

**Comments and editing notes regarding ECE/TRANS/WP.29/GRSG/2006/34**

*Note: Up to paragraph 4.2.1.2. only issues marked in bold will be addressed orally by the expert from the European Commission at the 91st session of GRSG.*

**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. At the request of the 90th GRSG, the chart has been moved into an annex.

**Para. 3.** One expert suggested deleting “interpretation rules” from the title. However, the text does indeed contain interpretation rules. The 90th GRSG rejected the expert’s suggestion.

**Para. 3.1.** As this sub-section also contains interpretation rules, “Definitions used for...” has been deleted.

**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””. The 90th GRSG reinserted “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. The expert from the Commission recommended reviewing the GRSG opinion. As the current 1958 Agreement does not cover track-laying vehicles, the 90<sup>th</sup> GRSG decided not to refer to them prior to a modification of the Agreement itself.
- 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. This suggestion was followed by the 90<sup>th</sup> GRSG.
- d) The 90<sup>th</sup> GRSG accepted the suggested maximum design speed of 6 km/h.
- e) One expert suggests replacing the word “circulation” by “use”. This suggestion was rejected by the 90<sup>th</sup> GRSG.
- 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.” This suggestion was also rejected by the 90<sup>th</sup> GRSG. The current text leads to the same result.
- g) Should trams be excluded specifically? The 90<sup>th</sup> GRSG denied a need for that. Trams circulate on rails, not on the road, as one delegate said.

**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, ...”. This suggestion was also rejected by the 90<sup>th</sup> GRSG. The current text leads to the same result.

**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 harmonize, in the long run, the divergent wording of various Regulations (see footnote).

**Para. 3.1.6.**

- 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.” This suggestion was rejected by the 90<sup>th</sup> GRSG as the Vienna Convention deals with a different context: circulation on the road and not type approval.

**Para. 3.1.7.**

- a) New definition, based on S.R.1.
- b) The 90<sup>th</sup> GRSG decided to take out “able to run on the road” as all vehicles falling under the Horizontal Regulation are able to run on the road.
- c) The proposal from the Hungarian expert (3.1.9. in document GRSG-90-9) was rejected accordingly.

**Para. 3.1.8.**

- a) New definition, based on S.R.1.
- b) As also wished by the Hungarian expert, the 90<sup>th</sup> GRSG deleted the part “other than minor finishing operations such as painting and addition of optional retro-reflecting markings” at the end of the sentence.

**Para. 3.1.9.**

- a) Sentence 1 is new and, if not modified according to d), in line with the future EU 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. The 90<sup>th</sup> GRSG decided to add “or on-road”.
- c) **The Hungarian proposal (3.1.11. in GRSG-90-9) might be partly taken on board in as much as it will be clarified that the crew / operators may be transported as well. See the alternative text after “or”.** It was felt at the 90<sup>th</sup> GRSG that the number of operators should not be specified. See also the **Annex to this informal document**. The original Hungarian proposal reads as follows: Para.3.1.11. Mobile machinery amend to read:

“means a power-driven complete vehicle which is designed and constructed specifically to perform work [...] and which, because of its construction characteristics, is not suitable for carrying more than [2] persons [crew] in addition to the driver or for transporting goods.”

- d) 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, but the 90<sup>th</sup> GRSG decided to keep the sentence.
- e) The 89<sup>th</sup> GRSG decided to delete the word “Auxiliary” at the beginning of sentence 2.
- f) Because of the definition of vehicle in paragraph 3.1.1., non-road mobile machinery is already excluded.
- g) The Commission expert in charge of mobile machinery suggests complementing the second sentence: “Machinery mounted on a motor vehicle chassis shall be considered as goods, not as mobile machinery **with regard to the 1958 Agreement, but might be subject to machinery legislation of Contracting Parties.**”

