

WP.29 considered this subject at its November 2004 session and agreed that this document should be referred to all its Working Parties for comments and complements (see report TRANS/WP.29/1037, paras. 11 and 73).

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INCOHERENCES BETWEEN THE DEFINITIONS IN THE CONSOLIDATED RESOLUTION OF
THE CONSTRUCTION OF VEHICLES (R.E.3), THE 1968 VIENNA CONVENTION AND
UNECE REGULATIONS

Transmitted by the expert from the European Commission

Problem	Remark / Example
Definitions of R.E.3 are not always legally binding	Many Regulations make no reference to R.E.3; e.g. Regulation No. 48.
No definition of scope (maybe not a problem if fully compensated by Regulations on installation – to be checked)	Most lighting components; as a consequence each contracting party can define the scope by foreseeing the use of the component in the respective national law.
Definition refers to various versions of R.E.3 (1) or Vienna Convention on Road Traffic (2); separate definition diverging from all other definition (3); Reference to two definitions without the same borderline between L1 and L3 (4); it gets even more complicated when amendments to the Regulations are taken into account: It is unclear whether an amendment makes automatically and implicitly reference to a more recent version of R.E.3 or not.	(1) e.g. Regulations Nos. 73, 74, 75, 78, 79, ... 111; (2) e.g. Regulations Nos. 56, 60, 74, 76; imprecise due to definition-options and the frequently used term "power-driven vehicle"; weight limit for L5; (3) e.g. Regulation No. 41 (no 50-ccm-criteria); Regulations Nos. 46 and 48 (> 25 km/h); (4) e.g. Regulation No. 50, para. 2.1.
Lack of harmonized use of the Vienna Convention term "motor vehicle"	Most Regulations (e.g. Nos. 51, 110) use "Motor vehicles" like in the Vienna Convention, thus excluding Tractors. But Regulation No. 4 (Annex 2 and Annex 3) and Regulation No. 1/Rev.4 (Annex 2 at para. 20) don't.
Unclear use of the Vienna Convention term "power driven vehicle"	e.g.: Are agricultural tractors included in Regulation No. 24 or not?
Unsystematic use of the Vienna Convention terms "power-driven vehicle" and "motor vehicle"	e.g. Regulations Nos. 98 and 99; maybe all the Regulations on lighting (except installation Regulation).
Contradictory definitions of scope	See Regulation No. 96 (for agricultural tractors) referring to Regulation No. 49 (not mentioning these) as an alternative.

Ambiguous definitions. Like tyres "designed mainly, but not only for..."; "designed primarily, but not only, for..."	e.g. strict application of Regulations Nos. 30, 54, 75; excludes components "designed only for ..."; the relevant criteria must be the use, but not the intention of the manufacturer when designing the product.
Scope gives options to the contracting parties like "motor cycles and vehicles treated as such"	e.g. Regulations Nos. 50, 56, 57, 72, 82
Mixing of scope definitions and requirements by cross-references, making it unclear as to which Regulations applies	Regulation No. 17 making reference to Regulation No. 80, the latter making reference to only one paragraph of Regulation No. 17; Regulation No. 80 making reference to para. 7.4. of Regulation No. 14 for definition of scope whereas Regulation No. 14 makes only reference to Regulation No. 80 for an individual requirement.
Dynamic definition references	Regulation No. 4 to Regulation No. 48
Other cases of scope uncertainty	Many Regulations, e.g. with respect to the inclusion of MG and NG vehicles;
Useless and misleading specifications of M1 vehicles in paragraph 8.1. of R.E.3	See Multi-purpose vehicles: 1. double negation 2. What about 7 seats?
L-vehicle definition excludes 4-wheelers; no L6/7	See R.E.3
Risk of country code updating in individual legal acts being incomplete	
No clear limit between M and L vehicles; except R.E.5: all 4-wheelers are M	How about L5/6/7 beyond 400/550kg? L6/7 will be covered by UNECE 1958 soon; many other Regulations apply to 4-wheelers. Do they apply to L6/7 at the same time? New light eco-vehicles with bodywork underway?
