WP.29, having learned from the experience with the original items selected for the POW, began to add new items with the intent of avoiding similar difficulties and achieving better alignment with the current regulatory priorities of the CPs. They were:

GRRF

Electronic Stability Control – Added 2007, established June 2008
 Motorcycle Controls and Displays – Added 2009, established November 2011

GRSP

Hydrogen Vehicles – Added 2004, completed June 2013
 Pole Side Impact – Added 2010, completed November 2013
 Electric Vehicles – Added 2013, currently ongoing
 Head Restraints, Phase 2 – Currently ongoing
 Pedestrian Safety, Phase 2 – Currently ongoing

GRPE

Worldwide Harmonized Light Vehicle Test procedure – Added **XX**, completed March 2014
 Electric Vehicles (Environment) – Currently ongoing
 Three amendments to existing Environmental GTRs – Currently ongoing

GRB

Quiet Road Transport Vehicles – Added 2013, currently ongoing

Despite the improvement in the pace of GTR development with the newer items selected for the POW, further progress is still needed. At present, after more than 15 years following adoption of the 1998 Agreement, only 16 GTRs have been established. In addition, as acknowledged at the WP.29 session of March 2014, the grand majority of Contracting Parties to the Agreement are not fulfilling their obligation to notify how they have incorporated the GTRs into their domestic legislation. This finding indicates that GTRs are in fact generally not incorporated into the domestic legislation of all Contracting Parties to the Agreement.

This paper offers ideas developed by the EU, Japan, and the US to promote discussion and elicit input from all interested stakeholders to achieve better progress in the implementation of the 1998 Global Agreement.

Improvement of the Implementation of the 1998 Agreement

There exists continued frustration at the pace of GTR development and at the failure of some CPs to move quickly to adopt GTRs at the national level. At the same time, CPs are experiencing significant resource constraints with regard to personnel available to work on GTRs and travel funds needed to support related work. One key seems to be to ensure a match between the WP.29 POW and the priorities and resource limitations of the CPs as well as increased compatibility between the domestic rule-making system and the GTRs adoption process. In working toward improvement, it is important to recall that the Agreement seeks to “achieve high levels of safety, environmental protection, energy efficiency, and anti-theft performance within the global community.” Further, there is a need to recognize that conditions in some CPs make it necessary for them to prioritize GTRs that are likely to yield significant domestic safety and environmental benefits as well as the potential economic benefits of harmonization. Achieving equilibrium between those priorities and available resources may necessitate agreement on a reduced POW that eliminates some current activities in return for a renewed focus on a small number of important areas.

Three areas in particular need of improvement have been identified. Those areas, along with possible solutions, are identified and discussed below:

1. Improving the project selection strategy for the POW
 - a. In adding items to the POW, focus on those that are of high priority to the CPs, based primarily on the amount of potential safety and environmental benefits¹
 - b. Exchange information among CPs on the respective domestic planning for the development of regulatory and research work programs in order to identify commonalities
 - c. Organize each year in the framework of one of the WP.29 sessions, an in depth discussion, involving all relevant stakeholders, specifically focused on the identification of medium and long term priorities
 - d. Add items that are in new areas of work, especially emerging safety and environmental protection technologies

¹ In the case of proposals to harmonize existing regulations, priority would be based on the amount of potential cost savings.

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- e. Ensure that any underlying research needs are identified and research is completed prior to drafting regulatory text (Part B) for a GTR
 - f. Avoid in general the initiation of work on GTRs that may have low benefits or otherwise be of low priority, that cannot be supported by one or more CPs due to resource limitations, or that are at risk of become less relevant in the short term
 - g. Notwithstanding the foregoing, recognize the need to support and engage in work that may be of low priority to some CPs, but is of high importance to others
2. Improving the management of the GTR development process
 - a. Establish clear and pre-agreed terms of reference (TORs), timelines, and deliverables
 - b. Ensure that adequate resources are available to complete the work
 - c. Take into account and agree on statutory restrictions on policy and/or timing
 - d. Hold regular high level meetings to assess progress and resolve issues
 - e. Enforce requirements in the 1998 Agreement for data-driven, analytically-based preambles and robust supporting data/research and cost/benefit studies
 - f. Make special efforts to facilitate working group and expert meetings through video connectivity in order to reduce travel costs and time and expedite resolution of issues
 - g. Seek agreement to suspend work on GTRs that have become low in priority, less relevant, or cannot be supported by CPs due to resource limitations.
 - h. Seek to minimize the use of options and/or modules in GTRs, with the aim of including the fewest possible compliance options, while recognizing the need for them in very limited cases, including accommodating differences in test equipment or facility availability
 - i. Recognize the need for alternative levels of stringency
 3. Improving the adoption process of GTRs at the national/regional level
 - a. Involve all stakeholders (including the public) throughout the development of the GTR
 - b. Allocate sufficient resources to complete the adoption
 - c. Submit timely annual status reports, including descriptions of the steps taken to incorporate the GTRs into domestic legislation
 - d. Agree on the general objective of achieving the maximum level of incorporation of GTRs and commit themselves to that objective
 - e. Reflect on measures to make the domestic rulemaking system more compatible with the above mentioned objective
 - f. Recognize the need for allowing alternative levels of stringency for domestic legislation

