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

Following the informal introduction (June 2015) of the Trilateral White Paper on the "Improvement in the Implementation of the 1998 Global Agreement", several written comments were received. At this session of WP.29 (Nov 2015), a translated version of the White Paper will be tabled for further discussion and open consideration of each comment received.

To aid this process, this document presents a summary of all comments received to date.

OICA Comments Summary

Improving the management of the GTR development process

Establish clear and pre-agreed terms of reference (TORs), timelines, and deliverables Comment: at the same time, it needs to be recognized that setting overly ambitious timelines may be counterproductive, and that the development of a robust and truly harmonized GTR, without contradictory options, may sometimes take more time than originally foreseen.

Ensure that adequate resources are available to complete the work

Take into account and agree on statutory restrictions on policy and/or timing Comment: not sure we understand the meaning of this statement. Response: This statement is intended to recognize that CPs may be bound by statutory requirements that cannot be negotiated.

Hold regular high level meetings, including all stakeholders, to assess progress and resolve issues. Response: this is the intention, however it should be recognized that CPs may have to meet privately on occasion.

Enforce requirements in the 1998 Agreement for data-driven, analytically-based preambles and robust supporting data/research and cost/benefit studies Comment: while OICA strongly supports this, we also believe it should be recognized that especially in the case of new technologies, data and cost/benefit studies may be rather scarce. Response: This is a valid point and must be resolved on a case by case basis as it arises.

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. Comment: while the use of modules may have some merit in some cases, provided no contradictory requirements exist among these modules, the use of contradictory options should be avoided. If a draft GTR is developed containing such contradictory options, then all efforts should be undertaken to eliminate or solve these as soon as possible. If an option in a GTR is totally unavoidable for its adoption, then a new phase of work should be undertaken asap in order to solve the issue (e.g. as was done for GTR 4 on WHDC). Response: This is reasonable and should always be pursued.

Recognize the need for alternative levels of stringency and possibly alternative test procedures when needed, with the understanding that such alternative test procedures should be "true" alternatives, i.e. CPs would be expected to accept all alternative test procedures to demonstrate compliance with the defined requirements.   
When it comes to alternative levels of stringency, another possibility might be contemplated, namely to define the "core" GTR at a "minimum" level of stringency, with the possibility for CPs to opt, at national level, for higher level(s) defined within the GTR (e.g. in separate modules). Response: This item is consistent with the text of the 1998 Agreement and is intended to allow oting CPs to require a lower level of stringency, but still allow the sale of full stringency compliant product.

Improving the adoption process of GTRs at the national/regional level

Periodically review the situation as to the national implementation of GTRs and decide on further steps as needed in order to improve the actual implementation of the GTRs in the domestic legislation Response: This is a reasonable point and is in fact one of the main points of this White Pape

MEMA/JAPIA/CLEPA

The CPs should focus where there is an absence of regulation or where existing regulations are being rendered obsolete by technological advances. This focus should only include areas where regulations are warranted and only on that portion of regulations that require revision. Primary focus for priorities for harmonization should include:

New, emerging unregulated technologies that will significantly enhance vehicle safety and performance;

Government vehicle-related policies that are undergoing significant shifts;

New testing technologies that promise significant enhancements in regulatory or product effectiveness; and/or,

Harmonization of existing regulations should be considered when potential cost savings are significant.

Encourage all CPs to communicate any concerns or special requirements on timing, research, stringency or other issues minimally on an annual basis.

The draft document proposes that CPs identify medium- and long-term priorities on a yearly basis. We would also propose that WP.29 establish basic criteria to define items of priority. This would include addressing potential barriers for transposition/adoption of GTRs.

MEMA/JAPIA/CLEPA wish a framework in the context of the WP.29 forum to annually review medium- and long-term priorities, status updates, and domestic regulatory and research planning schedules. This would include annual high-level meetings to assess progress and resolve issues.

Regularly maintain and update the electronic reporting system available to industry stakeholders and all CPs that provides transparency regarding working group leadership points-of-contact, the operating terms of reference, meeting minutes, discussions, anticipated issues, and other critical information relevant to the GTR development process.

CPs should be encouraged to use domestic regulatory systems to keep all interested parties updated on progress on all discussions and provide sufficient transparency for full public participation.

GTR working groups should be encouraged to hold a minimum number of sessions with full teleconferencing (audio/visual) connectivity to allow for fuller participation.

Transport & Environment

1. Improving the project selection strategy for the POW:

a) The GTR should seek to achieve uniform measurement and testing

protocols and refrain from setting uniform stringency; especially when stringency will impact on safety, health and environment the UNECE should refrain as a matter of principle.

b) Improve the project selection to ensure that only technical

projects are selected, political projects must not be included.

c) Project selection should not paralyse the members to advance with

national legislation, while pending decision and outcome which can take years.

d) To increase the democratic legitimacy of the process within the

EU, the European Commission should allow the European Parliament to have oversight of the process, particularly to ensure the maintenance of technical project selection.

e) The addition of items in the POW, should be based on safety and

environmental benefits, however priority should not only be given to potential cost saving but should include other key parameters such as green-house-gas emissions (GHG), public health cost.

f) The inclusion of relevant stakeholders for medium to long term

priorities, must be more clearly defined. The definition of stakeholders should be revised in the management of the GTR.

2. Improving the management of the GTR:

a) On the administrative procedures of the GTR:

a. Minutes should be approved by the WP, before being sent to the

higher groups, it is important for dissent and concerns to be accurately noted.

b. Formal and informal papers tabled must include the name of the

author (individual and organization), who is held accountable and must be available to discuss and answer questions.

c. Implement the same standards and rules for transparency, access

to documents, and right of complaint/appeal as are in place for EU Institutions.

d. Establish mechanisms and bodies to deal with complaints and

petitions, and an investigatory body / ombudsman with the right to install an independent observer where concerns have been raised by any participant.

e. Serious consideration and funds need to be placed on revising the

website to ensure clear communication and information.

b) On the inclusion of stakeholders in the GTR:

a. Civil society access procedures must be made quicker and more

transparent; “NGOs” should be reclassified into civil society representatives and those with commercial interests.

b. Require mandatory declaration of interest forms to be completed by

all participants (for example WHO requirements); public availability of participants’ lists including names and organisations.

c. Limit the size of non-governmental delegations to a certain

number of representatives per industry federation.

d. Stop commercially-owned / private sector test houses /

laboratories from participating in national delegations C they should be encouraged to participate but in another capacity, as organisations with commercial interest (given that their clients are the regulated industries).

e. Levels of alternative stringency cannot be considered since this

goes against the very ethos of establishing a GTR C otherwise nation legislation is just as adequate.

c) On the use of data the GTR should

a. Require that data-driven, analytically-based preambles and robust

supporting data/research and cost/benefit studies must not only focus on monetary parameters but other such as green-house-gas emissions (GHG), public health cost.

b. Ensure industry is obliged to share complete sets of type approval

test data C and penalties for withholding and selective presentation.

(Suitably anonymised so as not to reveal commercially sensitive

information)

c. Levels of alternative stringency cannot be considered since this

goes against the very ethos of establishing a GTR C otherwise nation legislation is just as adequate.