



**Economic and Social  
Council**

Distr.  
GENERAL

TRANS/WP.29/GRSG/2005/15  
29 July 2005

Original: ENGLISH  
ENGLISH AND FRENCH ONLY

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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

World Forum for Harmonization of Vehicle Regulations (WP.29)

Working Party on General Safety Provisions (GRSG)  
(Eighty-ninth session, 11-14 October 2005,  
agenda item 4.2.)

**PROPOSAL FOR A NEW DRAFT HORIZONTAL REGULATION ON COUNTRY CODES,  
VEHICLE CATEGORIES, DEFINITIONS AND SCOPES**

Transmitted by the expert from the European Commission (EC)

Note: The text reproduced below was transmitted by the expert from the European Commission (EC) in order to improve the management of the Regulations annexed to the 1958 Agreement. It is based on the text of a document without a symbol (informal document No. GRSG-88-5), distributed at the eighty-eighth GRSG session. Comments to several paragraphs are included in order to facilitate discussions. Essential issues and modifications to the content of the Consolidated Resolution on the Construction of Vehicles (R.E.3), Annex 7 and issues to be discussed are marked in **bold** characters.

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Note: This document is distributed to the experts on General Safety Provisions only.

## A. PROPOSAL

### HORIZONTAL REGULATION ON COUNTRY CODES, VEHICLE CATEGORIES, DEFINITIONS AND SCOPES

#### 1. SCOPE

This Regulation covers country codes, definitions and scopes of Regulations under the Revised 1958 Agreement.

#### 2. COUNTRY CODES

Country codes for type approvals, marks and communication forms are as follows:

1 for Germany, 2 for France, 3 for Italy, 4 for the Netherlands, 5 for Sweden, 6 for Belgium, 7 for Hungary, 8 for the Czech Republic, 9 for Spain, 10 for Serbia and Montenegro, 11 for the United Kingdom, 12 for Austria, 13 for Luxembourg, 14 for Switzerland, 15 (vacant), 16 for Norway, 17 for Finland, 18 for Denmark, 19 for Romania, 20 for Poland, 21 for Portugal, 22 for the Russian Federation, 23 for Greece, 24 for Ireland, 25 for Croatia, 26 for Slovenia, 27 for Slovakia, 28 for Belarus, 29 for Estonia, 30 (vacant), 31 for Bosnia and Herzegovina, 32 for Latvia, 33 (vacant), 34 for Bulgaria, 35 (vacant), 36 for Lithuania, 37 for Turkey, 38 (vacant), 39 for Azerbaijan, 40 for The former Yugoslav Republic of Macedonia, 41 (vacant), 42 for the European Community (Approvals are granted by its Member States using their respective ECE symbol), 43 for Japan, 44 (vacant), 45 for Australia, 46 for Ukraine, 47 for South Africa, 48 for New Zealand, 49 for Cyprus, 50 for Malta and 51 for the Republic of Korea.

#### 3. DEFINITIONS AND INTERPRETATION RULES WITH REGARD TO VEHICLE CATEGORIES AND MASSES

##### 3.1. Definitions used for vehicle categories

3.1.1. "Vehicle" or "Road vehicle" means any wheeled or track-laying object [**with a maximum design speed of more than [6] km/h**] intended for circulation on the road that is either self-propelled or towed by a self-propelled object.

3.1.2. "Power-driven vehicle" means any self-propelled vehicle.

3.1.3. "Motor vehicle" means a power-driven vehicle, being complete or incomplete, [**with a maximum design speed exceeding [25] km/h**], except agricultural and forestry tractors (see para. 4.6.) and mobile machinery (see para. 3.1.11.).

3.1.4. "Trailer" means any non-self propelled vehicle, which is designed and constructed to be towed by a power-driven vehicle.

