

## MINUTES OF THE GRE EXPERT MEETING ON SCOPES

*Transmitted by European Community (EC)*

**18/19 May 2005, Brussels**

Present:

Mme Bonneau	France
M Genone	Italy
M Rovers	Netherlands
Messrs Bowerman & Kohler	European Commission

The Commission presented a draft proposal to amend all the UNECE Regulations that fall within the responsibility of GRE, a total of 38 Regulations. The proposal was divided into 5 Parts grouped together Regulations that addressed similar or related topics.

Part I	Installation	(4 Regulations)
Part II	Signalling Devices	(11 Regulations)
Part III	Road Illumination	(15 Regulations)
Part IV	Miscellaneous - Part 1 (Other EC referenced Regulations)	(4 Regulations)
Part V	Miscellaneous - Part 2 (Non-EC referenced Regulations)	(4 Regulations)

The Commission explained that IMMA were currently reviewing all UNECE Regulations with regard to L1-7 categories of vehicles, and therefore, any proposal for including/ excluding vehicles of these categories in the scopes is subject to amendment by proposals from IMMA, which are expected by the end of June.

However, before the proposal was examined in detail, there was wide ranging discussion on the implications of being specific about scope in the component regulations, particularly with regard to a Contracting Party's ability to apply a Regulation to wider or narrower group of vehicle to those specified in the scope. Concerns were also expressed about the fact that this might make access easier to the EU market for manufacturers from other regions, without an equivalent access being possible in the other direction. Based on those discussions, the following was agreed:

1. When vehicle categories are mentioned in the scope of a component Regulation, a Contracting Party to that Regulation is not obliged to mandate the fitment of those devices to the vehicle categories mentioned.

However, where a Contracting Party to a component Regulation regulates (either permissively or mandatorily) the fitment of such devices to any of the vehicle categories mentioned in the scope, that Contracting Party must at least permit components approved according to that Regulation to be fitted on those vehicles mentioned in the scope and on which the Contracting Party regulates the fitting.

2. The terms currently used to define the scope of component Regulations are mostly "power-driven vehicles" or "motor vehicles"<sup>1</sup>. However, these terms raise a couple of legal questions with regard to their interpretation. As a consequence, it is not clear to Contracting Parties to what extent they have to accept components approved elsewhere. If, for example, national legislation foresees the installation of lamps of type X on vehicles of category L3, the obligation to accept UNECE approved lamps of type X depends on whether terms like "power-driven vehicles" or "motor vehicles" are interpreted as including vehicles of category L3. Thus there is a need for clarification.

3. To cope with the need for clarification, the Contracting Parties might consider two different options that both have pros and cons.

- Option 1 (full liberalisation of the component market): The words "power-driven vehicles" or "motor vehicles" are replaced by the broadest category of vehicles used, e.g. "road vehicles" or just "vehicles" as defined in the draft Horizontal Regulation (HR).

The advantage of Option 1 would be, in addition to the full liberalisation effect, that there is no risk of confusion between the scope of the component Regulation and the installation requirements of national/regional law or installation Regulations. Option 1 would lead to an easily manageable system.

- Option 2 (selective liberalisation of the component market): The words "power-driven vehicles" or "motor vehicles" are replaced by selected vehicles categories according to R.E.3 Annex 7 / the Horizontal Regulation<sup>2</sup> (e.g., M, N2, O3).

The advantage of Option 2 would be that market liberalisation could be developed tailor made, thus taking into account the interest of Contracting Parties which have recently acceded to the 1958 Agreement.

In the two cases, contracting parties may or may not accede to the installation Regulations. The obligation to recognise installation approvals would remain untouched anyway.

With regard to the draft proposal, it was agreed that Option 2 would be the basis for discussion.<sup>3</sup>

4. It was emphasised that: a) there was not obligation for Contracting Parties to permit approved type X lamps on all the vehicles specified in the scope, if they did not have installation requirements for those vehicle categories; and b) there was no prohibition on permitting approved type X lamps on vehicle categories on not specified in the scope.

### Detailed Discussion

Parts 1-3 were discussed in detail, with opinions being given regarding the application of the regulations to L category vehicles with the understanding that IMMA will provide further input with regards to these categories of vehicles. The formal proposals for Parts 1-3 reflect the result of the experts meeting. However, there was insufficient time to discuss the Parts 4 & 5.

---

<sup>1</sup> It was noted that in the French texts, the same term was used for "power-driven vehicle" and "motor vehicle".

<sup>2</sup> The expert from the EC is about to propose a new draft of the HR.

<sup>3</sup> In the meantime, Japan raised concerns with regard to Option 1.

Minutes drafted by: Neil Bowerman Contact person: Manfred Kohler +32-2-2967583
--

**General remarks for Regulations covered by GRE**

Attached are proposals to amend the scopes of all the Regulations that currently fall within the responsibility of GRE. For ease of consideration they have been divided into five groups that address similar or related topic areas.

Part 1	Installation	(4 Regulations)
Part 2	Signalling Devices	(11 Regulations)
Part 3	Road Illumination	(15 Regulations)
Part 4	Miscellaneous 1	(4 Regulations)
Part 5	Miscellaneous 2	(4 Regulations)

When drafting the amendments proposed in the Parts, a general rule has been applied, that lighting devices intended for vehicles of categories M and N are suitable for all categories of vehicles. Whereas, 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 it is proposed that mobile machinery should be defined in the Horizontal Regulation.

Further, the Regulations at the present time only address vehicles of categories L1 and L3, and consideration needs to be given to vehicles of categories L2, L4, L5, L6 and L7. Specifically, careful consideration needs to be given to L6 and L7, as these have only recently been included in R.E.3 and the vehicles that fall into these categories could previously have been interpreted as falling into vehicle categories M and N. IMMA is reviewing the Regulations with regards to all the L categories of vehicles that are not currently addressed and intends to complete the review around the end of May, and will submit there comments subsequently. Therefore, any reference to L category of vehicles should be considered as subject to review pending comments from IMMA.

Contracting Parties to a Regulation are obliged to permit vehicles specified within the scope of that Regulation to be fitted with devices approved to that Regulation. They may not prohibit the fitment of such devices to such vehicles. However, they may permit the fitting of approved devices to vehicles that are not included in the scope of the Regulation for that particular device. Other Contracting Parties, though, are not obliged to accept such vehicles for registration in their territories.

**Additional Comments**

**PART 1**

In order to address vehicles of categories L2, L4, L5, L6 and L7, the scope of the installation regulations would need to be reviewed, as would the technical provision, particularly if these categories of vehicles were to be incorporated into Regulation No. 53 (L3 – 2-wheeled motorcycles) and Regulation No. 74 (L1 – 2-wheeled mopeds). New Regulation(s) may be the more appropriate option. IMMA’s comments are awaited on this point.

## PART 2

In the majority of cases there is no reason why these regulations on light signalling devices should not be applied to all L category vehicles. However, this needs to be confirmed.

## PART 3

A number of Regulations have been superseded by Regulations Nos. 112 and 113. However, as type approval can still be granted to new headlamp types, for replacement purposes, it is perhaps appropriate that consideration be given to these Regulations in order to have a consistent approach. *Proposals have been drafted in italics for Regulations that have been superseded.*

## PART 4

This covers Regulations for devices that are not covered by the first three Parts, but for which there are legal provision within the EU.

## PART 5

This covers Regulations for devices that are not covered by the first three Parts, but for which there are no legal provision for their installation within the EU acquis, or the UNECE Regulations. As installation of these devices is subject to national requirements, special consideration should be given to the benefits/disbenefits to be derived by defining precise scopes.

-----