



C L E P A
*European Association of
Automotive Suppliers*

Motor & Equipment Manufacturers Association (MEMA)

and

European Association of Automotive Suppliers (CLEPA)

Comments to

The United States Trade Representative

**Promoting U.S. EC Regulatory Compatibility; Request for Public Comments;
Docket No. USTR-2012-0028**

and

**The Office of Management and Budget, Office of Information and Regulatory Affairs,
United States-European Union High-Level Regulatory Cooperation Forum**

U.S. and EU Joint Solicitation for Public Input

31 October 2012

The Motor & Equipment Manufacturers Association (MEMA)¹ and the European Association of Automotive Suppliers (CLEPA),² welcome the opportunity to respond to the United States Trade Representative (USTR) request for public comments³ and to the United States-European Union High-Level Regulatory Cooperation Forum (HLRCF) joint solicitation for public input.⁴ MEMA and CLEPA strongly support the efforts of the United States of America and the European Union governments to seek greater transatlantic regulatory cooperation. Such an achievement is necessary for future consideration of a US–EU Free Trade Agreement.

The growing globalization of the motor vehicle industry makes it imperative for MEMA and CLEPA members to be competitive domestically and abroad requiring greater regulatory cooperation between trading partners. The reduction of transatlantic regulatory inefficiencies will significantly increase the critical role that the motor vehicle parts industry plays in transatlantic trade. We are encouraged to know that significant progress has been made in both the HLRCF and the Transatlantic Economic Council (TEC) and hope for continued progress that will guide the work of the High-Level Working Group on Jobs and Growth (HLWG).

Technical regulations in our industry sectors are among the leading trade barriers prohibiting more robust transatlantic trade and investment. Increasing transparency in the formation of technical regulations and standards is critical to increasing regulatory cooperation. The right of both governments' to protect public health, safety, welfare, and the environment need not be diminished when seeking to achieve greater regulatory cooperation. Just as our members continually innovate to make better products, the US and EU governments should seek out innovative ideas and solutions to further deepen concerted trade relations.

A bilateral trade agreement will present an opportunity, particularly for our industry sectors, to address obstacles to free trade. Our global industry sectors would greatly benefit from improved

¹ In the United States, MEMA represents more than 900 companies that manufacture motor vehicle parts and systems for use in the light- and heavy-duty vehicle original equipment and aftermarket industries.

² In Europe, CLEPA represents 94 suppliers for automotive parts, systems and modules and 23 national trade associations and European sector associations, in total 3000 companies in the European Union

³ *Federal Register*, Vol. 77 at 59702, 28 September 2012.

⁴ US-EU High-Level Regulatory Cooperation Forum, Joint Solicitation to EU & US stakeholders, September 2012, http://www.whitehouse.gov/omb/oira_irc_europe and http://trade.ec.europa.eu/consultations/?consul_id=170

efficiencies and ultimately contribute to the US and EU economies. Both US and EU have long had robust regulatory regimes. To improve trade relations, convergence can offer shared recognition of performance requirements and certification procedures as well as reduction or elimination of compounded engineering and testing resources.

The growth of country-specific technical requirements inhibits access to markets. For example, the need for greater global regulatory cooperation is reflected in the current Trans-Pacific Partnership (TPP) trade negotiations, as well as in the FTA discussions between the EU and various countries, where regulatory coherence is a major objective and will continue to be an important part of future bilateral and multilateral trade negotiations. As our market is global, MEMA and CLEPA support and encourage global technical regulation development and harmonization efforts under the United Nations' World Forum for the Harmonization of Vehicle Regulations (a.k.a. WP.29). Its focus is on promoting the use of common test procedures and performance requirements across nations. WP29 should remain the only Forum for technical harmonization.

While the GTR process has had its share of challenges, we believe that the general sentiment of the signatories of the WP.29 1998 Agreement is the need of the nations and industry to look forward and anticipate future global regulatory needs and develop them accordingly. The supplier industry believes there are situations where global cooperation to establish common procedures would be beneficial, e.g. where:

- new unregulated technologies are emerging that significantly enhance vehicle performance;
- government vehicle-related policies, which are undergoing a significant shift; and/or,
- new testing technologies promise significant enhancements in regulatory or product effectiveness.

When technical standards are to be used in developing new GTRs, it is recommended that the World Trade Organization Article 2.4, Agreement on Technical Barriers to Trade, should be followed. For existing regulations, we propose to look how they can be considered as equivalent in terms of safety and environment protection. Please see the Attachment (Annexes 1, 2 and 3) for preliminary details on specific vehicle parts and systems requiring regulatory convergence.