3.1.5. **(Vehicle definition of the Special Resolution No.1 (S.R.1) is not included).**

- 3.1.6. "Towing vehicle"<sup>1/</sup> means any self-propelled vehicle the principle purpose of which is to tow a trailer.
- 3.1.7. "Vehicle combination" means any ensemble constituted by a power-driven vehicle coupled to one or more trailer(s).
- 3.1.8. (Vehicle definition of the S.R.1 is not included).**
- 3.1.9. "Incomplete vehicle" means any vehicle able to run on the road, which requires **completion** of at least one further stage of **construction** before being ready for the purpose for which it has been designed and constructed.
- 3.1.10. "Complete vehicle" means any vehicle which does not require further construction stages in order to be fit for the purpose for which it has been designed and constructed, other than minor finishing operations such as painting and addition of retro-reflecting markings.
- 3.1.11. "Mobile machinery" means a power-driven vehicle which is designed and constructed specifically to perform work [...] and which, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods. **Auxiliary** machinery mounted on a motor vehicle chassis shall be considered **as goods**, not as mobile machinery.
- 3.1.12. "Seating position" means any individual seat or any part of a bench seat intended to seat one person. If there is a seat anchorage point available for a removable seat, it shall be counted in the determination of the number of seating positions and of the mass.
- 3.1.13. **A vehicle is designed and constructed for the carriage of goods if the following conditions are met:**
- $$P - (R + S \times 68) > S \times 68, \quad \text{and} \quad S \leq 6 \quad \text{where}$$
- P = gross vehicle mass in kg  
R = mass in running order in kg  
S = number of simultaneous seating and standing positions excluding the driver
- 3.1.14. **If a vehicle does not qualify as a vehicle used for the carriage of goods (see para. 3.1.13.), it is deemed to be designed and constructed for the carriage of passengers.**
- 3.2. Definitions used for vehicle masses**

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<sup>1/</sup> Towing vehicles are called "tractors", "truck tractors", "tractor units" or "tractive units" in some of the Regulations.

- 3.2.1. "Unladen vehicle mass" means the nominal mass of the vehicle [**type and version**] as indicated by the manufacturer(s) including all factory fitted [**standard**] equipment for normal operation of that vehicle [**type and version**] (e.g. fire extinguisher, tools, spare wheel), plus coolant, oils, 90 per cent of fuel and 100 per cent of other gas or liquids, as specified by the manufacturer, with the exception of used water.
- 3.2.2. "Mass of a vehicle in running order" means the unladen vehicle mass with the addition of a driver (75 kg) and, for vehicles designed and constructed for the carriage of more than 8 persons (in addition to the driver), the mass of a crew member (75 kg), if there is a crew seat amongst the 8 or more seats.
- 3.2.3. "Gross vehicle mass" or "maximum mass" means the technically permissible maximum laden mass as declared by the manufacturer.
- 3.3. Interpretation rules with regard to masses
- 3.3.1. ~~All masses refer to kilogram (kg).~~  
Equipment not counted under paragraph 3.2.1 is deemed to be load.
- 3.3.2. In the case of a towing vehicle designed and constructed to be coupled to a semitrailer (see. para. 4.4.5.1.), the mass to be considered for classifying the towing vehicle is the mass of the towing vehicle in running order, increased by the mass corresponding to the maximum static vertical load transferred to the towing vehicle by the semitrailer and, where applicable, by the maximum mass of the towing vehicle's own load.
- 3.3.3. **The equipment and installations carried on a power-driven vehicle chassis (of crane vehicles, workshop vehicles, publicity vehicles, etc.) are regarded as being equivalent to goods.**
- 3.3.4. All mass indications of an incomplete vehicle shall be corrected at each stage of completion.
4. CLASSIFICATION OF POWER-DRIVEN VEHICLES AND TRAILERS
- 4.1. Category L – light motor vehicles
- "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.

4.1.1. Category L1:

A two-wheeled vehicle having an engine cylinder capacity, in the case of an internal combustion engine, not exceeding 50 cm<sup>3</sup> (see para. 6.3.) and, whatever the means of propulsion, a maximum design speed not exceeding 50 km/h.

4.1.2. Category L2:

A three-wheeled vehicle of any wheel arrangement with an engine cylinder capacity, in the case of an internal combustion engine, not exceeding 50 cm<sup>3</sup> (see para. 6.3.) and, whatever the means of propulsion, a maximum design speed not exceeding 50 km/h.

4.1.3. Category L3:

A two-wheeled vehicle having an engine cylinder capacity, in the case of an internal combustion engine, exceeding 50 cm<sup>3</sup> (see para. 6.3.) or, whatever the means of propulsion, a maximum design speed exceeding 50 km/h.

