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**Consideration and vote by AC.3 of draft UN Global Technical Regulations,
draft Special Resolution and/or draft amendments to established**

UN Global Technical Regulations – Proposal for new Special Resolution No. 2 (S.R.2)

Proposal for new Special Resolution No. 2 (S.R.2) - Improvement in the implementation of the 1998 Global Agreement

Submitted by the representatives of the European Union, Japan and United States of America *

The text reproduced below was submitted by the representatives of the United States of America Japan and European Union. It is based on informal document WP.29-168-08, distributed at the forty-sixth session of the Executive Committee (AC.3) (ECE/TRANS/WP.29/1120, paras. 101-103). The purpose of this proposed Special Resolution is to improve the implementation of the 1998 Agreement and not to amend it. It is submitted to AC.3 for consideration and vote at its June 2016 session.

* In accordance with the programme of work of the Inland Transport Committee for 2016–2017 (ECE/TRANS/254, para. 159 and ECE/TRANS/2016/28/Add.1, cluster 3.1), the World Forum will develop, harmonize and update Regulations in order to enhance the performance of vehicles. The present document is submitted in conformity with that mandate.

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I. Preamble

1. The Executive Committee of the 1998 Agreement (AC.3),
2. DESIRING to establish 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,
3. BEARING IN MIND that the 1998 Agreement provides for the establishment of UN Global Technical Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles was opened for signature in Geneva on 25 June 1998,
4. BEARING IN MIND that the Agreement facilitate the trade of wheeled vehicles, equipment and parts with harmonized performance requirements among the respective Contracting Parties consistent with the achievement of high levels of safety and environment protection,
5. BEARING IN MIND the decision taken at its [forty-seventh] session to provide in this Special Resolution No. 2 (S.R.2) a framework with which the representatives of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and other interested stakeholders could examine the experience with the 1998 Global Agreement and agree on ideas and processes for improvement at its implementation.
6. BEARING IN MIND that the purpose of this Special Resolution is to improve the implementation of the 1998 Agreement and not to amend it.
7. BEARING IN MIND that this Special Resolution shall not alter the regulations of Contracting Parties unless so adopted by the Contracting Party.
8. BEARING IN MIND that this Special Resolution does not hold regulatory status within Contracting Parties.
9. RECOMMENDS that Contracting Parties and interested stakeholders refer to this Resolution as they work to improve the implementation of the 1998 Agreement by: 1. Improving the project selection strategy for the Program of Work 2. Improving the management of the UN GTR development process; 3. Improving the adoption process of UN GTRs at the national/regional level.

II. Special Resolution No. 2 - Improvement in the implementation of the 1998 Global Agreement

A. Introduction and Summary

1. The purpose of this Special Resolution is to provide a framework with which the representatives of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and other interested stakeholders can work to improve the implementation of the 1998 Global Agreement.

2. The Special Resolution was presented as an informal document at the June 2015 session of WP.29, (originally titled Trilateral White Paper). Following discussion and input from a wide range of stakeholders, the Administrative Committee for the Coordination of Work (AC.2) and the Executive Committee of the 1998 Agreement (AC.3) endorsed the agreed recommendations.

B. Background

4. Administered by the World Forum for the Harmonization of Vehicle Regulations (WP.29), the 1998 Global Agreement intends to serve two primary purposes. As set forth in the Agreement's preamble, the first is facilitating the development and establishment of UN Global Technical Regulations (UN 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.

C. 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."

5. Soon after the entry into force of the Agreement, the Executive Committee of the 1998 Agreement (AC.3) agreed to an initial Programme 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. These regulations were chosen primarily to give the Contracting Parties (CPs) 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.

6. 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:

Working Party on Lighting and Light-Signalling (GRE)

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

Working Party on Brakes and Running Gear (GRRF)

Motorcycle Brakes – Completed November 2006

Passenger Vehicle Brakes – (Dropped from PoW)

Working Party on General Safety (GRSG)

Safety Glazing – March 2008

Controls and Displays – (Dropped from PoW)

Vehicle Classification, Masses and Dimensions – June 2005

Working Party on Passive Safety (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

Working Party on Pollution and Energy (GRPE)

Worldwide Heavy-Duty Certification Procedure (WHDC) – November 2006

Worldwide Motorcycle Emission Test Cycle (WMTC) – June 2005

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 2007, completed March 2014

Electric Vehicles (Environment) – Currently ongoing

Three amendments to existing Environmental GTRs – Currently ongoing

Working Party on Noise (GRB)

Quiet Road Transport Vehicles – Added 2013, currently ongoing

7. Despite the improvement in the pace of UN GTR development with the newer items selected for the PoW, further progress is still needed. At present, after more than fifteen years following adoption of the 1998 Agreement, only sixteen UN GTRs have been established. In addition, as acknowledged at the WP.29 March 2014 session, the large majority of CPs to the Agreement do not fulfil their obligation to notify on how they have incorporated the UN

GTRs into their domestic legislation. This finding indicates that UN GTRs are in fact generally not incorporated into the domestic legislation of all Contracting Parties to the Agreement.

8. This Special Resolution offers ideas developed by the United States of America, Japan and the European Union to promote discussion and elicit inputs from all interested stakeholders to achieve better progress in the implementation of the 1998 Global Agreement.

D. Improvement of the implementation of the 1998 Agreement

9. The pace of UN GTR development has been frustrating and at the failure of some CPs to move quickly to adopt UN GTRs at the national level. At the same time, CPs are experiencing significant resource constraints with personnel available to work on UN 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 UN 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 UN 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 an agreement on a reduced PoW that eliminates some current activities in return for a renewed focus on a small number of important areas.

10. 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 benefits;

(b) in exchanging information among CPs on the respective domestic planning for the development of regulatory and research work programs in order to identify commonalities;

(c) in organizing 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) in adding items that are in new areas of work, especially emerging safety and environmental protection technologies;

(e) in ensuring that any underlying research needs are identified and research is completed prior to drafting regulatory text (Part B) for a UN GTR;

(f) in avoiding in general the initiation of work on UN 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, in recognizing 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 UN 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 (governmental and/or with stakeholder representatives) 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 (while recognizing that for newer technologies, because these may not be available, alternative justifications may need to be developed);
- (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 UN 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 UN 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. The term “Option” generally refers to alternative testing procedures for the same regulatory requirement. “Modules” generally refers to additional regulatory requirements, beyond an agreed core group that may be adopted by CPs. Should other interpretations or situations related to the use of options or modules arise, they will be addressed in the same spirit as set forth in this paragraph or through additional harmonization development;
- (i) Recognize the need for alternative levels of stringency.

3. Improving the adoption process of UN GTRs at the national/regional level

- (a) Involve all stakeholders (including the public) throughout the development of the UN GTR;
- (b) Allocate sufficient resources to complete the adoption;
- (c) Submit timely annual status reports, including descriptions of the steps taken to incorporate the UN 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;
- (g) Periodically revisit the status of the national implementation of UN GTRs to increase, to the extent possible, their eventual adoption.