



Canada

**AMALGAMATION OF GLOBAL
TECHNICAL REGULATIONS (gtr)
INTO NATIONAL LAW:**

THE  CANADIAN  PERSPECTIVE

UNECE - WP.29 - Geneva - June 2006





Canada

Canadian law



how does it work ?



Canada

Division of Regulatory Responsibilities

**Transport
Canada**



**Motor Vehicle
Safety Act**



**Motor Vehicle
Safety Regulations**



- Safety
- Noise

**Environment
Canada**



**Canadian
Environmental
Protection Act**



**On-Road Vehicle & Engine
Emission Regulations**



- Emissions





Canadian law:

- development of Regulations

- Regulatory initiative = **concept**
 - consultations
 - analysis: cost benefit, risk, environmental impact
 - reviews: legal, inter-branch, minister's office
 - Parliament: Treasury Board / PCO review & PC approval
- Canada Gazette Part I publication = **formal proposal**
 - comments => amendments => analysis & reviews
 - Parliament: Treasury Board / PCO review & PC approval
- Canada Gazette Part II publication = **final law**
- Self certification - new vehicles = **enforcement**





Canadian law:

- applicability of Regulations

- Regulations apply to vehicle manufacturers
 - Regulated components:
 - tyres (Transport Canada)
 - child seats (Transport Canada)
 - heavy-duty engines (Environment Canada)
- Manufacturers certify by testing
- No government approvals/certifications
- Government may audit/review evidence of conformity & conduct selective testing
- Aftermarket products & modification
 - jurisdiction of Provinces and Territories



Canada

Canadian regulation principles

North American harmonization

- Emission standards fully aligned with U.S. rules with some differences in implementation (e.g. averaging)
- Safety standards closely aligned with U.S. rules

Unique safety requirements caused by:

- Different fleet composition (underride guard)
- Different values (seat belts, controls' ID)
- Harmonization with Provinces and Territories (natural gas container and installation provisions)





Global harmonization

- ECE Regs incorporation (not practicable)
- gtr adoption – best means to address Canadian and global needs (best practice regulations)

Adoption of foreign/global regulations

- as direct incorporation, reference or alternative (modular structure of gtr could help)
 - reference ECE Regulations (MVSR 108.1 & 114)

Canadian unique requirements ... ?

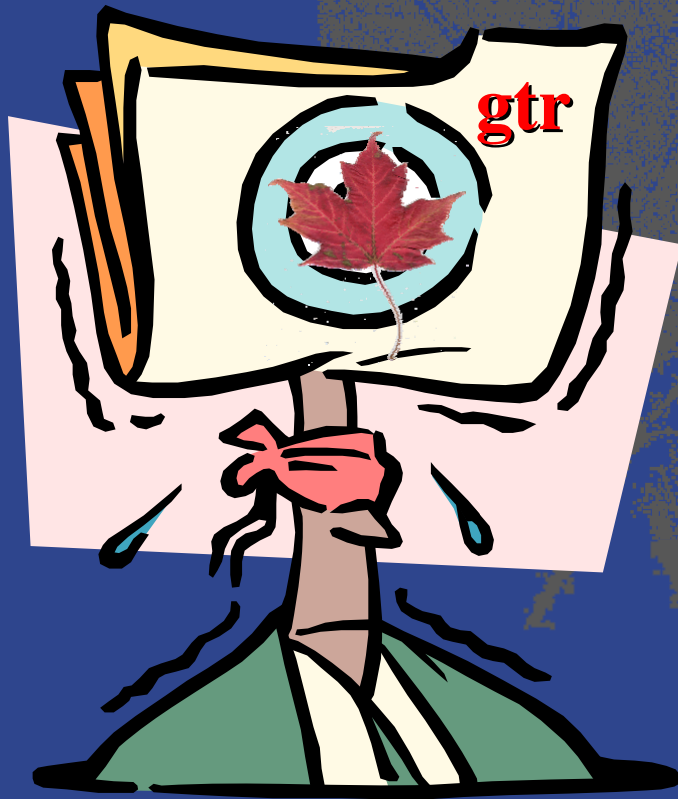
- Climate (lamp corrosion test in MVSR 108.1)
- Self certification (precision of language in MVSR 114)





Canada

1998 Global Agreement :
gtr development
gtr adoption



Canadian
perspective



1998 Global Agreement Canadian understanding

- **Ultimate goal is to adopt all gtr requirements into national regulations**
- **Obligation to initiate regulatory process towards gtr adoption (if not abstaining)**
- **No obligation to adopt**
 - must advise Secretary-General of any decision to not adopt the gtr and the basis for that decision
- **Pending national regulatory process, national regulations could ultimately incorporate:**
 - only parts of gtr requirements (modules?)
 - include additional requirements beyond gtr
 - will jeopardize global harmonization



Canada

gtr development



Canadian process



gtr development: Canadian process

6 Phases in gtr development process

- Phase 1 – **Compendium** - vote
- Phase 2 – **gtr proposal** - vote
- Phase 3 – **preliminary report** - vote
- Phase 4 – **gtr development** - contribution
- Phase 5 – **gtr establishment** - vote
- Phase 6 – **gtr adoption** - internal process

***gtr development:
Canadian process***

**Phase 1 – Vote to include a regulation
into the Compendium of
Candidate Regulations**

- allows Regulations of Contracting Parties to be formally recognized
- **Canada considers supporting all proposals**
- **no consultations with Canadian stakeholders**

gtr development: Canadian process

Phase 2 – Vote to accept proposal for new gtr

(a) proposal by Canada

- **consultation with Canadian stakeholders**

(b) proposal by another Contracting Party

- **broadens the scope of information exchange**
- **Canada considers supporting all proposals if permitted by the workload of GRs**
- **if approved, information incorporated into national regulatory plans**



Canada

gtr development: Canadian process

Phase 3 – Vote to accept the preliminary report from GR...

