



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.1/2006/19
5 July 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety (WP.1)

Fiftieth session
Geneva, 7-10 November 2006
Item 4 of the provisional agenda

**AMENDMENTS TO AND IMPLEMENTATION OF THE 1968 CONVENTIONS ON
ROAD TRAFFIC AND ON ROAD SIGNS AND SIGNALS AND THE 1971 EUROPEAN
AGREEMENTS SUPPLEMENTING THEM**

Definitions for mopeds, motorcycles, motor tricycles, quadricycles and light quadricycles

Interim report by the WP.1 Legal Group

Legal Group discussions

This interim report is the most recent discussion paper being considered by the Legal Group and it provides an explanation of the general issues involved. A full document will be prepared for WP.1 to consider.

The Legal Group has now had several in-depth discussions of the issue of how best to define these vehicle types and what kind of consequential amendments would be necessary if any changes are made.

For the time being, the Legal Group is unable to make a clear recommendation on which changes should be made to the Vienna Convention and which should go into the European Agreement supplementing the Convention. This will have to be discussed once all the amendments have been worked out in detail.

1. General comments

1.1 Objectives

The issues which have been underlying the Legal Group's discussions are, whether or not:

1. to change the definition of a moped (MP) to <50cc and < 45 km/h and, if so, where, in the Convention or the European Agreement?
2. to change the moped definition to include other forms of propulsion, e.g. electric?
3. to separate the motor tricycles (TC) from the motorcycles (MC), (which has, in effect, been partially done in the latest revisions of the driving permits)?
4. to include quadricycles (Q) and light quadricycles (LQ) and, if so, where, in the Convention or the European Agreement?

1.2 Legal Group conclusions to date on the objectives

1.2.1 Moped (MP) definition

For the moment, the moped maximum speed (Vmax) should be taken as [50] km/h, but a final decision should wait until WP.29 has finalized the Horizontal Regulation for the 1958 Agreement; for which the EU Commission has proposed 50 km/h. If this is agreed, it will mean that the EU will go back to the existing Convention definition as far as speed is concerned.

1.2.2 Other forms of propulsion

The definitions should be as general as possible, so that constant amendment will not be necessary in future for every new type of engine. Such general definitions would also be wide enough to cover more detailed/restrictive definitions used at national or regional level.

1.2.3 Separation of Motor tricycles (TC) from the motorcycle category

This should be done to match what was done for permits. However, depending on the final decisions in the discussions over the EU Permit Directive, it may be necessary to put TC in the section for A category permits.

1.2.4 Inclusion of Quadricycles (Q) and Light quadricycles (LQ)

As a starting point for the work, Q should be treated as four-wheelers and LQ treated as mopeds. (see also 1.3.4 below)

1.3 Legal Group conclusions on other general issues

1.3.1 quadricycles and tricycles that are not intended for use on public roads

The "off-road" Q and LQ which are currently on the road should not be there. However, this is because national authorities grant them type approval, and it is not something which can be dealt with in the Convention. By including Q and LQ in the Convention there will be some guidance for national authorities. (The EU is currently discussing how to control the issuing of type approvals for these vehicles, and this should improve the situation.)

1.3.2 Liaison with WP.29

WP.1 should agree on its own proposal, before sending it to WP.29; otherwise the discussions will become too complicated. In the meantime, IMMA will keep the group informed of any significant developments.

1.3.3 Reclassifying mopeds as motor vehicles

Many, if not all, Contracting Parties now have technical regulations for mopeds. Now that the EU has proposed a permit for mopeds, they can probably be reclassified as motor vehicles, though this would be a big change and not all Contracting Parties may be in favour.

If mopeds become part of motor vehicles, there would be no need for them to be declared as motorcycles. Because this would be a big change, it would need approval from WP.1, before the Legal Group starts to prepare the necessary amendments.

1.3.4 Treating light quadricycles as mopeds

In terms of technical regulations and legislation covering the use of LQ, most countries treat them as a form of moped. For example, the EU applies the same requirements to LQ as to three-wheeled mopeds, and is proposing the same treatment for the next Permit Directive.

1.3.5 The mass of tricycles in the Convention and the European Agreement

At present there is a discrepancy in how the mass of tricycles is treated. This will disappear with TC as a separate category, particularly as the definition will only refer to the V_{max} , leaving other parameters to national legislation.

1.3.6 Minimum speeds in the definitions

The definition of MC, TC and Q must contain “exceeding (50) km/h”, to avoid an “overlap”.

Another issue to consider is whether there is a need for a minimum speed (V_{min}) for all motor vehicles. WP.29 is discussing a V_{min} for vehicles, mainly so that the very small vehicles, like invalid chairs, electric bicycles etc. do not have to be included in all the regulations. A V_{min} in the Convention would have the same advantage of not making it necessary to specify all the exceptions in the text, which would be another way of excluding unusual vehicles.

1.3.7 Derogations from the definitions at national level

A general sentence should also be added that the V_{max} of mopeds and LQ and, therefore, the V_{min} of MC and Q can be changed, if a Contracting Party wants to move the “borderline” between these categories up or down for national purposes. This kind of derogation from the general definition should be left to national legislation, where it could also be used to cover the class of moped which only reaches 25 km/h.
