VEHICLE CERTIFICATION AGENCY

TYPE APPROVAL AUTHORITIES MEETING

4 and 5 FEBRUARY 2004 – BRISTOL, ENGLAND, UK

MEETING MINUTES

Issue Date : 3 March 2004

Author :
Secretariat :

TYPE APPROVAL AUTHORITIES MEETING

4 AND 5 FEBRUARY 2004 – BRISTOL, UK

Attendees:

Austria

Belgium

Czech Republic

European Commission

Finland

France

Germany

Hungary

Iceland

Ireland

Latvia

Luxembourg

Netherlands

Norway

Poland

Slovenia

Spain

Sweden

Turkey

United Kingdom

Not Represented:

AGENDA

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2. **Adoption of the Agenda**

3. **Adoption of the minutes from Flensburg 9/10 July 2003**

4. **Follow up on actions from the Flensburg meeting**

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MEETING MINUTES

1. OPENING OF THE MEETING

Minutes of Meeting:

The meeting delegates were welcomed by VCA's Chief Executive Mr Derek Harvey

2. ADOPTION OF THE AGENDA

Minutes of Meeting:

The agenda was accepted as presented and the following additional items were later added to Section 9 during the course of the meeting:

9.4 Common Approach to Complex Electronics in Brake Systems – Belgium
9.5 Distribution of information to new Member States – Latvia

3. ADOPTION OF THE MINUTES FROM FLENSBURG 9/10 JULY 2003

Minutes of Meeting:

The minutes of the July 2003 Flensburg meeting were adopted without amendment

4. FOLLOW UP ON ACTIONS FROM THE FLENSBURG MEETING

4.1. Invitation of Switzerland [Flensburg item 5.1]

Minutes of Meeting:

In line with the agreement at the previous meeting in Flensburg, Switzerland were invited to this meeting but unfortunately were unable to attend due to work commitments. They have, however, confirmed that they would like to participate in future TAA meetings

4.2. Classification of N category vehicles – proposal to be issued by ACEA to the Commission (to be supported if necessary by Germany and The Netherlands) [Flensburg item 5.3]

Minutes of Meeting:

The Netherlands confirmed that a proposal had been tabled to increase the number of body- types for N category vehicles. This remains an ongoing item – status to be reported at the next TAAM.

4.3. <u>Proposal to be made to amend legislation to remove exemptions for folding seats and provide definition to assist ban of side facing seats</u> [Flensburg item 6.7]

Minutes of Meeting:

Following agreement at the Flensburg TAAM, the UK submitted proposals for the deletion of the exemptions for folding seats and for a clear definition of side facing seats. These have now been incorporated into proposed amendments to 74/408/EEC, 76/115/EEC, and 77/541/EEC. These amendments also include separate provisions covering seat belt requirements for disabled passengers (not directly related to the TAAM proposals)

It was noted that the proposed amendments were last discussed at Council Working Party on Technical Harmonisation (Motor Vehicles) in Brussels on 28 January 2004.

It was reported that the Commission has accepted the TAAM proposals in principle, but their introduction is being delayed by some ongoing discussion concerning the additional provisions concerning seat belts for disabled people and the possible continued acceptance of side facing seats on certain type of buses/coaches.

4.4. <u>Review of member state's legal positions regarding approvals to 2001/43/EC (tyre noise)</u> [Flensburg item 6.10]

Background:

The background to this item is that base directive 92/23/EC has been amended by 2001/43/EC to include provision for tyres to be type-approved in respect of tyre/road noise emissions (Annex V) in addition to the load capability, speed capability and design requirements already covered by Annex II.

2001/43/EC also covers approval of vehicles with regard to their tyre fitments.

According to the UK Department for Transport lawyers, the wording of 2001/43/EC does not mandate vehicles to be fitted with tyres approved for noise under the provisions of Annex V. This was discussed at the previous TAAM in Flensburg when it was agreed that this subject should be reviewed again in Bristol.

