

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

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 of 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 (WP.29-134-22) called “Annex 1” which was sent to WP.29 in November 2004, in order to explain our concerns, and was sent to all the GR’s on behalf of WP.29 (GRE-54-2). The Commission services were then invited to present more detailed preparatory work to the GR’s. The process was started with a document which considers those Regulations covered by GRPE, followed by one for Regulations covered by GRRF and one for Regulations covered by GRB, whereas the present document makes a series of suggestions for Regulations covered by GRE.

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 (WP.29-135-18).

General remarks for Regulations covered by GRE

Like many other Regulations, the ones covered by GRE do not always have a very precise scope. In the case of GRE, it could be argued that this does no harm as long as the Regulations on the installation are precise enough to avoid all risk of misunderstanding. However, we take the view that this is not the case. To avoid misunderstanding, the Regulations on lighting would have to duplicate almost all technical specifications laid down in the various Regulations on lights. But apparently, this is not the case.

Further, we take the view that, as a general rule, lighting devices intended for vehicles of categories M and N are suitable for all categories of, but that vehicles of categories L and T due to their size, electrical capacity or speed could, as an alternative be fitted with lower performing devices, which may be specified either as derogations within a regulation (e.g. Regulation No. 1) or as a separate regulation (e.g. Regulation No. 50). Consideration needs to be given to whether mobile machinery should be included in the scope of each of the regulations, as mobile machinery is defined in the proposed Horizontal Regulation.

Whatever the opinion of GRE will be on this question, it should be dealt with at the very beginning. If GRE was to take the view that only Regulations on the installation of lighting are to be precise in their scope, the work to do would shrink to 1/10. In order to avoid an over-investment from our side, the European Commission services limited, at this point in time, their analysis to Regulation No. 1-50, but included all Regulations on installation.

I. Regulation No. 1 – Headlamps (Asymmetric):

1. There is no definition of the scope.
2. The title refers to 'motor vehicles', which according to the Vienna Convention would cover vehicles of categories M, N and L. However, Annex 4 to this Regulation relates to agricultural tractors, permitting reduced intensities.
3. Therefore, vehicles of category T should be specifically covered, by replacing “motor vehicle” by “power-driven vehicle” in the title and by inserting a new subsection , as follows:

“Scope

This Regulation applies to headlamps for vehicles of categories L, M, N, and T.”

II. Regulation No. 3 – Retro-reflecting devices:

1. The title refers to ‘power-driven vehicles and their trailers’, whereas the scope refers to ‘road vehicles’, which is a term not defined in either R.E.3, or the Vienna Convention.
2. Therefore, we suggest amending the ‘Scope’ to align with the title and to use recognised definitions for vehicle categories, as follows:

“This Regulation applies to retro-reflecting devices 1/ for vehicles of categories L, M, N, O, and T.”

III. Regulation No. 4 – Rear registration plate lamps:

1. There is no definition of the scope.
2. The title refers to 'motor vehicles (except motorcycles)', which excludes agricultural tractors, according to the definition in the Vienna Convention. However, there are provisions in the Regulation that specifically relate to agricultural and forestry tractors.
3. L category vehicles are clearly not covered, but could be, as the performance requirements in this Regulation exceed those in Regulation No. 50, which specifically apply to motorcycles.
4. Therefore, in the title “motor vehicles (except motor cycles)” should be replaced by “power-driven vehicles”, and a new subsection should be inserted, as follows:

“Scope

This Regulation applies to rear registration plate lamps for vehicles of categories L, M, N, O, and T.”

IV. Regulation No. 5 – Headlamps (Sealed-beam - asymmetric):

1. There is no definition of the scope.
2. We regard L vehicles as covered under the current text as they are “motor vehicles” (see title), but this might be debated.
3. Whereas the title only covers 'motor vehicles', Annex 1 relates to agricultural and forestry tractors, permitting reduced intensities.
4. It should be made clear that vehicles of categories L and T are covered, by replacing “motor vehicle” by “power-driven vehicle” in the title, and by inserting a new subsection, as follows:

“Scope

This Regulation applies to headlamps for vehicles of categories L, M, N, and T.”