#### **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 criterion of S.R.1 is:  $N \leq 6$ . According to the initial proposal of the expert of the Commission, 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. However, the 90<sup>th</sup> GRSG felt that the criterion is needed. The expert from the Commission was invited to present a new para that includes this criterion and the third criterion (see c).
- c) In order to have coherence with S.R.1, standing positions could be included. This was not contradicted by the 90<sup>th</sup> GRSG. However, if the 2<sup>nd</sup> criterion ( $N \leq 6$ ) is applied, there is no need to include standing passengers in as much as the 2<sup>nd</sup> sentence of S.R.1, Annex 2, item 1.1.1. excludes standing passengers as well for vehicles of category 1-1 (= M1).
- 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”. Similarly, the 90<sup>th</sup> GRSG asked the expert from the Commission to develop a wording that is close to S.R.1. Experts felt that a clear-cut distinction between all M and N would be best, but some flexibility to be needed in as much as there are exceptional cases for which an ad hoc assessment delivers better results than the application of a rigid formula.**
- g) **The experts discussed without final decision the Hungarian proposal (see GRSG-90-9) to move 3.1.11 to section 4.3. and, accordingly, 3.1.12. to para 4.2.1.1..**
- h) New proposal:  
A motor vehicle is designed and constructed for the carriage of goods if it fulfils the following conditions **while not showing characteristics that call for another classification<sup>1</sup>:**

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<sup>1</sup> E.g.: Luxury coaches for few passengers with a high load capacity, Motor homes etc. might allow a high load but are designed and constructed for the carriage of persons.

- $L = P - (R+S \times 68) > S \times 68$

- $S \leq 6$

- $L \geq 150 \text{ kg}$

where:

P = gross vehicle mass in kg

R = mass in running order in kg

S = number of **seating positions**

**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.**

- 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. The 90<sup>th</sup> GRSG confirmed the word standard (with the exception of the delegate of NL who wished to examine the issue).
- 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. The 90<sup>th</sup> GRSG shared this view.
- 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. This has not been taken up.
- 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 favor of copying the EU system into the Horizontal Regulation.
- 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”.
- On request of the expert from The expert from Hungary (GRSG-90-9), the following sentence has been added by the 90<sup>th</sup> GRSG: “In the case of mobile machinery the machinery shall be considered as ready for operation.”

**Para. 3.2.2.**

- It was suggested replacing “8” by “9”. This suggestion was rejected by the 90<sup>th</sup> GRSG.
- Contrary to directive 93/93/EEC on 2/3 wheel vehicles, the driver is included.
- 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.
- On request of the expert from The expert from Hungary (GRSG-90-9), the following sentence has been added by the 90<sup>th</sup> GRSG: “In the case of mobile machinery the special tools, appliances, working materials etc. if any shall be considered as well as the mass of the crew members (each 75 kg).”

**Para. 3.2.3.**

- 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.
- OICA had initially called for a definition of the maximum laden mass as follows: “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”. During the 90<sup>th</sup> GRSG, OICA withdraw its proposal. **However, the chairman called for an alternative text closer to the S.R.1 text to be presented to the 91<sup>st</sup> GRSG. Such a text could read as follows:** ““Gross vehicle mass” or “maximum mass” of a vehicle means the maximum mass of the

fully laden solo vehicle, based on its construction and design performances, as declared by the manufacturer. This shall be less than or equal to the sum of the maximum axles' (group of axles) capacity.”

- c) **The chairman called also for a text that includes the current 2.5.3. of R.E.3 Annex 7 in view of defining the maximum laden mass of towing vehicles. Such a text was previously contained in 3.3.2. Therefore the text of 3.3.2. has been moved to 3.2.3.**
- d) **Definition of the maximum mass of trailers according to 4.6. of Annex 7 R.E.3. to be defined?**
- e) The proposal made by the Hungarian expert to use only “gross vehicle mass” was rejected.

**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.
- c) Deletion because moved to 3.2.3 on request of the chairman.

**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 the Italian expert. 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.
- d) The 90<sup>th</sup> GRSG decided to replace “power-driven vehicle chassis” by “vehicle”.
- e) **The 90<sup>th</sup> GRSG had a long discussion on the purposes of this clause, but just recommended a new proposal, to be developed together with the expert from The expert from Hungary. Informal discussions on the fringe of the 90<sup>th</sup> GRSG led to a short analysis and proposal resumed in Annex 1 to this informal document that goes into the direction of the Hungarian document GRSG-90-9.**