Minutes of Meeting:

There was some discussion about the acceptance of approvals to ECE R30 and it is was confirmed that R30 approvals can be accepted as an alternative to 2001/43/EC Annex II but they do not cover the Annex V provisions. The key issue is whether or not vehicle approvals to 2001/43/EC can be issued for vehicles with tyres that only have 92/23/EC or ECE R30 approvals (i.e. tyres that are not approved in respect of tyre/road noise emissions).

UK took the opportunity to explain the background to this issue noting, in particular, that 2001/43/EC Article 2 Section 3 does not mention Annex V (the tyre noise provisions) when specifying requirements for vehicle installation approvals:

[2001/43/EC
4. Article 2 shall be replaced by the following:

1.1.1 *'Article 2*

1. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex II, and shall allocate to these an approval number as specified in Annex I.

2. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex V and shall allocate to these an approval number as specified in Annex I.

3. Member States shall grant EC type-approval to all vehicles in respect of their tyres under the conditions laid down in Annex III, where those tyres (including spare tyres, where appropriate) meet the requirements of Annex II and the requirements concerning vehicles laid down in Annex IV, and shall allocate to any such vehicle an approval number as specified in Annex III'.]

The UK also noted that the scope of 2002/43/EC Annex V does not mention vehicle installation:

[2001/43/EC

ANNEX V - TYRE/ROAD NOISE EMISSION [2001/43-15]

1. SCOPE

This Annex applies to the EC type-approval of tyres, as components, in respect of tyre/road noise emissions.]

The UK acknowledged that there is some ambiguity caused, for example, by 2001/43/EC Article 10a since, if the directive is only intended to affect the technical requirements for the approval of tyres as components, it is not clear why there should be specific dates for vehicle installations to comply with 2001/43/EC when the vehicle installation requirements are not changed:

[2001/43/EC
6. the following Article shall be inserted:

'Article 10a

2. As from 4 August 2003, Member States may no longer grant EC type-approval, and shall refuse to grant national type-approval for those types of tyre which fall within the scope of this Directive and which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

3. As from 4 February 2004, Member States may no longer grant EC type-approval or national approval for a type of vehicle, for reasons relating to its tyres or their fitting, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met.

*4. **As from 4 February 2005, Member States shall:***

(a) consider certificates of conformity accompanying new vehicles in accordance with the provisions of Directive 70/156/EEC as being no longer valid for the purposes of Article 7(1) of the said Directive, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met, and

(b) refuse the registration or prohibit the sale or entry into service of new vehicles which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

5. As from 1 October 2009, the provisions of this Directive, as amended by Directive 2001/43/EC, shall apply for the purposes of Article 7(2) of Directive 70/156/EC, to all tyres which fall within the scope of this Directive, with the exception of tyres of classes C1d and C1e, to which they shall apply as from 1 October 2010 and 1 October 2011 respectively.]

Non the less, it was reported that the advice from the UK Department for Transport Legal Service remains clear that, regardless of the intention of 2001/43/EC, the current wording of the Directive means that VCA must continue to grant vehicle approvals to 2001/43/EC even if the tyres fitted are only approved to 92/23/EC or ECE R30 (i.e. without tests for noise compliance).

The meeting agreed that this topic should remain under review for possible re-discussion at the next TAAM.

5. GENERAL ITEMS

5.1. The status of TAAM decisions (e.g. Complex electronic braking systems) – Germany 1

Issue
Due to the agreement on the TAAM meeting in Brussels (Agenda point 6.13) it shall only be possible for a vehicle manufacturer to apply for a system type approval to Regulation 13 for bake systems using complex electronic systems instead of directive 71/320/EEC. The KBA informed the technical services and vehicle manufacturers using it's established information system about this TAAM decision.

