

**Comments and editing notes regarding informal document No. GRSG-90-7**

**Title:** The word „Scopes“ was deleted from the title according to the 89th GRSG.

**Para. 1.**

- a) Idem.
- b) At the request of the 89th GRSG, the footnote was added.
- c) Some experts request that the full title of the Agreement be quoted, whereas we assume that a footnote might be sufficient and more user friendly.

**Para. 2.** At the request of the 89th GRSG, country codes are once more presented in a chart.

**Para. 3.** One expert suggested deleting “interpretation rules” from the title. However, the text does indeed contain interpretation rules.

**Para. 3.1.** As this sub-section also contains interpretation rules, the heading was modified by taking out “Definitions used for”...

**Para. 3.1.1.**

- a) The expert from the Commission initially suggested defining “Road vehicle” (as an equivalent to “Vehicle”). The reason for that is that some Regulations speak about “Road vehicles” (e.g. Regulation No. 24). However, the 89th GRSG decided to delete “or “Road vehicle””.
- b) Referring to the text of the 1958 Agreement itself, the 89th GRSG decided to delete “or track-laying” although R.E.3 Annex 7 includes in section 6. track-laying tractors. As a result of this decision, the EC will not have the possibility to refer to Regulations for track-laying vehicles and must maintain some tractor directives only for these vehicles. We therefore recommend reviewing the GRSG opinion.
- c) Some delegates to the 89<sup>th</sup> GRSG questioned whether a better word could be found than “object”. IMMA now suggests “structure” as a replacement.
- d) The question of a maximum design speed has been kept open by the 89<sup>th</sup> GRSG.
- e) One expert suggests replacing the word “circulation” by “use”.
- f) He also suggests adding: “This term embraces trolley-buses by which is meant vehicles connected to an electric conductor which are not rail-borne.”
- g) Should trams be excluded specifically?

**Para. 3.1.3.**

- a) On request of the 89th GRSG, “[being complete or incomplete], [with a maximum design speed exceeding [25] km/h]” has been deleted.
- b) Note for the rationale by IMMA: This definition includes N-category vehicles with equipment on the back in the N-category.
- c) One expert wishes to copy the vehicle definition of the Vienna Convention: “Motor vehicle” means any power-driven vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term embraces trolley-buses, ...”.

**Para. 3.1.4.**

- a) New definition, in line with S.R.1 and the future EC Framework Directive.

- b) This definition would include trailers for agricultural and forestry tractors. Contrary to the opinion of at least one expert, it cannot be argued that vehicles of category T are not “intended for circulation on the road” while the Horizontal Regulation, like R.E.3, deals also with vehicles of category T in section 4.6.

**Para. 3.1.5.**

New definition, inserted to harmonise, in the long run, the divergent wording of various Regulations (see footnote).

**Para. 3.1.6.**

New definition, based on S.R.1.

**Para. 3.1.7.**

- a) New definition, based on S.R.1.
- b) One expert suggested, as an alternative, the Vienna Convention definition: ““Combination of vehicles” means coupled vehicles which travel on the road as a unit.” However, we think that it is not appropriate to refer to the “travelling on the road” in the context of type approval.

**Para. 3.1.8.**

- a) New definition, based on S.R.1.
- b) The question is whether to maintain the part in square brackets.
- c) One alternative criterion for distinguishing complete from incomplete vehicles could be: Will the weight still be modified?

**Para. 3.1.9.**

- a) Sentence 1 is new and, if not modified according to b), in line with the future Framework Directive.
- b) During the 89<sup>th</sup> GRSG, it was decided to add “off-road” in place of the square brackets. However, this might lead to the misunderstanding that road construction mobile machinery is excluded.
- c) Sentence 2 is inspired by R.E.3 Annex 7 section 3.4.2. (and in line with Article 3 (14) of the future EU Framework Directive). However, not all states apply this rule. The question remained open at the 89<sup>th</sup> GRSG.
- d) The 89<sup>th</sup> GRSG decided to delete the word “Auxiliary” at the beginning of sentence 2.
- e) Because of the definition of vehicle in paragraph 3.1.1., non-road mobile machinery is already excluded.

**Para. 3.1.10.**

- a) This new definition tries to reduce the risk of diverging assessments of the number of “seats”. The Commission has observed problems arising from the fact that minivans dispose of anchorages for additional seats that are added at the request of the customer after type approval. Referring to the anchorages would resolve the problem.
- b) the definition is indirectly relevant for the distinction between vehicles of category M and N in 3.1.11.