4.1.4. Category L4:

A vehicle with three **or more** wheels asymmetrically arranged in relation to the longitudinal median plane with an engine cylinder capacity, in the case of an internal combustion engine, exceeding 50 cm<sup>3</sup> (see para. 6.3.) or, whatever the means of propulsion, a maximum design speed exceeding 50 km/h.

4.1.5. Category L5:

A vehicle with three wheels symmetrically arranged in relation to the longitudinal median plane with an engine cylinder capacity in the case of an internal combustion engine exceeding 50 cm<sup>3</sup> (see para. 6.3.) or, whatever the means of propulsion, a maximum design speed exceeding 50 km/h.

4.1.6. Category L6:

A vehicle with four wheels whose unladen mass is not more than 350 kg, not including the mass of the batteries in the case of electric vehicles, whose maximum design speed is not more than 50 km/h, and whose engine cylinder capacity does not exceed 50 cm<sup>3</sup> (see para. 6.3.) for spark (positive) ignition engines, or whose continuous rated power does not exceed 4 kW in the case of electric **motors**.

4.1.7. Category L7:

A vehicle with four wheels, other than that classified for the category L4 or L6, whose unladen mass is not more than 400 kg (550 kg for vehicles intended for carrying

goods), not including the mass of the batteries in the case of electric vehicles, and whose maximum continuous rated power does not exceed 15 kW (see para. 6.3.).~~in the case of internal combustion engines, or whose maximum continuous rated power does not exceed 15 kW in the case of electric vehicles.~~

4.2. Category M - motor vehicles having at least four wheels for the carriage of passengers

"Category M vehicle" means a motor vehicle with four or more wheels designed and constructed for the carriage of passengers (see para. 3.1.14.) having an unladen vehicle mass of more than 400 kg (not including the mass of the batteries in case of electric vehicles) or an engine power higher than 15 kW.

4.2.1. Category M1:

4.2.1.1. Vehicles **having a gross vehicle mass not exceeding 3.5 tonnes** and comprising not more than eight seats in addition to the driver's seat and without space for standing passengers.

4.2.1.2. Vehicles of category M1 can belong to:

- AA Saloon:  
ISO 3833:1977, term No. 3.1.1.1., but including also vehicles with more than 4 side windows.
- AB Hatchback:  
Saloon (AA) with a hatch at the rear end of the vehicle.
- AC Station Wagon (Estate car):  
ISO 3833:1977, term No. 3.1.1.4.
- AD Coupé:  
ISO 3833:1977, term No. 3.1.1.5.
- AE Convertible:  
ISO 3833:1977, term No. 3.1.1.6.
- AF Multi-purpose vehicle:  
Motor vehicle other than those mentioned in AA to AC intended for carrying passengers and their luggage or goods, in a single compartment.

4.2.2. Category M2:

Vehicles comprising more than eight seats in addition to the driver's seat, and having a gross vehicle mass not exceeding 5 tonnes.

4.2.3. Category M3:

Vehicles comprising more than eight seats in addition to the driver's seat, and having a gross vehicle mass exceeding 5 tonnes.

4.2.4. Vehicles of category M2 and M3 belong to:

(i) one ~~or more~~ of the three classes (Class I, Class II, Class III) in accordance with Regulations Nos. 36 and 107.

(ii) one of the two classes (Class A, Class B) in accordance with Regulation No. 52.

4.2.4.1. Class I:

Vehicles designed and constructed with areas for standing passengers, to allow frequent passenger movement.

4.2.4.2. Class II:

Vehicles designed and constructed principally for the carriage of seated passengers, and designed and constructed to allow 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:

Vehicles designed and constructed exclusively for the carriage of seated passengers.

4.2.4.4. Class A:

Vehicles designed and constructed to carry standing passengers; a vehicle of this class has seats and may have provisions for standing passengers.

4.2.4.5. Class B:

Vehicles not designed and constructed to carry standing passengers; a vehicle of this class has no provision for standing passengers.

4.3. Category N - power-driven vehicles having at least four wheels for the carriage of goods

"Category N vehicle" means a motor vehicle with four or more wheels designed and constructed for the carriage of goods (see para. 3.1.13.) having an unladen vehicle mass of more than 550 kg (not including the mass of the batteries in case of electric vehicles) or an engine power higher than 15 kW.

