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PROPOSAL FOR CLARIFICATION OF THE SCOPE OF REGULATIONS UNDER THE
1958 AGREEMENT COVERED BY GRSG

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 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. The process has started with a document which considers those Regulations covered by GRPE, followed by one for Regulations covered by GRRF, GRB, and GRE, whereas the present document makes a series of suggestions for those Regulations covered by GRSG.

Another step towards greater clarity as to the scope of Regulations is 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 has been forwarded to WP.29. It is to be discussed by GRSG as well.

1. Regulation No. 18 – Unauthorized use

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

2. Regulation No. 21 – Interior fittings

This Regulation does not refer to any definition of M1 category of vehicles. This problem will be solved by the Horizontal Regulation.

3. Regulation No. 26 – External projections

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

4. Regulation No. 35 – Foot controls

This Regulation uses the term “private passenger car”. Instead Section 1 should read as follows:

"1. Scope:

This Regulation applies to the arrangement and mode of operation of the foot controls of M1 vehicles, ~~whatever the position of the driver's seat.~~"

5. Regulations No. 36 – Buses/coaches

The current scope is ok.

6. Regulation No. 39 – Speedometer

1. T category vehicles are clearly not covered, but should be covered.
2. The reference to vehicle categories relates to R.E.3. This problem can only be solved by a Horizontal Regulation.

7. Regulation No. 43 – Safety glazing

One might wonder whether L and T category vehicles are covered. The expression "Power-driven vehicle" covers these vehicle categories according to the Vienna Convention. Depending on this decision, we recommend a clarification by reformulating the scope as follows:

"This Regulation applies to safety glazing materials intended for installation as windscreens or other panes, or as partitioning, on vehicles of category L, M, N, O and T, and to the fitting of thereof, to the exclusion, however, of glazing for lighting and light-signalling devices and instrument panels, and of special bullet-proof glazing."

8. Regulation No. 46 – Rear-view mirrors

1. Currently, the scope includes two- and three-wheelers that have bodywork at least partly enclosing the driver. This must be extended to all L category vehicles with bodywork enclosing the driver.

We suggest a new and simplified scope:

"This Regulation applies to vehicles of category M, N, and T and vehicles of category L with bodywork at least partly enclosing the driver."

9. Regulation No. 52 – Single deck buses/coaches

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

10. Regulation No. 58 – Rear under run protection

The second half of paragraph 1.1.3., starting with "or so designed ...", should be deleted unless its intent can be clarified. It is not clear whether it is relating specifically to the vehicle or the RUPD that the vehicle is equipped with. The second half of paragraph 1.1.3 is either superfluous or in contradiction to the first half of 1.1.3., but at any rate confusing. 1.1.3. reads as follows: "PART III: vehicles of categories/N2, N3, 03 and 04/1/ equipped with an RUPD which has not been separately approved according to Part/I of this Regulation or so designed and/or equipped that its component parts can be regarded as totally or partially fulfilling the function of the RUPD."

11. Regulation No. 60 – Controls for two-wheelers

The current scope covers clearly L3 category of vehicles (motor cycles) and "mopeds". The definition of mopeds in the Vienna Convention gives contracting parties an option. Therefore we should refer to L1 category of vehicles instead. It is also unclear to what extent this Regulation should also cover L2, L4, L5, L6 and L7 categories of vehicles. According to the answer to these questions, we suggest a new clear-cut scope like:

"Scope
This Regulation applies to vehicles of category L."

12. Regulation No. 61 – External projections

The scope of this Reg. refers to the definition of "external surface" in paragraph 2.1. The definition of "external surface" refers to the definition of paragraph 2.5. for "Cab rear panel". Paragraph 2.5. fixes a point for determining the effective point of the rear cab panel where there is no rear cab. But it also gives the manufacturer (in agreement with the technical service) the option to choose any other point. As a result, the scope of the Regulation depends for some vehicles on the decision of the manufacturer.

13. Regulation No. 62 – Unauthorized use, L

The current scope does not cover L6 and L7 category vehicles, even with handlebars.
We suggest:

"Scope
This Regulation applies to vehicles of category L, if fitted with handlebars."

14. Regulation No. 66 – Buses superstructure

The scope approved in March 2005 is ok.

15. Regulation No. 71 – Tractors’ field of vision

The current scope is ok.

16. Regulation No. 73 – Lateral protection

The current scope is correct, but slightly imprecise: what are "very long loads"? We suggest taking the second sentence out of the scope. Alternatively we suggest replacing "very long loads" by "loads of more than [10] m".

17. Regulation No. 80 – Seats of buses/coaches

1. The current scope is very complicated. First, it is not clear to what extent the scope addresses not only seats (as components), but also vehicles and, if so, what category of vehicles. We assume that it covers only seats (as components) for the time being. If this was not to be the case, the following proposal should be revised accordingly.

2. Paragraph 1.1.2 is superfluous because all seat anchorages are included in a complicated way. We suggest paragraphs 1.1 to 1.1.2 be replaced by:

"This Regulation applies to forward facing seats and their anchorages in vehicles of categories M2 and M3 other than those of class I, as defined in paragraph 2.1.1. of Regulation No. 36 and class A, as defined in paragraph 2.1.1. of Regulation No. 52."

3. Paragraphs 1.2. and 1.3. are exemptions rather than limitation of the scope: if they were to be limitations of the scope, a manufacturer would even not be allowed to apply for an approval to Regulation No. 80. This is probably not the intention. However, if paragraphs 1.2. and 1.3. are exemptions, they should not be under the heading of "Scope", but under the heading of "Exemptions". Therefore, we suggest adding a new section after paragraph 1.1.2. entitled "Exemptions".

4. However, we believe that paragraph 1.2. should be deleted, as it refers to paragraph 5.2 of Regulation No. 17 which has been deleted in the meantime.

5. In 1.3., it is not clear what is meant by "this Regulation": Regulations Nos. 14 or 80? It is, in this case, even more unclear how a derogation for a vehicle approved according Regulation No. 14 can be translated into an exemption for a component in Regulation No. 80. We suggest deleting Paragraph 1.3. unless contracting parties can explain the intent.

18. Regulation No. 81 – Rear-view mirrors, L

1. Currently, the scope includes two- and three-wheelers without bodywork at least partly enclosing the driver.

2. L6 and L7 should be covered.
3. According to the decisions to be taken under 1. and 2., we suggest a new and simplified scope:

"This Regulation applies to vehicles of category L without bodywork at least partly enclosing the driver."

19. Regulation No. 93 – Front under run protection

The second half of paragraph 1.1.3., starting with "or so designed ...", should be deleted unless its intent can be clarified. It is not clear whether it is relating specifically to the vehicle or the FUPD that the vehicle is equipped with. 1.1.3. reads as follows: "PART III: vehicles of categories N2 and N3 equipped with an FUPD which has not been separately approved according to Part I of this Regulation or so designed and/or equipped that its component parts can be regarded as totally or partially fulfilling the function of the FUPD."

20. Regulation No. 97 – Vehicle Alarm Systems

The scope is ok.

21. Regulation No. 107 – Buses/coaches superstructure

The scope is ok except that the reference to vehicle categories relates to R.E.3. This problem can only be solved by a Horizontal Regulation.

22. Regulation No. 116 – Unauthorized use

The scope is ok.
Repealing Part I of Regulation No.18 needed?

23. Regulation No. 118 – Burning behaviour, coaches

The scope is ok except that the reference to vehicle categories relates to R.E.3. This problem can only be solved by a Horizontal Regulation.