**Para. 3.1.11.**

- a) Inspired by R.E.3 Annex 7 definition for multi-purpose vehicles and S.R.1.
- b) The second criteria of S.R.1 is:  $N \leq 6$ . This criterion should be dropped so as to make a clear distinction between M and N, independently from the size of the vehicle and the number of passengers.
- c) The third criterion of S.R.1 is that the pay mass exceeds 150 kg. The proposal does not include this criterion as it leads to a circular definition. If the third criterion was to be

included, GRSG should consider, as an alternative, the following formula developed by Jasic:

$$P - (R + S \times 68) > 150 \text{ kg.}$$

- d) In order to have coherence with S.R.1, standing positions could be included. The fundamental question is whether we wish to develop, in the long run, our vehicle categories in the direction of S.R.1.
- e) According to the 89<sup>th</sup> GRSG, “motor” has to be added, whereas an expert wishes to apply it for all vehicles.
- f) One expert wishes that the formula should only apply “where it is not immediately apparent whether a vehicle is a category M or N vehicle”. However, this is a circular argument and might lead to confusion: According to which criteria will be decided whether it is “immediately apparent” if not the formula?
- g) One expert claims that the manufacturer’s wish should be decisive. If so, this should be clearly stated.
- h) One expert wishes to distinguish between vehicles up to 3.5 t and others. For the latter, S should be up to 8. We fear that this suggestion complicates matters.

**Para. 3.1.12.**

According to the 89<sup>th</sup> GRSG, “motor” has to be added; See 3.1.11. e).

**Para. 3.2.1.**

- a) During the 89<sup>th</sup> GRSG, it was contested whether the word “standard” should be in. Some suggested replacing it by “minimum” to express that not the average, but the basic equipment is to be taken into account.
- b) In the meantime, one expert expressed his fear that the word “standard” would create the possibility of presenting a vehicle without any accessory for type approval for influencing the test results. However, it could be argued this danger is even greater if no description like “standard” or “minimum” is given.
- c) Also after the 89<sup>th</sup> GRSG, two experts commented in writing, saying that “type and version” shall be deleted because there is no common definition of type and no definition of version at all in the Regulations.
- d) One expert claims that “if fitted” should be added after “e.g.”. He also recommends referring to the state of the vehicle when leaving the production line.
- e) Various experts from EU Member States said that there is a discrepancy between EU Directive 93/93/EC and the draft Horizontal Regulation, in as much as fuel and the driver’s weight are not included in the EU law. Some are in favour of copying the EU system into the Horizontal Regulation. However, we recognise the discrepancy between the mass in running order definition for M and N on one side and L on the other side within the EU law itself. This is not so harmful within the EU law in as much as vehicle categories M/N and L6,7 overlap on purpose, but the directive number always indicates whether a vehicle has been approved as L or as M/N. We wonder, however, whether it would be wise to transpose this solution into the UNECE framework. Contrary to the EU law, some Regulations apply both for M/N and L while applying different sub-sets of criteria (e.g. Regulation 39 on speedometers). If so, it should be clear for other Contracting Parties whether an approval has been given for a vehicle in its capacity as L or as M/N or whether a component has been approved as being appropriate for L or for N/N vehicles. Therefore we see three ways:
  - Either we permit an overlap between M/N and L6,7 vehicles and establish two different unladen and subsequently maximum mass definitions and insert a different marking and information sheet for L and M/N approvals in the few cases that the same Regulation foresees different sets of criteria for M/N and L.
  - Or we accept two different mass definitions while taking out L6,7 from the Horizontal Regulation for the time being.

- Or we harmonise the mass definitions of L and M/N vehicles under UNECE law so as to allow a clear-cut distinction between M/N and L. This solution is certainly more cumbersome in the first round, but will avoid any confusion in the future.

**The discussion for this issue should be combined with the discussion on 4.2.**

- f) What about coupling devices of towing vehicles? One expert suggested inserting, after spare wheel: “coupling device if the vehicle is intended mainly to tow trailers”.

**Para. 3.2.2.**

- a) It was suggested replacing “8” by “9”.
- b) Contrary to directive 93/93/EEC on 2/3 wheel vehicles, the driver is included.
- c) One expert remarked that this definition differs from the definition in directive 93/93/EEC for motorcycles and in directive 2003/37/EC for agricultural and forestry tractors.
- d) The same expert stated: “The mass of the crew shall only be taken into account for buses and coaches, so the number of seats referred to in last line of the definition should be 9?” We think that “more than 8 persons in addition to the driver” means automatically vehicles with a capacity for 10 persons or more. There is no reason to replace 8 by 9.
- e) However, we would prefer to delete any reference to the specific weight for the crew member (75 kg) here on condition that all regulations are amended accordingly. In fact, we question whether the special weight of a crew member is really justified.