4.3.1. Category N1:

Vehicles having a gross vehicle mass not exceeding 3.5 tonnes.

4.3.2. Category N2:

Vehicles having a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes.

4.3.3. Category N3:

Vehicles having a gross vehicle mass exceeding 12 tonnes.

4.4. Category O - trailers (including semitrailers)

4.4.1. Category O1:

Trailers with a gross vehicle mass not exceeding 0.75 tonnes.

4.4.2. Category O2:

Trailers with a gross vehicle mass exceeding 0.75 tonnes, but not exceeding 3.5 tonnes.

4.4.3. Category O3:

Trailers with a gross vehicle mass exceeding 3.5 tonnes, but not exceeding 10 tonnes.

4.4.4. Category O4:

Trailers with a gross vehicle mass exceeding 10 tonnes.

4.4.5. Furthermore, trailers of categories O2, O3 and O4 are of one of the three following types:

4.4.5.1. "Semitrailer":

A trailer, in which the axle(s) is (are) positioned behind the centre of gravity of the vehicle (when uniformly loaded), and which is equipped with a connecting device permitting horizontal and vertical forces to be transmitted to the towing vehicle. One or more of the axles may be driven by the towing vehicle.

4.4.5.2. "Full trailer":

A trailer having at least two axles, and equipped with a towing device which can move vertically (in relation to the trailer) and controls the direction of the front axle(s), but which transmits no significant static load to the towing vehicle. One or more of the axles may be driven by the towing vehicle.

4.4.5.3. "Centre-axle trailer":

A trailer, equipped with a towing device which cannot move vertically (in relation to the trailer) and in which the axle(s) is (are) positioned close to the centre of gravity of the vehicle (when uniformly loaded) such that only a small static vertical load, not exceeding 10 per cent of that corresponding to the gross vehicle mass of the trailer or a load of 1,000 daN (whichever is the lesser) is transmitted to the towing vehicle. One or more of the axles may be driven by the towing vehicle.

4.5. Special purpose vehicle

"Special purpose vehicles" belong either to category M, N or O for conveying passengers or goods and have to fulfil the requirements of these categories wherever appropriate. A vehicle qualifies as special purpose vehicle if it fulfils an additional function for which special body arrangements and/or equipment are necessary. The following list is not exclusive.

4.5.1. Motor caravan (SA):

M1 vehicle with accommodation space which contains at least the following rigidly fixed equipment:

- (i) seats and a (possibly removable) table
- (ii) sleeping accommodation which may be converted from the seats
- (iii) cooking facilities, and
- (iv) storage facilities

4.5.2. Armoured vehicle (SB):

Vehicle with anti-bullet armour plating.

4.5.3. Ambulance (SC):

Vehicle for the transport of sick or injured people.

4.5.4. Hearse (SD):

Vehicle for the transport of deceased people.

4.6. Category T - agricultural and forestry tractors

"Agricultural and forestry tractor":

A power-driven vehicle, either wheeled or track-laying, which has at least two-axles, whose function depends essentially on its tractive power, and which is specially designed and constructed to pull, push, carry or actuate certain implements, machines

or trailers intended for use in agriculture or forestry. Such a tractor may be arranged to carry a load and attendants.

#### 4.7. Category G - off-road vehicles

##### 4.7.1. Definition.

"Off-road vehicles" belong 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. A vehicle qualifies as an off-road vehicle if it fulfils the following requirements relevant to the respective category.

##### 4.7.1.1. Vehicles in category N1 with a gross vehicle mass not exceeding 2 tonnes and **all** vehicles in category M1 are considered to be off-road vehicles if they have:

at least one front axle and at least one rear axle designed and constructed to be driven simultaneously, including where the drive to one axle can be disengaged;

at least one differential locking mechanism or at least one mechanism having a similar effect and;

if they can climb a 30 per cent gradient calculated for a solo vehicle.

In addition, they must satisfy a least five of the following six requirements:

- the approach angle must be at least 25°;
- the departure angle must be at least 20°;
- the ramp angle must be at least 20°;
- the ground clearance under the front axle must be at least 180 mm;
- the ground clearance under the rear axle must be at least 180 mm;
- the ground clearance between the axles must be at least 200 mm.