Building upon the lessons of past collaborative successes can help promote regulatory cooperation – be it mutual recognition, performance standard equivalency or other measures. Recognizing important and differing aspects of the U.S. and European regulatory systems is critical, yet, at the same time, finding new mechanisms to break down unnecessary regulatory barriers should be a priority for both governments in trade agreement negotiations.

In today's globalized economy, vehicle parts suppliers source inputs from and send their products around the world. Achieving technical and regulatory cooperation is a goal strongly supported by MEMA and CLEPA. Companies in the US and EU will greatly benefit from the elimination of regulatory redundancies and overlapping or duplicative certification procedures as it will lower the costs of doing business, expand new market opportunities, and enhance global competitiveness. While recognizing the challenges that lay ahead, MEMA and CLEPA encourage you to seek the most ambitious goals to strengthen our transatlantic commercial ties.

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Attachments

**MEMA and CLEPA proposal on
EU-US Regulatory Convergence in the Automotive Sector**

ANNEX 1

Existing Regulations on subjects not covered by Global Technical Regulations (GTRs) should be considered as equivalent.

US Federal Motor Vehicle Safety Standard	Topic	Corresponding EU/UN Regulation
FMVSS 101	Controls and displays	UN-R 121
FMVSS 103	Windshield defrosting and defogging systems	78/317/EEC + (EU) 672/2010
FMVSS 104	Windshield wiping and washing systems	78/318/EEC + (EU) 1008/2010
FMVSS 105	Hydraulic brake systems	UN-R13
FMVSS 108	Lamps, reflective devices	UN-R 48 + separate regulations for different lighting, light signaling, and reflective units
FMVSS 111	Rear view mirrors	UN-R 46
FMVSS 114	Theft prevention	UN-R 116
FMVSS 118	Power operated window / roof panel systems	UN-R 21
FMVSS 121	Air brake system	UN-R 13
FMVSS 126	Electronic stability control	UN-R 13H
FMVSS 135	Passenger car brake systems	UN-R 13H
FMVSS 138	Tire pressure monitoring system	UN-R 64
FMVSS 201	Occupant protection in interior impact	UN-R 21
FMVSS 203	Impact protection for the driver (steering wheel)	UN-R 12
FMVSS 204	Steering control rearward displacement	UN-R 12
FMVSS 206	Door locks and door retention components	UN-R 11
FMVSS 207	Seating systems	UN-R 17
FMVSS 208	Occupant crash protection	UN-R 94
FMVSS 209	Seat belt assemblies	UN-R 16
FMVSS 210	Seat belt assembly anchorages	UN-R 14
FMVSS 213	Child restraint systems	UN-R 44
FMVSS 214	Side impact protection	UN-R 95
FMVSS 225	Child Restraint Anchorage Systems	UN-R 14
FMVSS 303	Fuel system integrity of CNG vehicles	UN- R 110
FMVSS 304	Compressed natural gas fuel container integrity	UN-R 110
40CFR Part 25	Noise	UN-R 51 + New draft EU Regulation
40CFR Part 86	Light Duty Emissions	UN-R 83 + (EC) 715/2007
40CFR Part 86	Heavy Duty Emissions	UN-R 49 + (EC) 595/2009

MEMA and CLEPA proposal on EU-US Regulatory Convergence in the Automotive Sector

ANNEX 2

For subjects covered by established GTRs, common transpositions of the technical requirements should be agreed.

GTR 1	Door Locks and Door Retention Components
GTR 4	Test procedure for Heavy-Duty Vehicles with regard to the Emissions of Pollution
GTR 5	On Board Diagnostic systems for Heavy-Duty Vehicles
GTR 6	Safety Glazing
GTR 8	Electronic Stability Control Systems
GTR 9	Pedestrian Safety
GTR 10	Off-Cycle Emissions from Heavy-Duty Vehicles

ANNEX 3

For future GTRs – whether establishing new subject GTRs or reviewing established, existing GTRs – foster the UN Process under the 1998 Agreement by bilateral cooperation, then transpose the technical requirements of the established GTRs the same way.

The GTR development process is designed to engage contracting parties in a full, transparent discourse and to promote comprehensive transposition among the CPs. Concurrently, there also must be recognition that the US and EU have different legal processes to adopt into their own regulatory frameworks.

Future GTR Subjects
Pedestrian Safety - Phase 2
Head Restraint - Phase 2
Worldwide Harmonized Light Vehicles Test Procedure (WLTP)
Hydrogen/Fuel Cell Vehicles
Pole Side Impact
Electric Vehicles (Safety and Environment)
Quiet Road Transport Vehicles