

Transmitted by the representative of the European Communities

Incoherences between the definitions in R.E.3, the 1968 Vienna Convention and UNECE Regulations

**ANNEX 1**

<b>Problem</b>	<b>Remark / Example</b>
Definitions of R.E.3 are not always legally binding	Many Regs make no reference to R.E.3; e.g. Reg. 48
No definition of scope (maybe not a problem if fully compensated by Regulations on installation – to be checked)	Most lighting components; as a consequence each contracting party can define the scope by foreseeing the use of the component in the respective national law
Definition refers to various versions of R.E.3 (1) or Vienna Convention on Road Traffic (2); separate definition diverging from all other definition (3); Reference to two definitions without the same borderline between L1 and L3 (4); it gets even more complicated when amendments to the Regulations are taken into account: It is unclear whether an amendment makes automatically and implicitly reference to a more recent version of R.E.3 or not.	(1) e.g. Regs 73, 74, 75, 78, 79, ... 111 (2) e.g. Regs 56, 60, 74, 76; imprecise due to definition-options and the frequently used term “power-driven vehicle”; weight limit for L5 (3) e.g. Regs 41 (no 50-ccm-criteria); Regs 46 and 48 (>25 km/h); (4) e.g. Reg. 50 point 2.1
Lack of harmonised use of the Vienna Convention term “motor vehicle”	Most Regs (e.g. 51, 110) use “Motor vehicles” like in the Vienna Convention, thus excluding Tractors. But Reg. 4 (p. 14 + Am. 3, 4) and Reg. 1 Rev. 4 (Annex 2 at p. 20) don’t
Unclear use of the Vienna Convention term “power driven vehicle”	e.g.: Are agricultural tractors included in Reg. 24 or not?
Unsystematic use of the Vienna Convention terms “power-driven vehicle” and “motor vehicle”	e.g. Regs 98 and 99; maybe all the Regs on lighting (except installation Reg.)
Contradictory definitions of scope	See Reg. 96 (for agricultural tractors) referring to Reg. 49 (not mentioning these) as an alternative
Ambiguous definitions. Like tyres “designed mainly, but not only for...”; “designed primarily, but not only, for...”	e.g. strict application of Regs 30, 54, 75; excludes components “designed only for ...”; the relevant criteria must be the use, but not the intention of the manufacturer when designing the product
Scope gives options to the contracting parties like “motor cycles and vehicles treated as such”	e.g. Regs 50, 56, 57, 72, 82

Mixing of Scope definitions and requirements by cross-references, making it unclear as to which Reg. applies	Reg. 17 making reference to Reg. 80, the latter making reference to only one para of 17;  Reg. 80 making reference to para 7.4. of Reg. 14 for definition of scope whereas Reg. 14 makes only reference to Reg. 80 for an individual requirement
Dynamic definition references	Reg. 4 to Reg. 48
Other cases of scope uncertainty	Many Regulations, e.g. with respect to the inclusion of MG and NG vehicles;
Useless and misleading specifications of M1 vehicles in 8.1 of R.E.3	See Multi-purpose vehicles: 1. double negation 2. What about 7 seats?
L-vehicle definition excludes 4-wheelers; no L6/7	See R.E.3
Risk of country code updating in individual legal acts being incomplete	
No clear limit between M and L vehicles; except R.E.5: all 4-wheelers are M	How about L5/6/7 beyond 400/550kg?  L6/7 will be covered by UNECE 1958 soon; many other Regs apply to 4-wheelers. Do they apply to L6/7 at the same time?  New light eco-vehicles with bodywork underway?

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