##### 4.7.1.2. Vehicles in category N1 with a gross vehicle mass exceeding 2 tonnes or in category N2, M2 or M3 with a gross vehicle mass not exceeding 12 tonnes are considered to be off-road vehicles either if all their wheels are designed and constructed to be driven simultaneously, including vehicles where the drive to one axle can be disengaged, or if the following three requirements are satisfied:

- at least one front axle and at least one rear axle are designed and constructed to be driven simultaneously, including vehicles where the drive to one axle can be disengaged;
- there is at least one differential locking mechanism or at least one mechanism having a similar effect;
- they can climb a 25 per cent gradient calculated for a solo vehicle.

##### 4.7.1.3. Vehicles in category M3 with a gross vehicle mass exceeding 12 tonnes or in category N3 are considered to be off-road either if the wheels are designed and constructed to

be driven simultaneously, including vehicles where the drive to one axle can be disengaged, or if the following requirements are satisfied:

- at least half the wheels are driven;
- there is at least one differential locking mechanism or at least one mechanism having a similar effect;
- they can climb a 25 per cent gradient calculated for a solo vehicle;
- at least four of the following six requirements are satisfied:
  - the approach angle must be at least 25°;
  - the departure angle must be at least 25°;
  - the ramp angle must be at least 25°;
  - the ground clearance under the front axle must be at least 250 mm;
  - the ground clearance between the axles must be at least 300 mm;
  - the ground clearance under the rear axle must be at least 250 mm.

4.7.2. Load and checking conditions.

4.7.2.1. Vehicles in category N1 with a gross vehicle mass not exceeding two tonnes and vehicles in category M1 must be in running order, namely with coolant fluid, lubricants, fuel, tools, spare-wheel and a driver considered to weigh a standard 75 kilograms.

4.7.2.2. ~~Power driven~~ Motor vehicles other than those referred to in paragraph 4.7.2.1 ~~6.2.1.~~ must be loaded to the technically permissible gross vehicle mass stated by the manufacturer.

4.7.2.3. The ability to climb the required gradients (25 per cent and 30 per cent) is verified by simple calculation. In exceptional cases, however, the technical services may ask for a vehicle of the type concerned to be submitted to it for an actual test.

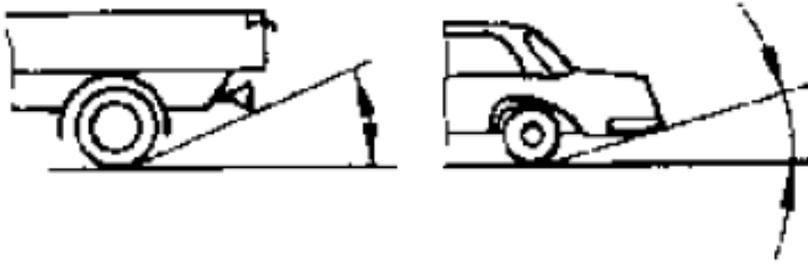
4.7.2.4. When measuring front and rear incidence angles and ramp angles, no account is taken of underrun protective devices.

4.7.3. Definitions and sketches of front and rear incidence angles, ramp angle and ground clearance.

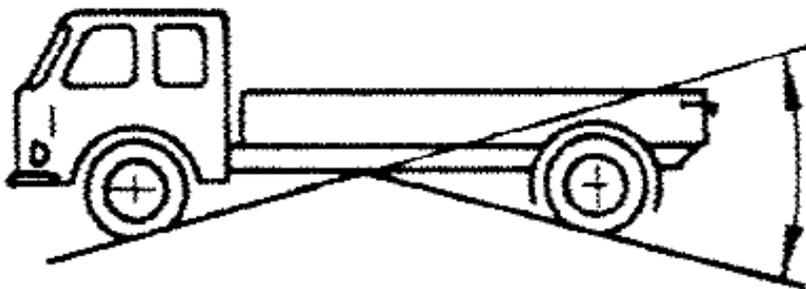
4.7.3.1. "Approach angle" - see ISO 612:1978, term No. 6.10.