V. Regulation No. 6 – Direction indicators:

1. There is no definition of the scope.
2. The title covers 'motor vehicles', which we regard as including L category vehicles. Further, we consider that the provisions include types of direction indicators that are suitable for agricultural tractors.
3. Therefore, vehicles of categories L and T should be specifically covered, by replacing “motor vehicles” by “power-driven vehicles” in the title, and by inserting a new subsection, as follows:

“Scope

This Regulation applies to direction indicators for vehicles of categories L, M, N, O, and T.”

VI. Regulations No. 7 – Position lamps, etc.:

1. There is no definition of the scope.
2. The title only refers to 'motor vehicles (except motorcycles)', however the types of lamps covered by this Regulation are also suitable to vehicles of category T. In addition, L category vehicles should be included, rather than excluded.
3. Therefore, in the title “motor vehicles (except motor cycles)” should be replaced by “power-driven vehicles”, and a new subsection should be inserted, as follows:

“Scope

This Regulation applies to front and rear position lamps, and stop lamps for vehicles of categories L, M, N, O and T., and to end outline marker lamps for vehicles of categories M, N, O and T.”

VII. Regulation No. 8 – Headlamps (Halogen – asymmetric):

1. The term ‘motor vehicle’ includes vehicles of category L, according to the Vienna Convention.
2. Vehicles of category T should also be covered.
3. Therefore, in the title “motor vehicle” should be replaced by “power-driven vehicle”, and the “Scope” should be amended to read:
“Scope
This Regulation applies to headlamps for vehicles of categories L, M, N, and T.”

VIII. Regulation No. 19 – Front fog lamps:

1. Although the Vienna Convention defines ‘motor vehicles’ as including vehicles of category L, this is not always the interpretation applied. Therefore, this point should be clarified within the scope by specifying the vehicle types.
2. There is no particular reason why front fog lamps conforming to this Regulation should not be suitable for fitting to vehicles of category T.
3. Therefore, in the title “motor vehicle” should be replaced by “power-driven vehicle”, and the “Scope” should be amended to read:
“Scope
This Regulation applies to front fog lamps for vehicles of categories L, M, N, [and T].”

IX. Regulation No. 20 – Headlamps (Halogen – asymmetric):

1. We are of the opinion that vehicles of category L are included within the scope of this Regulation, as they are included in the term ‘motor vehicle’, according to the Vienna Convention.
2. Vehicles of category T should also be covered.
3. Therefore, in the title “motor vehicle” should be replaced by “power-driven vehicle”, and the “Scope” should be amended to read:
“Scope
This Regulation applies to headlamps for vehicles of categories L, M, N, and T.”

X. Regulation No. 23 – Reversing lamps:

1. There is no definition of the scope.
2. We are of the opinion that vehicles of categories L and T are included, as they are covered by the definition of ‘power-driven vehicles’ in the Vienna Convention. However, consideration needs to be given as to whether the provisions should apply to all vehicles of category L, or only to L5-L7.

3. Therefore, we recommend, for purposes of clarity, inserting a new subsection:
“Scope
This Regulation applies to reversing lamps for vehicles of categories [L]/[L5, L6, L7],
M, N, O, and T.”

XI. Regulation No. 31 – Headlamps (Halogen– sealed-beam –asymmetric):

1. We believe that vehicles of category L are included within the scope of this Regulation, as the term ‘motor vehicle’ includes them, according to the Vienna Convention.
2. Vehicles of category T should also be covered.
3. Therefore, in the title “motor vehicle” should be replaced by “power-driven vehicle”, and the “Scope” should be amended to read:
“Scope
This Regulation applies to headlamps for vehicles of categories L, M, N, and T.”

XII. Regulation No. 37 – Filament lamps:

1. The current scope is unusual, in that it refers to the technical requirements (i.e. to Annex 1).
2. Therefore, we recommend redrafting the “Scope” to read:
“Scope
This Regulation applies to filament lamps for use in lamp units for vehicles of categories L, M, N, O, and T.”

XIII. Regulation No. 38 – Rear fog lamps:

1. There is no definition of the scope.
2. Therefore, for clarification, we recommend inserting a new subsection:
“Scope
This Regulation applies to rear fog lamps for vehicles of categories L, M, N, O, and T.”

