

Informal note to the attention of WP.29: Amendments to S.R.1

(Transmitted by the European Community)

As announced during the meeting of WP.29 in November 2004, the European Commission services have, after approval of the draft S.R.1 by GRSG, detected a list of discrepancies between the draft S.R.1 and current vehicle definitions under the 1958 Agreement. The European Community could therefore not vote in favour of the original draft during WP.29 in March 2005. In view of avoiding problems of transposition and obstacles to the adoption of future GTRs without reopening the debate on details, the European Commission suggests two minor modifications:

1. Section 2.2 should be modified.

- 1.1 The current text obliges, for the transposition of GTRs, the use of the vehicle categories of S.R.1. National or regional vehicle categories can only be used "for subcategories, within the categories specified in this resolution". As a consequence, e.g. the transposition of the first GTR by the U.S. (as presented in Federal Register Vol. 69, No. 240, 75031, §571.206, S2) would be in conflict with the vehicle categories of the current draft of S.R.1: The U.S. use their domestic vehicle categories "passenger cars", "multipurpose vehicles" and "trucks" instead of the vehicle categories of S.R.1. A strict implementation of S.R.1. would have obliged the U.S. to introduce the vehicle categories "category 1 vehicle", "category 1-1 vehicle" and "category 2 vehicle" into their home legislation. National categories are only allowed as subcategories to these categories.

We believe, however, that a contracting party like the U.S. should be allowed to transpose a GTR for what they call "passenger cars", and the EU should be allowed to transpose it for vehicles of "category M1". Therefore Section 2.2 of S.R.1 should be reformulated in a way that gives contracting parties slightly more flexibility.

- 1.2 Contrary to what has been put forward from time to time, there are many discrepancies between the vehicle categories of the 1958 Agreement and S.R.1. Without a flexibility clause, the above problems could arise for each of them. E.g. light quadricycles do not belong to category 3, but to category 1 or category 2 vehicles (assignment would depend on the illogical criterion of Annex 2 Para 1.3.1). If contracting parties who admit light quadricycles on the road had to fear that they are obliged to impose future GTRs, intended for cars, buses/coaches and trucks, on light quadricycles, the number of future GTRs adopted by these contracting parties would have to be extremely limited.
- 1.3 The two stumbling blocks are the words "subcategories" and "within" in the text "for subcategories of vehicles, within the categories specified in this resolution". We propose therefore the following:
- “Contracting parties may continue to apply their national or regional definitions and procedures which are equivalent to the categories specified in this resolution and as exceptions to the application of GTRs¹.
- ¹ The scope of the national or regional implementation can thus vary slightly from the scope of the GTR. E.g., contracting parties may implement a GTR for vehicles of category M₁ according to the 1958 Agreement instead of category 1-1 according to S.R.1.”
- 1.4 The footnote is needed to make sure that “equivalent” is understood as meaning that slight variations can be introduced when transposing a GTR into national or regional requirements.

2. Section 4 should be removed.

- 2.1 First, it is open to interpretation and a source of uncertainty what the 'more stringent' criterion is. The degree of stringency of the GTR should be stated by the GTRs. Otherwise, Contracting Parties and industry might have diverging views on the stringency of requirements. A very divergent administrative practice would be the consequence, in particular when requirements change over time.
 - 2.2 Secondly, the type approval system would become chaotic and would not be manageable anymore if type approval numbers are systematically used across vehicle categories. We seek to limit the complexity. We do so also in line with our wish to respect international obligations.
 - 2.3 Thirdly, the application of Regulations should, as a rule, follow objective criteria and should not depend on the wishes of car manufacturers.
 - 2.4 Finally, it seems to us that Section 4 is inappropriate in the present context, as it introduces an element of policy making and thus does not belong in a document on vehicle definitions.
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