- allows full exchange of information**
- Canada considers supporting GRs' recommendations**
- information incorporated into national regulatory plans**



Canada

gtr development: Canadian process

Phase 4 – Development of a gtr by GR...

- time to address all safety and environmental concerns**
- consultation with Canadian stakeholders and resulting Canadian contribution throughout gtr development process**



gtr development: Canadian process

**Phase 4½ – Draft gtr adopted by GR...
& sent to WP.29/AC.3 for approval**

- Formal notification of stakeholders
(e.g. publish Notice or Proposal in *Canada Gazette* for
stakeholder information and comment)**
- consultation with Canadian stakeholders**



Canada

***gtr development:
Canadian process***

**Phase 5 – Vote by WP.29/AC.3 to establish
gtr in Global Registry**

- Canadian vote in WP.29/AC.3 will take into account consultations with Canadian stakeholders**

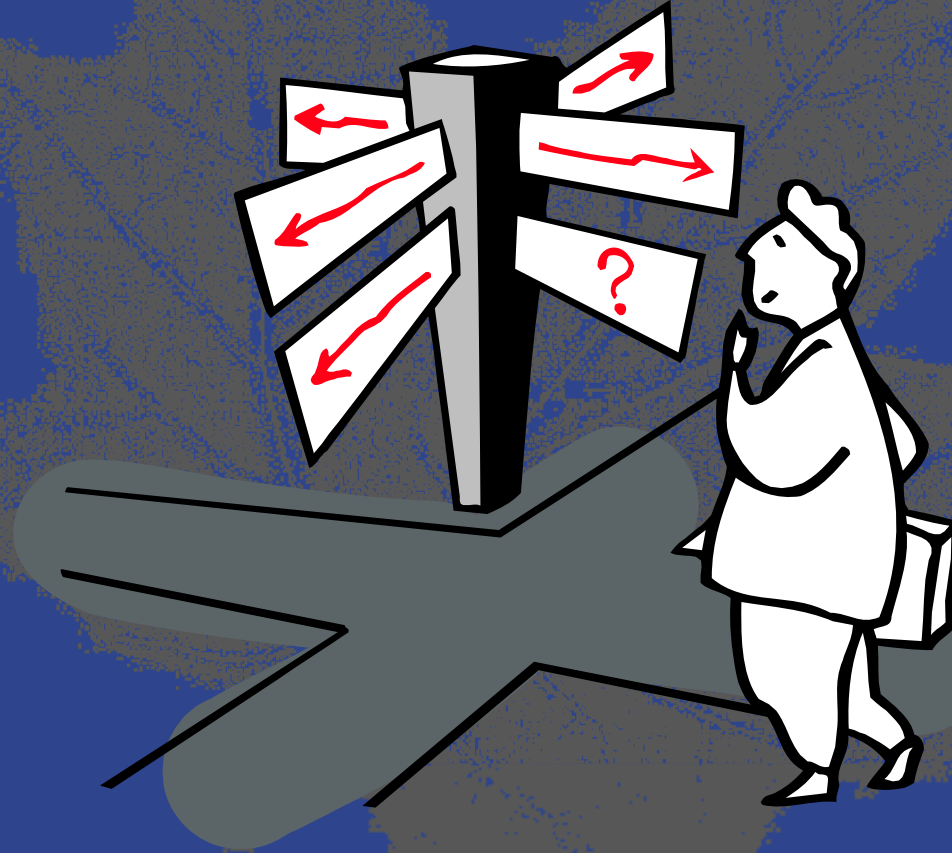
Phase 6 – Adoption of the gtr established in the Global Registry

- **publish proposed regulatory text incorporating gtr requirements into Canadian regulation**
- **based on stakeholder comments make decision on whether to incorporate all or portions of gtr requirements**
- **publish final document in *Canada Gazette Part II***
- **notify the UN Secretary General of the status of gtr adoption**



Canada

gtr adoption



Canadian way



gtr adoption: Canadian principles

- **Ultimate goal is to adopt all gtr requirements**
- **Case 1: Existing similar Canadian regulation**
 - Canada will consider proposing gtr provisions as alternative performance requirements
 - Compliance with ‘old’ regulation may continue to apply providing industry with time to adapt
- **Case 2: No existing Canadian regulation**
 - Canada would propose gtr as new regulation
 - industry will be given reasonable ‘lead time’

gtr adoption:

Transport Canada example



“§ ...

Vehicles category *a,b,c* shall conform with this section

or

any version of ECE Global Technical Regulation No. *x*. “*title*”, (ECE/TRANS/180/Add.*x*) in effect within the *xx* months before the day on which manufacture of the vehicle is completed.

...”



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Parting thoughts





Canada

While there is still room for improvement ...



- Understand CPs' needs (values, vehicles, climate ...)
- Appreciate needs of self certification regime vs. type approval
- Allow “options” as interim step
- Consider “modules”
- Streamline cost benefit & legal assessments for “new” requirements
- Develop UNECE and/or national regulations in convergence with gtr
- Address gtr adoption issues



Canada

... significant progress achieved

- 29 Contracting Parties to the 1998 Agreement affecting 39 countries
- Good gtr development and administrative process
- 2 gtr registered (2 submitted for adoption)
- 12 gtr under development (new proposals considered)
- Better understanding of the 1998 Agreement
- Better understanding of partners at the table
 - goals, policies, legal systems, regulatory regimes, enforcement, ... etc.





Canada

THANK YOU
for your attention



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