

Proposal for clarification of the scope of Regulations under the 1958 Agreement covered by GRB

Transmitted by the expert from the European Commission

Background: The Commission services intend to make many UNECE Regulations mandatory within the EC. Therefore a check was made as to the scope of all the Regulations that the EC has adhered to. This review found a series of recurring uncertainties or errors. These have been listed in a document called “Annex 1” which was sent to WP.29 in November 2004 in order to explain our concerns and was sent to all the GR on behalf of WP29. The Commission services were then invited to present more detailed preparatory work to the GR. The process has started with a document which considers those Regulations covered by GRPE, followed by one for Regulations covered by GRRF, whereas the present document makes a similar series of suggestions for GRB.

Another step towards greater clarity as to the scope of Regulations will be with a so-called “Horizontal Regulation”. We propose that a Horizontal Regulation takes over most of the content of the last version of Annex 7 to R.E.3 on vehicle categories, but will introduce some modifications, mainly by taking in elements of S.R.1. However, the major difference of this Horizontal Regulation would be that it is directly and uniformly applicable, even when a Regulation still refers to any old version of R.E.3. A draft Horizontal Regulation is being prepared for forwarding to the GR’s.

I. Regulation No. 28:

The reference to vehicle categories relates to an older version of R.E.3. This problem can only be solved by a Horizontal Regulation.

II. Regulation No. 41:

1. The UNECE secretariat regards L₃, L₄ and L₅ as being covered. We assume that the vehicle category closest to the scope definition of Regulation No. 41 is only L₃.
2. There is a discrepancy between the scope definition of Regulation No. 41 and the definition of L₃ in R.E.3: vehicles having more than 50 ccm, but a maximum design speed of less than 50 km/h, are not covered by Regulation No. 41. This might be corrected.

III. Regulation No. 51:

As L₆ and L₇ have four wheels, they will be covered soon. Paragraph 1 could be reformulated as follows: This Regulation applies to vehicles of category M and N.

IV. Regulation No. 59:

The reference to vehicle categories relates to an old version of Regulation No. 13. At the same time, the vehicle categories M and N are defined in a way to include three-wheelers with a maximum weight of more than 1 ton. The text of “1. Scope” should be reformulated as follows: “This Regulation covers replacement silencing systems for vehicles of class M₁ and N₁.”

V. Regulation No. 63

1. The UNECE secretariat sees L₂ vehicles as covered – we assume that this is done by error.
2. Reference is made to the Vienna Convention. Instead, it should be stated: “This Regulation applies to vehicles of category L₁.”

VI. Regulation No. 117 (Draft)

1. There is duplication in as much as the scope is limited to M, N and O in paragraph 1.1. and other vehicles are explicitly excluded in paragraph 1.1.4.
 2. The missing reference to any version of R.E.3 does not cause any harm if the Horizontal Regulation is established.
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