4.7.3.2. "Departure angle" - see ISO 612:1978, term No. 6.11.

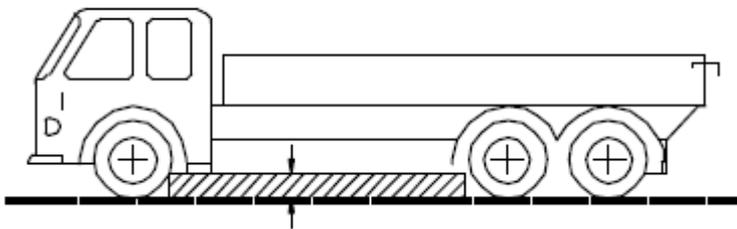


4.7.3.3. "Ramp angle" - see ISO 612:1978, term No. 6.9.

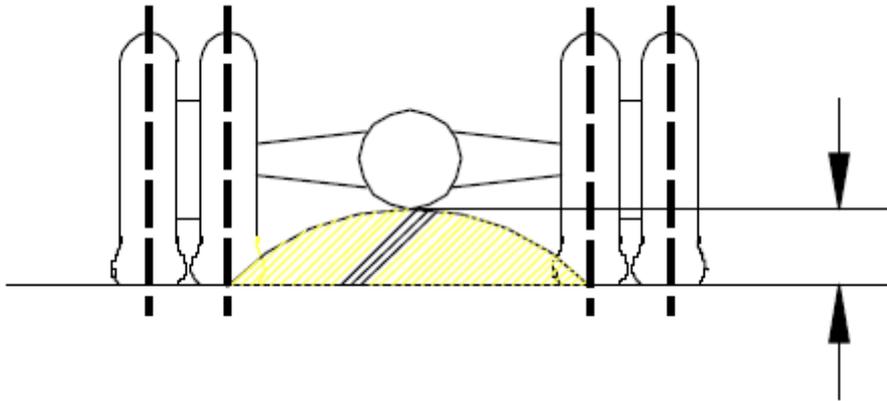


4.7.3.4. "Ground clearance between the axles" means the shortest distance between the ground plane and the lowest fixed point of the vehicle.

Multi-axle bogies are considered to be a single axle.



4.7.3.5. "Ground clearance beneath one axle" means the distance beneath the highest point of the arc of a circle passing through the centre of the tyre footprint of the wheels on one axle (the inner wheels in the case of twin tyres) and touching the lowest fixed point of the vehicle between the wheels. No rigid part of the vehicle may project into the shaded area of the diagram. Where appropriate, the ground clearance of several axles is indicated in accordance with their arrangement, for example 280/250/250.



4.7.4. Combined designation.

Symbols M and N may be combined with symbol G. For example, a vehicle of category N1 which is suited for off-road use may be designated as N1G.

5. OTHER DEFINITIONS

To be developed later.

6. INTERPRETATION RULES

6.1. References to R.E.3 <sup>2/</sup> and to this Regulation

6.1.1. All explicit references to vehicle categories and sub-categories of any version of R.E.3, Annex 7 adopted earlier than this Regulation remain valid. Contracting Parties make sure that their technical services use exactly the version of R.E.3 that was applicable when the Regulation or its amendment was approved.

6.1.2. If a Regulation or an amendment to it has been approved earlier than this Regulation and mentions a certain vehicle category, this will be regarded as a reference to the version of R.E.3, Annex 7 applicable when the Regulation or its amendment was approved unless otherwise specified.

6.1.3. Any Regulation or amendment referring to this Regulation refers to it as last amended unless otherwise specified. If the reference is made to the Horizontal Regulation applicable at a certain date, Contracting Parties will make sure that their technical services use that version.

6.1.4. Future Regulations **and amendments modifying the scope** shall refer to the vehicle categories and sub-categories of this Regulation or sub-divisions thereof exclusively. However, individual regulations may include sub-classifications within these categories and sub-categories of vehicles for technical specifications.

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<sup>2/</sup> Consolidated Resolution on the Construction of Vehicles (R.E.3), document TRANS/WP.29/78/Rev.1 and its amendments from 1 to 4.