Appendix 1

The original Program of Work of the 1998 Agreement (as adopted March 2002):

GRE

Installation Lighting and Lighting-Signaling Devices

GRRF

Motorcycle Brakes

Passenger Vehicle Brakes

GRSG

Safety Glazing

Controls and Displays

Vehicle Classification, Masses and Dimensions

GRSP

Pedestrian Safety

Lower Anchorages and Tethers for Child Safety Seats

Door Retention Components

Head Restraints

GRPE

World-wide Heavy-Duty Certification Procedure (WHDC)

World-wide Motorcycle Emission Test Cycle (WMTC)

OBD (Heavy Duty)

Off-Cycle Emissions

Non-road Mobile Machinery (PM Test)

Items for the Exchange of Views and Data

GRRF

Tires

GRSG

Field of Vision

GRSP

Side Impact Dummy

Compatibility

GRPE

Fuel Cells

World-Wide Light-Duty Test Procedures (WLTP)

WP.29

Intelligent Traffic Systems

Appendix 2

The current Program of Work of the 1998 Agreement includes the following activities (as of June 26, 2014):

GRRF

<i>Item</i>	<i>Informal group (Yes-No)/ Chair & Vice- Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal (ECE/TRANS/ WP.29/...)</i>	<i>Proposal for a draft UN GTR (ECE/TRANS/WP.29/..)</i>	<i>State of play/Comments</i>
UN GTR on Tyres	Yes/UK	France	AC.3/15	2010/80 2013/63	AC. 3 noted that GRRF worked on the pending issues (in square brackets). Phase 1 of the UN GTR to be considered at the June 2014 session of GRRF.
UN GTR No. 3 on motorcycle brake systems	No	Italy	AC.3/37	2013/128	GRRF was expected to consider a draft amendment to the UN GTR at its September 2014 session

GRSP

<i>Item</i>	<i>Informal group (Yes-No)/ Chair & Vice-Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal (ECE/TRANS/ WP.29/...)/</i>	<i>Proposal for a draft UN GTR (ECE/TRANS/WP.29/..)</i>	<i>State of play/Comments</i>
Phase 2 of UN GTR No. 7 (Head Restraints)	Yes/UK	Japan	AC.3/25/ Rev.1	2012/34 (third progress report) WP.29-163-23 (fourth progress report) GRSP/2013/24 (Draft UN GTR)	GRSP is expected to consider an informal proposal, addressing all issues, including a draft Addendum to the M.R.1 at its May 2014 session.
Phase 2 of UN GTR No. 9 (Flex-PLI) (Pedestrian Safety)	Yes/ Germany/ Japan	Germany/ Japan	AC.3/24	2012/58 (ToR and 1 st progress report) 2012/120 (2 nd progress report) 2013/36 (3 rd progress report) 2013/129 (4 th progress report) GRSP-54-33-Rev.2 (Draft UN GTR) GRSP-34-Rev.1 (Draft final report)	GRSP will resume discussion at its December 2014 session on IARVs and on the draft UN GTR.
Amendment No. [2] to UN GTR No. 9		NL	AC.3/31	GRSP/2014/2 GRSP/2014/5	GRSP will consider a revised proposal concerning points of contact of headform impactors at its May 2014 session addressing the Phase 1 and 2 of the UN GTR.