**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.” This is not needed if 3.2.3. is completed as laid down above.

**Para. 4.1.**

- a) New title with regard to L6, L7, confirmed by the 90<sup>th</sup> GRSG.
- 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) It was agreed at the 90<sup>th</sup> GRSG that in the area of overlapping between M1/N1 and L6/7 the wish of the manufacturer shall decide.
- d) The 90<sup>th</sup> GRSG agreed with the expert from the Commission that, while maintaining the current overlapping between M1/N1 and L6/7 but also with regard to component approvals it should be assured that an approval given on the basis of criteria applicable for L6/7 cannot be misunderstood as an approval given on the basis of criteria applicable for M1/N1 or vice versa. The issue arises when Regulations are applicable to M1/N1 and L6/7 at the same time while applying different criteria. The 90<sup>th</sup> GRSG agreed that these Regulations should be identified across all GRs in order to verify that the marking and the information document assure that no confusion is possible.
- e) The 90<sup>th</sup> GRSG decided not to use "thermic", but "internal combustion" all across 4.1.
- f) The 90<sup>th</sup> GRSG decided: **In order to consider a shift to the vehicle sub-categories used in the EU, the EU definitions for L1 – L7 shall be presented as an alternative in the next version of the document. All experts, above all those from outside the EU, were invited to make up their mind on this issue. These EU-definitions are to be found in Annex 2 to this informal document.**
- g) **During the 90<sup>th</sup> GRSG, the Commission expert suggested an expert meeting in Brussels aiming at the development of future sub-categories based on the first valid concepts from Contracting Parties or stakeholders. Unfortunately, there is no such concept available today. We therefore outline, in Annex 3, a rough concept that allows GRs to develop legislation for all or two major classes of L6 and L7 vehicles if they wish so.**

**Para. 4.1.1.**

- a) 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". This was not confirmed by the 90<sup>th</sup> GRSG.
- c) As the definition under 4.1 goes only up to four wheels, the 90<sup>th</sup> GRSG decided to replace the word "more" by "four".

**Paras. 4.1.6. and 4.1.7**

- a) One expert wishes to add here: with straddling seats only and without cabin.
- b) The 90<sup>th</sup> GRSG decided: "Spark (positive) ignition engines" should be replaced by "internal combustion engines" so as to align the various sub-sections of 4.1.
- c) **Following the suggestion of the expert from the Commission, the 90<sup>th</sup> GRSG recommended the development of a distinction between two classes of L6 and L7: quads and car-like vehicles. Once the first suitable concept is available, the Commission will invite for an expert meeting in Brussels or elsewhere. In the meantime, GRs should be very prudent with regard to an extension of scopes to L6 and L7.**

**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 Hungarian proposal aiming at the addition of “and their baggage” after “passengers” (GRSG-90-9) was rejected.

**Para. 4.2.1.2.**

Following the proposal of the Hungarian expert (GRSG-90-9), the whole section has been deleted.

**End of the part dealt with during the 90<sup>th</sup> GRSG.**

**Para. 4.2.2.**

The expert from Hungary suggests amending to read:

Category M2 vehicle **means an M vehicle** having more than eight passenger **capacity** in addition to the driver and having a gross vehicle mass not exceeding 5 tonnes.

**Para. 4.2.3.**

The expert from Hungary suggests amending to read:

Category M3 vehicle **means an M vehicle** having more than eight passenger **capacity** in addition to the driver and having a gross vehicle mass exceeding 5 tonnes.

**Para. 4.2.4.**

- a) Is there a case in which a vehicle belongs to two classes at the same time? One expert says so.
- 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.
- d) The expert from Hungary suggests renaming the whole paragraph as follows:  
4.2.4 Subcategories of M2 and M3 vehicles

**Paras. 4.2.4.1 – 4.2.4.3**

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

b) The expert from Hungary suggests reconstructing the whole section as follows:

4.2.4 Subcategories of M2 and M3 vehicles

4.2.4.1 Class I. (among M3 vehicles) and Class A (among M2 vehicles)

Vehicles designed and constructed to carry seating and standing passengers, having areas for standees to allow frequent passenger movement.

4.2.4.2 Class II. (among M3 vehicles)

Vehicle designed and constructed principally for the carriage of seated passengers, but allowing the carriage of standing passengers in the gangway and/or in an area which does not exceed the space provided for two double seats.

4.2.4.3 Class III. (among M3 vehicles) and Class B (among M2 vehicles)

Vehicle designed and constructed exclusively for the carriage of seating 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.**

- a) 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.
- b) The expert from Hungary suggests that title be deleted and amended to read: “Category N vehicle” means a vehicle with four or more wheels designed and constructed for the carriage of goods.