6.2. Modifications of categories and sub-categories:

- 6.2.1. When existing vehicle sub-categories (like M1 and N2) are modified by an amendment to this Regulation, type approvals issued before the entry into force of the amendment cover both to the vehicle sub-category as amended and the vehicle sub-category without amendment.
- 6.2.2. Type approvals issued before a new sub-category has been effectively introduced by this Regulation cover the newly introduced sub-categories only if as much as the vehicles of these new sub-categories were formerly covered by other sub-categories of the same category.

**B. JUSTIFICATION**

The text reproduced above was prepared by the experts from the European Commission in order to improve the management of legislation within the framework of the 1958 Agreement. A Horizontal Regulation allows a more systematic shift from one set of vehicle categories to another. In addition, backlogs regarding the updating of Country Codes for each Regulation can be avoided. Finally, a Horizontal Regulation will, in the medium term, permit harmonized and centralized definitions to be used in many regulations. In the future, it might be used for other purposes as well.

How is a new vehicle category, e.g. L6 and L7, put into the 1958 Agreement system today? Firstly, it is introduced into the non-binding resolution R.E.3, Annex 7. But, legally speaking, this is not sufficient to introduce a new vehicle category into any of the Regulations. Contrary to what is normally assumed, each of the Regulations has to refer to this or a later version of R.E.3, Annex 7 before it covers the new vehicle category. After the introduction of L6 and L7 into R.E.3, Annex 7 in March 2005, all Regulations that should cover L6 and L7 have to be amended and must explicitly refer to the new R.E.3, Annex 7 (or even a later version). This cumbersome exercise tends to be neglected, probably because the modification of R.E.3 is deemed to be sufficient for extending the scope of the Regulations to the new vehicle categories (e.g. L6 and L7). The consequence is a "de facto" unclear situation with regard to the scope of Regulations (in our example: covering "vehicles of category L"). Some type-approval authority agents will not check to what version of R.E.3, Annex 7 the applied Regulation refers to. Thus, they will issue type approvals covering L6 and L7 (or assume that a type approval given elsewhere covers L6 and L7) though the applied Regulation has not yet referred to the new R.E.3, Annex 7. Only when the last Regulation has referred to the new R.E.3, Annex 7 (or even a later version), the uncertainty will disappear. The whole process of introduction of a new vehicle category might thus take many years and create a long limbo period.

The situation is even more complicated with regard to vehicle categories or sub-categories that have not been newly introduced but just modified. Whereas in practice only the new R.E.3, Annex 7 vehicle definitions are applied, the old vehicle definitions remain legally valid for those Regulations that have not yet referred to the new version of R.E.3, Annex 7. It is even possible that a set of three or more vehicle definitions co-existing if different Regulations refer to multiple versions of R.E.3, Annex 7 that differs with regard to the same vehicle category.

The only effective remedy against the "de facto" uncertainty and frequent legal misinterpretation is, as suggested in this document, to fix vehicle categories and sub-categories in a cross-cutting

way, thus in a legally binding instrument prevailing even over other Regulations under the 1958 Agreement. Such a legal instrument can be established under the 1958 Agreement as all Regulations are deemed to be annexed to the 1958 Agreement. It is possible either to modify each of the Regulations or to establish a cross-cutting Regulation which would, in fact, be nothing less than a Regulation modifying all others in one stroke. At the end of the day, the Horizontal Regulation would create coherence between the real legal situation and the legal situation assumed by most users of Regulations.

However, first reactions from stakeholders have pointed to a couple of risks with regard to the initial concept of this document. First the question was raised whether a Contracting Party that has adopted the Horizontal Regulation could be overruled in a vote on an amendment to this Regulation. If so, the risk of accepting the Horizontal Regulation might be too high. But if the obligation is established to make such changes by consensus vote, progress might become difficult to achieve. Furthermore, according to others, the consensus vote should not be reintroduced into the 1958 Agreement.

A second concern was raised with regard to the legal feasibility: is it possible, within the 1958 Agreement, to establish a hierarchy of Regulations? The European Commission services take the view that this can be done, and not only by modifying the text of the 1958 Agreement itself but also by Regulations.

The third concern was that difficulties might arise when a Contracting Party withdraws from the Horizontal Regulation. The European Commission services share this concern. The only possible remedy would be to modify the 1958 Agreement in a way that accession to it automatically implies the acceptance of the Horizontal Regulation. Evidently, this would be a very far reaching and cumbersome step.