<i>Item</i>	<i>Informal group (Yes-No)/ Chair & Vice-Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal (ECE/TRANS/ WP.29/...)/</i>	<i>Proposal for a draft UN GTR (ECE/TRANS/WP.29/..)</i>	<i>State of play/Comments</i>
Phase 2 of UN GTR No. 13 (HFCV)					AC.3 is expected to consider proposal of authorization to develop Phase 2 including a new mandate and ToR at its June 2014 session.
UN GTR No. 14 (PSI)	Yes/ Australia	Australia	AC.3/28		AC.3 is expected to consider a proposal of Addendum 2 to the M.R.1. to incorporate the 50 th percentile World SID dummy at its November 2015 session and agreed to move this matter under agenda item 18.
UN GTR on EVS	Yes/USA/ EU/ Japan/ China	EU/ Japan/ USA/ China	AC.3/32	2012/121 (ToR) 2012/122 (1 st progress report) WP.29-163-22 (2 nd progress report)	AC.3 noted the decision of the IWG to develop the UN GTR in one phase and extended the mandate of the IWG until December 2015.

GRPE

<i>Item</i>	<i>Informal group (Yes-No)/ Chair & Vice- Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal (ECE/TRANS/ WP.29/...)/</i>	<i>Proposal for a draft UN GTR (ECE/TRANS/WP.29/..)</i>	<i>State of play/Comments</i>
Amend. 4 to UN GTR No. 2 (WMTC)	Yes/EC (EPPR)	EU	AC.3/36 (based on 2013/127)		AC: 3 agreed to discuss whether the IWG should work on on-board diagnostic (OBD) requirements to be included in another UN GTR than UN GTR No. 5 at its March 2015 session.
Amend. 3 to UN GTR No. 4 (WHDC)	Yes/EC (HDH)	EU/ Japan	AC.3/29 AC.3/38		GRPE finalized the draft Amend. 3 to UN GTR No. 4 at its June 2014 session. AC.3 is expected to consider the draft GTR at its November 2014 session. AC.3 reconfirmed the mandate extension.
Amend. 1 to UN GTR No. 15 (WLTP)	Yes/Germany (WLTP)	EU/ Japan	/2014/30 AC.3/39		AC.3 noted the progress made by the IWG on the Phase 1b and expected to consider a proposal for Amend. 1 to UN GTR No. 15 in June 2016.
Electric vehicles and the environment (EVE)	Yes/USA/ China/ Japan	Canada/ China/EU/ Japan/USA	AC.3/32 WP.29- 163-13		AC.3 agreed to resume consideration in November 2014 of the extension of the mandate to develop new UN GTRs on electric vehicles.

GRB

<i>Item</i>	<i>Informal group (Yes-No)/ Chair & Vice-Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal (ECE/TRANS/ WP.29/...)/ (ECE/TRANS/WP.29/...)</i>	<i>State of play/Comments</i>
Quiet Road Transport Vehicle	Yes/USA/ Japan	EU/Japan/ USA	AC.3/33 (Including ToR)	The IWG is considering the draft UN GTR with an extended mandate until November 2015. GRB is expected to consider revised ToR at its September 2014 session.

Status on Items for Exchange of Information

<i>Working Party</i>	<i>Item</i>	<i>Inf. group (Yes-No)/ Chair & Vice-Chair</i>	<i>Tech. sponsor</i>	<i>Formal proposal ECE/TRANS/WP.29/...</i>	<i>State of play.</i>
GRSP	Crash compatibility	No	No	---	No new information was provided.
GRSP	Harmonized side impact dummies	Yes	USA	2010/88 (2 nd progress report)	GRSP expects a proposal of addendum to the M.R.1 to incorporate WorldSID 50 th % jointly prepared with the IWG on pole side impact.
GRSP	3-D H point machine	Yes	[Germany]	---	GRSP expects to discuss a proposal of ToR at its December 2014 session
GRE	Road illumination technologies	No	No	---	No new information was provided.
GRRF	Vehicle Platooning and further automations	No	No	---	GRRF experts were raising awareness about innovations concerning driving automations
WP.29	ITS	No	---	---	No new information was provided
WP.29	Electric Vehicles and Environment	No	No	---	The IWG is developed a reference guide and proposed revised ToR to be considered in November 2014.
WP.29	New technology not yet regulated (Autonomous Vehicles)	No	No	---	Discussion should be continued at the November 2014 session of AC.3.