**Para 4.3.1.**

- a) The expert from Hungary suggests amending to read:  
Category N1 vehicle means an N vehicle having a gross vehicle mass not exceeding 3.5 tonnes and meeting the following conditions:
  - $L = P - (R+S \times 68) > S \times 68$
  - $S \leq 6$
  - **$L \geq 150$  kg**where:  
P = gross vehicle mass in kg  
R = mass in running order in kg  
S = number of seats

**Para 4.3.2**

The expert from Hungary suggests amending to read:

Category N2 vehicle **means an N vehicle** having a gross vehicle mass exceeding 3,5 tonnes, but not exceeding 12 tonnes.

**Para 4.3.3**

The expert from Hungary suggests to amend to read:

Category N3 vehicle **means an N vehicle** having a gross vehicle mass exceeding 12 tonnes

**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.
- c) The expert from Hungary suggests to delete the title and to amend to read:  
**Category S vehicle** means special purpose vehicle. **This category may** belong either to category M, N or O .... (cont)

**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.**

- a) Should agricultural and forestry trailers be included in the future?
- b) The expert from Hungary suggests to delete the title and to amend to read:  
Category T vehicle **means** agricultural and forestry tractors, power driver vehicles, either wheeled or track-laying ..... (cont)

**Para 4.7**

The expert from Hungary suggests to delete the title and to amend to read:

Category G vehicle **means** off-road vehicle, belonging either to category M or to category N and have to fulfil the requirements of these categories unless it is otherwise stated in a specific Regulation. Symbols M and N may be combined with symbol G. For example, a vehicle of category N1 suited for off-road use may be designed as GN1. A vehicle qualifies as an off-road vehicle if it fulfils the following requirements relevant to the respective category.

**Paras 4.7.1.1, 4.7.1.2, 4.7.1.3**

The expert from Hungary suggests renumbering these paragraphs as 4.7.1., 4.7.2 and 4.7.3

**Para 4.7.1.1**

The expert from Hungary suggests using the same value for the approach, - departure, - and ramp angles, e.g. 25°

**Para 4.7.1.2**

The expert from Hungary suggests giving the geometrical requirements (angles and clearances) for this category too, similarly to the two other categories.

**Para 4.7.2**

The expert from Hungary suggests renumbering it and its subparagraphs – as 4.7.4

**Para 4.7.2.4**

The expert from Hungary suggests: Instead of “incidence angles” use “approach and departure angles”. Reason: if the underrun protective device is not dismountable this specification is meaningless.

**Para 4.7.3**

The expert from Hungary suggests renumbering it – and its subparagraphs – as 4.7.5

**Para 4.7.4**

The expert from Hungary suggests to delete (comes under new para 4.7)

**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”.

**Annex 1: Vehicles of category N and mobile machinery**

1. Objectives

The first objective is to allow N category vehicles which have been built or modified at the back to have equipment for carrying out work of some kind, instead of having goods-carrying capacity, to be treated as N vehicles and not as mobile machinery.

The second objective is to make it clear that an N vehicle which starts as a goods-carrying vehicle, and is then modified in a second step, may continue to be covered by the original type approvals for those aspects of the vehicle that have not been modified such that the type approvals are not valid.

2. Solutions

2.1 The distinction between N vehicles and mobile machinery

"Mobile machinery" means a power-driven vehicle which is specifically designed and constructed to perform work **on or off the road, which is not derived from an N-category vehicle**, and which, because of its construction characteristics, is not suitable for transporting goods or carrying passengers other than any operators/crew.

Explanation: This version specifically excludes vehicles which have been built on the basis of an N-category vehicle.

2.2 Continuation of N-category type approvals

“Approvals issued in the course of multi-stage construction shall be checked once the final vehicle is complete, and shall remain valid unless a component which would affect the validity of the test for the original approval has been altered, in which case a further homologation might be necessary.”

“A vehicle that has received an approval as an N vehicle shall not be reclassified as mobile machinery in the process of multi-stage construction.”

Explanation: The use of a basic N-category vehicle as the basis for a new vehicle, equipped to carry out work, is conceptually the same as using any other component to build a vehicle, e.g. a headlamp.

From this point of view, the final vehicle will have to be assessed as a new type of vehicle and the validity of the type approval certificates issued for the base vehicle will have to be checked. For example, if the maximum mass has not changed, all the regulations for which this parameter

is significant should still be valid. On the other hand, as a “working” vehicle it might be necessary to re-approve the vehicle with respect to the installation of lighting.

