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**Economic Commission for Europe****Inland Transport Committee****World Forum for Harmonization of Vehicle Regulations****Working Party on General Safety Provisions****100<sup>th</sup> session**

Geneva, 11–15 April 2011

Item 3(a) of the provisional agenda

**Regulation No. 107 (M<sub>2</sub> and M<sub>3</sub> vehicles) – Proposals for further amendments****Proposal for amendments to Regulation No. 107 (M<sub>2</sub> and M<sub>3</sub> vehicles)****Note by the secretariat \***

The text reproduced below was prepared by the secretariat to delete the reference to Regulation No. 66 made in Regulation No. 107. It is based on ECE/TRANS/WP.29/GRSG/2010/24 and ECE/TRANS/WP.29/GRSG/2009/12. The modifications to the current text of the Regulation are marked in bold for new or strikethrough for deleted characters.

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\*In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para. 106 and ECE/TRANS/2010/8, programme activity 02.4), the World Forum will develop, harmonize and update Regulations in order to enhance the performance of vehicles. The present document is submitted in conformity with that mandate.

## I. Proposal

*Annex 1, Part 1, Appendix 1, items 5.11. and 5.11.1., should be deleted*

*Annex 1, Part 1, Appendix 2, items 5.10. and 5.10.1., should be deleted*

*Annex 1, Part 1, Appendix 3, items 4. and 4.1., should be deleted*

*Annex 1, Part 2, Appendix 1, model of addendum to the type-approval certificate, item 1.12., should be deleted*

*Annex 1, Part 2, Appendix 2, model of addendum to the type-approval certificate, items 1.8. and 1.8.1., should be deleted*

*Annex 1, Part 2, Appendix 3, model of addendum to the type-approval certificate, items 1.4. and 1.4.1., should be deleted*

*Annex 3*

*Paragraph 7.3., amend to read:*

**"7.3. ~~Strength of the superstructure. (reserved)~~"**

*Paragraph 7.3.1., should be deleted*

~~7.3.1. All single deck Class II and III vehicles shall have superstructures which comply with the requirements of Regulation No. 66."~~

## II. Justification

1. This proposal was drafted by the secretariat at the request of the Working Party on General Safety Provisions (GRSG) at its ninety-ninth session (see report ECE/TRANS/WP.29/GRSG/78, para. 7). The purpose is to delete the cross reference to Regulation No. 66 made in Regulation No.107 for the strength of superstructure, since the strength of superstructure is in practice covered by Regulation No. 66 and not by Regulation No. 107.

3. This cross reference raises several practical and legal questions, i.e. the scopes and categories covered by the two regulations are different, the Contracting Parties to the two Regulations may also be different. Furthermore, it is not clear what is meant by "comply with the requirements of Regulation No. 66": Is a type approval necessary or is a test report enough? Which version of Regulation No. 66 shall apply, etc?

4. With the present wording, one can imagine that, a Contracting Party to Regulation No. 107 but not to Regulation No. 66, may not issue a type approval to Regulation No. 107 because it is not in the position to issue an approval to Regulation No. 66 (A Contracting Party may only grant approval for Regulations it has acceded to). In such case, what is the purpose of having two different Regulations?

5. The spirit of the 1958 Agreement is that UNECE Regulation are not mandatory, but only an alternative to national law. The present wording is in contradiction with this spirit. Contracting Parties may always render mandatory UNECE Regulation No. 66 for the whole vehicle type approval by national law but they are not bound to do so by the 1958 Agreement.