

Conspicuity Markings on Vehicles

(Discussion Document)

presented by the European Commission

Background

Germany has submitted a proposal to GRE (TRANS/WP.29/GRE/2004/18) that UN-ECE Regulation 48 should be amended so that the installation of retro-reflective markings (i.e. contour/line markings) on certain categories of vehicles (M3, N3, O3 and O4) should be mandatory.

The fact that such markings are beneficial is not generally disputed, but the size of the benefit in relation to the costs has been. Various studies have been conducted in the past to investigate the benefits of conspicuity markings, but have come to differing conclusions with regard to the cost-benefit analysis, depending upon the assumptions made.

The Commission has undertaken a study to resolve these differences and to determine the current market and national legislative situation within the EU.

Current Legislative Position

UN-ECE

Regulation 48 concerns the type-approval of vehicles with regard to the installation of lighting and light-signalling devices. **Supplement 7** to the 02 series of amendments to Regulation 48 introduced ‘retro-reflective markings’ as specific device for installation on certain categories of vehicles. However, the installation of such markings is optional (i.e. at the manufacturers discretion), and the form of the markings is not specified in detail. In addition, the provisions do not explicitly require that these markings comply with Regulation 104, although this is implied.

Prior to the entry into force of Supplement 7, retro-reflective markings (and rear marking plates, such as those in conformity with R69 and R70), could have been interpreted as being excluded from the scope of Regulation 48, as para. 2.17.6.3. states that:

“[For the purposes of this Regulation the following are not considered as retro-reflectors:] other retro-reflecting plates and signals which must be used to comply with national requirements for use as regards certain categories of vehicles or certain methods of operation”.

By this interpretation, contracting parties would have been able to require the fitment of retro-reflective markings as a national ‘use’ provision.

Subsequent to the entry into force of Supplement 7, contracting parties can not mandate the installation of retro-reflective markings at type-approval, as the fact that the installation is

optional means that it is the holder of the vehicle type-approval certificate that determines whether a vehicle is to be fitted with retro-reflective markings, rather than the contracting party. Further, within the EU the ability of a Member State to introduce 'use' provisions is restricted, as there is an obligation that vehicles issued with a valid type approval are permitted to be registered, placed on the market, and enter into service (Article 7(1), 70/156/EEC).

Regulation 104 contains performance requirements for retro-reflective markings, and suggestions for the installation

EU

The EU has acceded to both UN-ECE Regulations, 48 & 104.

Within the framework of the EU whole vehicle type approval scheme (Directive 70/156/EEC), conformity with Regulation 48 is accepted as being an alternative to conformity directive 76/756/EEC. It is the intention of the Commission that in the future Regulation 48 should be applied as the mandatory legislative provisions within the EU for the type-approval of motor vehicles with regard to the installation of lighting, and that the directive would be repealed.

Regulation 104 is not applied on a mandatory basis. However, following the preliminary conclusions of the Commission study and the commitment in the Road Safety Action Programme to improve the visibility of heavy duty vehicles, the Commission is considering introducing provisions to require the use of retro-reflective markings on such vehicles.

To this end it is important that any provision in Regulation 48 relating to the application of retro-reflective markings do adversely impact on the ability of the European Union (or other contracting parties) to mandate the installation of retro-reflective markings on new vehicles and vehicles in use.

Objectives

1. To introduce mandatory requirements for the installation of retro-reflective markings.
2. To determine the categories of vehicles that these markings should be applied to on a mandatory (or optional) basis.
3. To define the detailed installation requirements, taking into account the different types and functions of commercial vehicles.
4. To establish the time frame for the introduction of these requirements.
5. To address the issue of retro-fitment.
6. To ensure that contracting parties retain the right to mandate the use of markings on all categories of vehicles registered in their territory.

Options

1. Mandatory provision incorporated into Regulation 48

Advantages

- ensures uniform provisions are applied by all contracting parties to R48

Disadvantages

- does not address in-use provision
- will need agreement of all contracting parties to the installation requirements
- will need to take account of different types of bodywork

2. Retro-reflective markings deleted from R48 (i.e. back to pre-Suppl. 7)

Advantages

- contracting parties can introduce use provisions which could also be de facto constructional requirements in their territories
- does not require detailed consideration of the installation requirements at GRE
- greater freedom to take account of different types of body work

Disadvantage

- neighbouring countries may not have the same provision

3. As option 2, and introduce installation provision in RE3

Advantages

- clear recommendation to contracting parties
- less strict, so national provisions can be applied

Disadvantages

- legal status of RE3 unclear
 - does not ensure same provision in neighbouring countries
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