

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

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” (deriving from a previous Commission internal document). The document was sent to WP29 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. This process has started with the present document which considers those Regulations covered by GRPE. A similar series of suggestions might follow for all other GR.

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, but will introduce some modifications, mainly by taking in elements of S.R.1. However, the major difference of this Horizontal Regulation will be that it is directly and uniformly applicable, even when a Regulation still refers to any old version of R.E.3. Our draft Horizontal Regulation will be launched soon.

I. Regulation No. 24:

1. In IV.1.1.1 and IV.1.1.2 the word “road vehicle” has been used. However, trailers should not be covered. Thus we suggest replacing “road vehicle” by “power-driven vehicle” so to exclude trailers.

2. Both the UNECE secretariat and the EC Commission services do not know whether L, T vehicles and mobile machinery are covered. Unless a horizontal Regulation defines the definitions “road vehicle” or “power-driven vehicle” in the same way, we suggest adding in IV.1.1.1 after “road vehicles”:

“(vehicles of category L, M, N, T and mobile machinery)”.

3. In IV.1.1.3 it is unclear whether “motor vehicle” refers to something different than a “road vehicle” or “power-driven vehicle”. In the normal use of the word (mostly in line with the Vienna Convention), mobile machinery and tractors are not included. We assume that the implicit exclusion of mobile machinery and tractors is not done on purpose. We propose to replace “motor vehicle” by “road vehicle” or “power-driven vehicle”, depending on the choice made for I.1.

II. Regulations Nos. 49 and 83:

1. Reg. 83: According to the common use of “motor vehicle”, L vehicles are covered. However, the UNECE secretariat considers L as not to be covered. Clarification is therefore needed. According to 1.1.3 Reg. 83 covers L7 used for the carriage of goods and all L7 having a maximum design speed

of exactly 50 km/h. Is this on purpose? If L was not to be covered, as we suggest, “motor vehicles” should be replaced by “vehicles of category M and N”.

2. Both Reg.: The reference to category M and N relates to an older version of R.E.3. This problem can only be solved by a Horizontal Regulation.

3. Reg. 49 does not cover tractors, but Reg. 96 refers to it as an alternative. We suggest adding in 49: “This Regulation also applies to agricultural and forestry tractors in as much as Regulation 96 refers to it as an alternative.”

4. The speed limit of 25 km/h in Reg. 49 should be dropped.

5. 1.1.5 of Reg. 83 might contain a mistake. May-be it should read “M1, M2 and ~~N1~~ N2 having a maximum mass ~~of~~ higher than 3,500 kg”.

6. The whole system of Regulations 83 and 49 is so complicated that streamlining is urgently needed. We have, for reasons of communication, developed a chart that expresses how we understand the current scopes of Reg. 49 and 83.

	Max. Weight	Petrol	Diesel	NG	GLP
M1	≤ 3.5 Tn	83	83	83	83
	> 3.5 Tn	83	49	49	49
M2	≤ 3.5 Tn	83	49//83 (1)	49	49
	> 3.5 Tn	83	49//83 (1)	49	49
M3	-	83	49	49	49
N1	-	83	49//83	49//83	49//83
N2	-	83	49//83 (1)	49	49
N3	-	83	49	49	49

49//83 = Manufacturer can obtain type approval according to Reg. 49 or Reg. 83.

(1) 83 only for vehicles with a reference mass ≤ 2840 Kg as an extension of an approval given for an engine used on M1 or N1 under conditions of paragraph 7.

We suggest, for Reg. 83 replacing the existing text of Reg. 83 by this chart preceded by the following text:

“This Regulation regards exhaust emissions, evaporative emissions, crankcase gas emissions, the durability of pollution control exhaust devices and on-board diagnostic systems of vehicles mentioned in the following chart if the number 83 is mentioned in the respective field.”

7. We agree with the proposal of the NL, but we wonder whether a chart presentation would not be better. If the chart does not replace the text, we suggest dropping the word “power-driven”.

III. Regulation No. 67:

The UNECE secretariat regards it as unclear whether L is covered. So, we recommend mentioning the vehicle categories explicitly (M, N). So we suggest replacing “Motor vehicles” in 1.1 by “vehicles of category M, N”.

IV. Regulation No. 85

The reference to category M and N relates to an older or not defined version of R.E.3. This problem can only be solved by a Horizontal Regulation.

V. Regulation No. 100

1. The reference to category M and N relates to an older or not defined version of R.E.3. This problem can only be solved by a Horizontal Regulation.
2. The minimum speed limit of 25 km/h should be dropped.

VI. Regulation No. 101

The reference to category M and N relates to an older or not defined version of R.E.3. This problem can only be solved by a Horizontal Regulation.

VII. Regulation No. 103

The reference to category M and N relates to an older or not defined version of R.E.3. This problem can only be solved by a Horizontal Regulation.

VIII. Regulation No. 110

1. According to the common use of “motor vehicle”, L vehicles are covered. However, the UNECE secretariat considers L as not to be covered. It is right in as much as the Regulation does not contain any requirements for L. However, clarification is needed. As L is not be covered, “motor vehicles” should be replaced by “vehicles of category M and N”.
2. In order to avoid duplication and potential mistakes in the future, we suggest deleting Part II 14.1.1.

IX. Regulation No. 115

This Regulation does not refer to any version of R.E.3. So, it is unclear how vehicles of category M and N are defined. We recommend solving the problem via a Horizontal Regulation.