**Para. 3.2.3.**

- a) OICA called for a definition of the maximum laden mass. Suggestion: “The maximum laden mass is the mass up to which the vehicle is regarded as safe by the manufacturer.” In line with this, one expert claims that the maximum mass has to be defined “as calculated and certified by the manufacturer”.
- b) During the 89<sup>th</sup> GRSG, it was said: The current definition is difficult to apply to vehicles for which only a maximum axle load has been defined so far. However, even the current R.E.3 speaks about maximum mass of trailers (see section 4.). Therefore, the maximum mass has to be defined somehow.
- c) Shall the maximum laden mass of trailers be defined as follows:  
- Number of axles x maximum axle mass = maximum laden mass? Or  
-  $\sum \text{max. axle mass}_1 + \text{max. axle mass}_2 + \text{max. axle mass}_3 \dots = \text{maximum laden mass?}$
- d) What about the maximum laden mass of towing vehicles? Current 2.5.3. of R.E.3 Annex 7 to be included?

**Para. 3.3.1.**

The sentence on kilogram is not needed.

**Para. 3.3.2.**

- a) "Order" instead of "trim", because "running trim" has not been defined yet.
- b) On request of the 89<sup>th</sup> GRSG, “or centre axle-trailer” has been added twice.

**Para. 3.3.3.**

- a) During the 89<sup>th</sup> GRSG, the expert from the NL took the view that a crane is part of the running order. This was contested by Italy. The current text of R.E.3 3.4.2. endorses the latter position.
- b) During the 89<sup>th</sup> GRSG, the Polish expert was in favour of moving the sentence elsewhere.
- c) The proposal does not include any reference to the "special purpose vehicle" here as the word is differently used in paragraph 4.5. of this Horizontal Regulation, as before in paragraph 3.4.2. of R.E.3.

**Para. 3.3.4.**

During the 89<sup>th</sup> GRSG, the experts of UK and OICA expressed reservations on this issue.

**Para. 3.3.5.**

One expert suggests inserting the text of paragraph 4.6 of Annex 7 of R.E.3 for the mass calculation for the classification of trailers as follows: "In the case of a semi-trailer or centre-axle trailer, the maximum mass to be considered for classifying the trailer corresponds to the static vertical load transmitted to the ground by the axle or axles of the semi-trailer or centre-axle trailer when coupled to the towing vehicle and carrying its maximum load."

**Para. 4.1.**

- a) New title with regard to L6, L7.
- b) New definition developed by IMMA and endorsed by the Commission expert. The initial proposal was: "Category L vehicle" means a motor vehicle designed and constructed primarily for the carriage
  - of passengers (see para. 3.1.14.) having an unladen vehicle mass of no more than 400 kg, or
  - of goods (see para. 3.1.13.) having an unladen vehicle mass of no more than 550 kg, both not including the mass of the battery in the case of electric vehicles. 4-wheeled vehicles, **except motor cycles with sidecars**, do not belong to category L if they have a maximum continuous rated power exceeding 15 kW.
- c) IMMA raises the question: Did the original term "thermic" mean only spark ignition or did it also cover diesel, LPG and CNG? Should the engine capacity limit be specific to petrol engines and all the rest covered by the general clause about "whatever the means of propulsion"? IMMA is in favour of "thermic" instead of "internal combustion".

**Para. 4.1.1.**

- a) Instead of "internal combustion" it should be "thermic" (IMMA). This is contradicted by one expert.
- b) One expert is in favour of introducing the EU limit for the max. continuous rated output of 4 kw.

**Para. 4.1.2.**

One expert is in favour of introducing the EU definition for the category L2.

**Para. 4.1.4.**

- a) We inserted "or more" after "three" in order to make sure that sidecars with more than one wheel are covered. However, one expert argues that the "or more" would open up the vehicle category too much.
- b) One expert recommends introducing the EU criterion "sidecar".