XIV. Regulation No. 45 – Headlamp cleaners:

1. The current scope does not define the vehicle categories for which Reg. 45 is applicable.
2. The footnote to the scope should be deleted. Contracting Parties should not be able to refuse vehicles with regard to their headlamp cleaners if the vehicle has a valid approval to this Regulation. If this ‘exemption’ is to be retained, it should not be as a footnote to the scope.

3. For clarification, we recommend replacing the current text by:
 - “1. SCOPE
This regulation applies to:
 - 1.1. headlamp cleaners for vehicles of categories L, M, N, and T; and
 - 1.2. vehicles of categories L, M, N, and T, with regard to their headlamp cleaners.”

XV. Regulation No. 48 – Installation (4-wheelers):

1. The current scope is lengthy and could be interpreted as including vehicles of categories L6 and L7.
2. Consideration needs to be given to how vehicles of categories L6 and L7 should be incorporated into the UN Regulations. Are they to be included in R48 because they are 4-wheeled vehicles, or should they be included in R53 and R74 because of their relatively small size?
3. Reference to the maximum design speed exceeding 25 km/h does not need to be included, as this will be addressed by the common definitions of vehicle categories in the Horizontal Regulation.
4. Therefore, to clarify, the text of the existing scope on this, and other points, we recommend replacing it by:

“Scope
This Regulation applies to vehicles of categories [L6, L7,] M, N, and O with regard to the installation of lighting and light-signalling devices.”

XVI. Regulation No. 50 – Position lamps, etc. (Motorcycles):

1. The current scope is lengthy, but correct. Only in order to follow the imprecise formula “vehicles treated as such”.
2. Therefore, for clarification, we recommend replacing the current text by:

“Scope
This Regulation applies to front position lamps, rear position lamps, stop lamps, direction indicators, and rear-registration-plate illuminating devices for vehicles of category L.”

XVII. Regulation No. 53 – Installation (L3):

1. The current scope is lengthy, but correct.
2. However, in order to the definition of referring to specific vehicle categories in the scope, we recommend replacing the current text by:

“Scope
This Regulation applies to vehicles of category L3, with regard to the installation of lighting and light-signalling devices.”

XIX. Regulation No. 74 – Installation (L1):

1. The title refers to vehicles of category L1.
2. The scope refers to the definition of “mopeds” by the Vienna Convention, which gives contracting parties the option to exclude some vehicles from being considered as mopeds.
3. We are of the opinion that the scope needs to be clarified to align with the title and to ensure consistent application of the requirement, not dependent upon the contracting parties’ interpretation of what a ‘moped’ is.
4. Therefore, we recommend replacing the current text of the ‘Scope’ by:

“Scope

This Regulation applies to vehicles of category L1, with regard to the installation of lighting and light-signalling devices.”

XIX. Regulation No. 86: – Installation (Agricultural tractors):

1. The current scope is correct.
2. However, in order to follow the general policy of referring to specific vehicle categories in the scope, we recommend replacing the current text by:

“Scope

This Regulation applies to vehicles of category T with regard to the installation of lighting and light-signalling devices.”

XX. Regulations covered by GRE, but still to be considered:

Regulation No. 10 – Electro-magnetic compatibility:

Regulation No. 56 – Headlamps (Mopeds):

Regulation No. 57 – Headlamps (Motorcycles):

Regulation No. 65 – Special warning lamps:

Regulation No. 69 – Rear marking plates (Slow vehicles):

Regulation No. 70 – Rear marking plates (Long vehicles):

Regulation No. 72 – Headlamps (Motorcycles – halogen - asymmetric):

Regulation No. 76 – Headlamps (Mopeds):

Regulation No. 77 – Parking lamps:

Regulation No. 82 – Headlamps (Mopeds - halogen):

Regulation No. 87 – Daytime running lamps:

Regulation No. 88 – Retro-reflective tyres:

Regulation No. 91 – Side-marker lamps:

Regulation No. 98 – Headlamps (Gas discharge):

Regulation No. 99 – Light sources (Gas discharge):

Regulation No. 104 – Retro-reflective markings:

Regulation No. 112 – Headlamps (Asymmetric):

Regulation No. 113 – Headlamps (Symmetric):