In this formal document, the European Commission services take the concerns on board by permitting a dynamic reference on a case-by-case basis. The solution provided here would not have all the advantages of the initial concept, but permits a smooth transition to a system in which the particular Regulations will not have to be amended each time a vehicle category or a country code has been modified. In fact, WP.29 will, on the basis of the recommendation of the respective Working Party (GR), be able to refer to the Horizontal Regulation either at a certain point of time or by a dynamic reference. Whereas for country codes such a dynamic reference will certainly be inserted on the next occasion for updating the Regulations, it might take slightly more time to convince Contracting Parties that even a dynamic reference to the vehicle categories can be made without risk and would provide benefits through making up-dating less of an effort.

Whatever solution is to be pursued, the Horizontal Regulation is a good approach. Within a few years, it will make hundreds of individual modifications of vehicle categories and country codes superfluous, thus keeping the 1958 Agreement manageable and giving time to more in-depth work on the real substance of the technical requirements. Its character as a Regulation avoids legal pitfalls of a dynamic reference to a resolution that is not legally binding as such, but is only binding by concrete reference to a specific version of it. At the end of the day, there is no alternative to a Horizontal Regulation, whether it works in a cross-cutting way, as suggested by this document, or just by allowing dynamic references, as suggested here.

## C. COMMENTS

### Ad paragraph 3.1.10.,

Subject to developments of the Working Party on Lighting and Light-Signalling (GRE).

### Ad paragraph 3.1.11.,

Via the definition of vehicle in paragraph 3.1.1., non-road mobile machinery is excluded.

### Ad paragraph 3.1.13.,

The third criteria of S.R.1 leads to a logic circle and has been dropped for this reason. EC experts wonder whether the second criteria should not be dropped as well so as to make a clear distinction between M and N independently from the size of the vehicle and the number of passengers.

If the third second criterion is to be maintained, it has to be modified, e.g. according to a Japanese proposal:  $P - (R + S \times 68) > 150 \text{ kg}$ .

EC experts have, as in S.R.1, included standing positions.

### Ad paragraph 3.3.1.,

Not needed.

### Ad paragraph 3.3.2.,

"Order" instead of "trim", because "running trim" has not been defined yet.

### Ad paragraph 3.3.3.,

EC experts skipped the 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.

### Ad paragraph 4.1.,

New title with regard to L6, L7 and sidecars with two wheels.  
Necessary if L4 is modified as suggested above.

### Ad paragraph 4.1.1.,

Instead of "thermic".

### Ad paragraph 4.1.4.,

Sidecars having more than 1 wheel should be covered as well.

### Ad paragraph 4.1.6.,

Japan wishes to add here: with straddling seats only and without cabin.

### Ad paragraph 4.1.7.,

Japan wishes to add: with straddling seats only and without cabin.

### Ad paragraph 4.2.,

New criteria, necessary to avoid overlapping with L6 and L7.

Ad paragraph 4.2.1.1.,

Added in accordance with Special Resolution No.1 (S.R.1).

Ad paragraph 4.2.1.2.,

There are some doubts regarding text "in a single compartment".

Ad paragraph 4.2.4.,

Is there a case in which a vehicle belongs to two classes at the same time?

Ad paragraph 4.2.4.5.,

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

Ad paragraph 4.3.,

New criteria necessary to avoid overlapping with L7.

Ad paragraph 4.5.,

See the modification in paragraph 3.3.3., suggested to avoid confusion with two types of "special purpose vehicles" as currently in R.E.3.

Ad paragraph 4.6.,

Shall agricultural and forestry trailers be included in the future?

Ad paragraph 4.7.1.1.,

There are some doubts regarding text "calculated for a solo vehicle".

Ad paragraph 4.7.2.2.,

There are some doubts regarding this text and text in R.E.3.

Ad paragraph 6.1.2.,

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

Ad paragraph 6.1.4.,

Suggestion of Jasic. Not necessary if IMMA proposal to be accepted.

Suggestion of IMMA (but "specifications" instead of "reasons"). Not necessary if Jasic proposal to be accepted.

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