

**To:** EICHHORN Nele (CAB-MALMSTROM)

**Cc:** CAB MALMSTROM ARCHIVES; [REDACTED] (CAB-MALMSTROM);  
[REDACTED] (TRADE); [REDACTED] (TRADE); [REDACTED]  
(TRADE)

**Subject:** Meeting Report: Cabinet Malmstrom - BMW and Daimler, 3.3.2016

Participants:

Industry

[REDACTED], BMW AG  
[REDACTED], BMW AG  
[REDACTED], Daimler AG  
[REDACTED], Daimler AG

Commission

Nele Eichhorn, Cabinet Malmstrom  
[REDACTED], DG Trade

The meeting was organised upon the request of industry and lasted 35 minutes.

Industry participants made the following points:

- how important TBT matters have become for conducting their business. Recently, there was a considerable increase in TBT-related difficulties throughout the world. These TBT seriously undermine the UNECE 1958 Agreement.
- Numerous additional requirements are being introduced by countries, unfortunately even by UNECE 1958 Agreement members. These additional requirements are clearly driven by the objective of creating more test and approval activities and employment in the specific country.
- This objective coincides with the business objective of certifiers, including from the EU, too expand their business. Interested countries receive active support from EU test laboratories and certification service providers. Particularly worrisome was the situation in Russia and also Saudi Arabia.
- Non UNECE 1958 Agreement members also contribute to actively undermining by aggressive export of their regulatory model and their regulations to third countries. USA was mentioned as the key example: it even publicly links the adoption and recognition of US ASTM standards and FMVSS standards to the provision of US development aid.

The Commission:

- asked for some examples, mainly for illustrative purposes.
- explained that there is the well-functioning WTO TBT Agreement and that route is also available, in case of specific justified cases. Furthermore, the current FTA negotiations also do try to solve existing issues of a TBT/NTB nature.
- said it has tried to export our regulatory model through active provision of technical assistance for alignment to UNECE 1958 Regulations.