## **Annex 2: L subcategories in the EU law**

2. The vehicles referred to in paragraph 1 shall be subdivided into:

(a) mopeds, i.e. two-wheel vehicles (category L1e) or three-wheel vehicles (category L2e) with a maximum design speed of not more than 45 km/h and characterised by:

(i) in the case of the two-wheel type, an engine whose:

— cylinder capacity does not exceed 50 cm<sup>3</sup> in the case of the internal combustion type, or  
— maximum continuous rated power is no more than 4 kW in the case of an electric motor;

(ii) in the case of the three-wheel type, an engine whose:

— cylinder capacity does not exceed 50 cm<sup>3</sup> if of the spark (positive) ignition type, or  
— maximum net power output does not exceed 4 kW in the case of other internal combustion engines, or

— maximum continuous rated power does not exceed 4 kW in the case of an electric motor;

(b) motorcycles, i.e. two-wheel vehicles without a sidecar (category L3e) or with a sidecar (category L4e), fitted with an engine having a cylinder capacity of more than 50 cm<sup>3</sup> if of the internal combustion type and/or having a maximum design speed of more than 45 km/h,

(c) motor tricycles, i.e. vehicles with three symmetrically arranged wheels (category L5e) fitted with an engine having a cylinder capacity of more than 50 cm<sup>3</sup> if of the internal combustion type and/or a maximum design speed of more than 45 km/h.

3. This Directive shall also apply to quadricycles, i.e. motor vehicles with four wheels having the following characteristics:

(a) light quadricycles whose unladen mass is not more than 350 kg (category L6e), not including the mass of the batteries in case of electric vehicles, whose maximum design speed is not more than 45 km/h, and

(i) whose engine cylinder capacity does not exceed 50 cm<sup>3</sup> for spark (positive) ignition engines, or

(ii) whose maximum net power output does not exceed 4 kW in the case of other internal combustion engines, or

(iii) whose maximum continuous rated power does not exceed 4 kW in the case of an electric motor.

These vehicles shall fulfil the technical requirements applicable to three-wheel mopeds of category L2e unless specified differently in any of the separate directives;

(b) quadricycles, other than those referred to in (a), whose unladen mass is not more than 400 kg (category L7e) (550 kg for vehicles intended for carrying goods), not including the mass of batteries in the case of electric vehicles, and whose maximum net engine power does not exceed 15 kW. These vehicles shall be considered to be motor tricycles and shall fulfil the technical requirements applicable to motor tricycles of category L5e unless specified differently in any of the separate Directives.

Please note that the reference mass is different in EU law (Directive 93/93/EEC).

### Annex 3: L6 and L7

During the 90<sup>th</sup> GRSG, the Commission expert suggested an expert meeting in Brussels aiming at the development of future sub-categories based on the first valid concepts from Contracting Parties or stakeholders. Unfortunately, there is no such concept available today. Consequently, the expert of the Commission suggests, for pragmatic reasons, the following approach:

- Defining one class of L6 and L7 in a restrictive way for those vehicles which have characteristics of cars;
- Defining another class of L6 and L7 in a restrictive, but opposite way to cover quads;
- Giving GRs thereby the choice to legislate either for one class or the other, for all L6/L7 or for none of them at all;
- Waiting for future technological development(s) and new Contracting Parties to engage prior to defining further classes.

Vehicles of categories L6 and L7 belong to Class I if they

- have seats
- are horizontally confined by a body,  
(- have a roof or other rollover protection,)
- are steered by a steering wheel,  
(- have foot-throttle control)

Vehicles of categories L6 and L7 belong to Class II if they

- have straddles, but no seats,
- have no body,  
(- have no roof or other rollover protection,)
- are steered by a handlebar,  
(- have a hand-throttle control)

#### Explanatory note:

These classes do not cover the whole area of L6 and L7. The purpose is just to define two relatively clear-cut subtypes. Further, and even overlapping, classes might be developed in the future to cover new technologies or needs of new Contracting Parties.

Of course, there is no obligation to develop legislation for L6 and L7, see the minutes of the last WP.29. GRs are not bound by these classes either: they can also develop other distinctions if they wish to. The overall purpose is just to create standard references for most common types of vehicles.

Contracting Parties opposing quads in general should not be afraid: according to the 1958 Agreement, there is no obligation to admit on the road vehicles of a certain class just because it refers to that class in a specific Regulation. The only obligation deriving from such a reference is that the vehicles cannot be forbidden for reasons covered by the subject matter of the Regulation. Nothing prevents Contracting Parties from forbidding the whole group on their territory. The 1958 Agreement and its Regulations only come into play once a Contracting Party has decided to admit quads.

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