**Paras. 4.1.6. and 4.1.7**

- a) One expert wishes to add here: with straddling seats only and without cabin.
- b) We wonder whether it is necessary to distinguish between two classes of L6 and L7: quads and car-like vehicles. If such a need is felt by GRSG experts, we would be ready to call for an expert meeting once at least one substantial discussion document is available. As far as we know, ACEM and JASIC have already explored the issue.

**Para. 4.1.7.**

"Continuous rated power" is to be replaced by "net engine power", according to one expert. This is contested by another.

**Para. 4.2.**

The Commission expert has initially suggested a weight limit in order to distinguish between L6/7 and M. A weight limit would be the clearest possible solution to define obligations of the

Contracting Parties. Without the weight limit the manufacturer could choose how to homologate vehicles which could be either M1 or L6/L7. If there is an overlap between M1 and L6,7, it is not clear whether an approval has been given for the vehicle in its capacity as L6,7 or as M1, even though criteria might diverge within the same Regulation. IMMA suggests indicating in the type approval documents for which category the approval has been given. This will require a difference in the communication form. IMMA suggests that this could be dealt with by a general requirement in the horizontal regulation, at least until all the communication forms have been updated.

**The discussion for this issue should be combined with the discussion on 3.2.1.**

**Para. 4.2.1.1.**

It was decided, at the 89<sup>th</sup> GRSG that the portion “having a gross vehicle mass not exceeding 3.5 tonnes and” be deleted. However, such a limitation would facilitate the accurate transposition of GTRs in the future. The weight limit and the number of standees have been introduced into the original proposal in view of the Special Resolution No.1 (S.R.1).

**Para. 4.2.1.2.**

Multi-purpose vehicle: Is "in a single compartment" needed?

**Para. 4.2.4.**

- a) Is there a case in which a vehicle belongs to two classes at the same time? One expert confirms this.
- b) He also wishes to add Class A and B in 4.2.4.(i). However, the reason behind mentioning the classes in this document is to harmonise them. If for each and every Regulation on buses and coaches different classes A and B have to be maintained, it is meaningless to copy them into the Horizontal Regulation. We recommend copying the classes of Regulation 107 into the Horizontal Regulation.
- c) One expert claims that Class II should be abolished.

**Paras. 4.2.4.1 – 4.2.4.3**

One expert wishes to add: “>22 passengers”.

**Para. 4.2.4.4.**

- a) One expert wishes to add: “≤22 passengers”.
- b) The same expert claims that the word “may” should be replaced by “shall”. He says: “In Regulation 107 is stated that these vehicles shall have provisions for standees.” However, the question is whether the provisions for standees are meant to be part of the definition of what a Class B is or whether they are a requirement.

**Para. 4.2.4.5.**

There are some doubts regarding inclusion of the last sentence in the paragraph.

**Para. 4.3.**

As in 4.2., GRSG is likely to wish the deletion of the weight limit that would help establishing a clear-cut distinction with regard to L7.

**Para. 4.4.**

One expert wonders whether category O applies also for trailers towed by agricultural tractors.

**Para. 4.5.**

- a) See the modification in paragraph 3.3.3., suggested to avoid confusion with two types of "special purpose vehicles" as currently used in R.E.3.
- b) One expert wonders whether the list of special purpose vehicles should be exclusive.

**Para. 4.5.1.**

One expert claims that Motor caravans should not be limited to M1.

**Para. 4.5.3.**

One expert suggests adding “and having special equipment for such purpose”.

**Para. 4.5.4.**

- a) One expert claims that it should be stated that a hearse is a vehicle of category M.
- b) If so, the same should be done for ambulance (4.5.3.).

**Para. 4.6.**

Should agricultural and forestry trailers be included in the future?

**Paras. 6.1.1. and 6.1.3.**

- a) One expert suggests replacing the second sentence by: “The version of R.E.3 that was applicable when the separate Regulation or its latest amendment was approved shall be applied.”
- b) Whatever the decision is, it should be clarified that an amendment that does not modify the scope does not change the applicable version of R.E.3.

**Para. 6.1.2.**

We would prefer to establish a reference to the same vehicle (sub-) categories of the latest version of this Regulation.

**Para. 6.1.4.**

- a) “or sub-divisions thereof” = Suggestion of Jasic. Not necessary if IMMA proposal to be accepted.
- b) 2<sup>nd</sup> sentence: Suggestion of IMMA (but "specifications" instead of "reasons"). Not necessary if Jasic proposal to be accepted.

**Paras. 6.1.4., 6.2.1 and 6.2.2.**

One expert suggests replacing “this Regulation” by “the Horizontal Regulation”.

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