In the following national discussions the manufacturers and other parties pointed out, that legally it shall always be possible to apply for a system type-approval based on an EC-directive. So in other words: a manufacturer can not be pressed to apply for an ECE regulation where an EC-directive is not referring to the technical annexes of the corresponding ECE regulation only. The opinion of the manufactures and the involved other parties participating in the approval process is, that decisions made at a TAAM meeting have no legal basis and therefore are not definite for the applicant.

So the Question is, how shall the type approval authorities react on this issue and how could the TAAM group force the decisions made at the TAAM meetings in future.

Prescription
Report of the TAAM meeting in Brussels Dec. 2002 Agenda item 6.13

Possibilities of solution			Comments
	A	The decisions made in a TAAM meeting, written down in the report and already adopted in the following meeting are definite for an applicant regarding the discussed issue / directive or regulation. All TAAM participants and also the via TAAM-report informed TAAs, who where absent during that concerned meeting, act in line with the decisions made.	There is a gentle agreement between all TAAs to follow the decisions of the group. There is no real legal basis for the enforcement of the TAAM-decisions in the TA-process.
	B	To ensure a legal basis and the overall acceptance of TAAM-decisions, there is a need of a formal statement made by the EU-Commission referring to the report of the TAAM-meeting. In case of very important issues dealt with in the meetings, the commission shall start up the standard procedures to amend existing directives accordingly. For example introduce the technical prescriptions of a ECE regulation in the corresponding EC-directive (here complex electronic systems for brakes) as soon as possible or still deal with exemptions in the CATP.(Art. 8.2.c of directive 70/156/EEC)	It might also be possible to grant an approval to EC-directive 71/320/EEC using the annex 18 of the Regulation 13 for the description of complex electronic systems in a brake system. (See annex XIX 3rd paragraph of directive 71/320/EEC)

Minutes of Meeting:

Germany explained that, although the issue of complex electronic braking systems was used as the working example, the purpose of the question was address the broader issue of the authority of TAAM decisions/agreements.

It was agreed that a separate discussion to pursue a common approach to the approval of complex electronics in brake systems (Reference ECE R13 Annex 18) should be covered under Agenda Item 9.4.

The meeting accepted that the TAAM has no formal legal status but there was a unanimous view that it provides an invaluable forum for an exchange of views on European Vehicle Type approval legislation and for the development of common interpretations and understandings in a spirit of co-operation and friendship.

In addition, the TAAM provides an opportunity for Type Approval Authorities to ensure that their European Whole Vehicle and vehicle systems Type Approvals will be accepted in other Member States without problem and it also enables the Authorities to develop common proposals for changes/amendments to modify and clarify legislation.

Although the increase in the number of member states makes it more difficult to organise and manage a TAAM it was considered that the enlargement of the EU makes it even more important for all Member States to adopt a common approach to vehicle Type Approval and this, in turn, makes the role of the TAAM even more relevant.

6. ITEMS RELATING TO FRAMEWORK DIRECTIVE 70/156/EEC (MOTOR VEHICLES)

6.1. 70/156/EEC: Multi-stage approval for non-M1 vehicles – Netherlands 2

Directive : 70/156/EEC - 2001/116/EC, all underlying Directives.
Subject : 'Multistage' approval for non-M1 vehicles?

Annex : -
Paragraph : -
Point : -

Text : N.A.

Question : Multistage approval has been possible for M1 vehicles for some time. We would like to issue a 'multistage' approval (certificate) for a vehicle of category N1.

Case:
A customer would like to build a crew-cab vehicle based on a normal (cab) vehicle. He asks for the approval (74/408/EEC, 76/115/EEC and 77/541/EEC) of the second row of seats that he installs. He does not change anything else on the base-vehicle. So we consider the base-vehicle with its original seats (row 1) as stage 1 and the newly installed second row of seats as stage 2.

Can we issue said certificates and if yes under what conditions?

Suggestion : We would like to know the opinion of the other TAAM participants concerning the issuing of 'multistage' approval certificates for non-M1 vehicles.

Minutes of Meeting:

The meeting accepted that full European Multi-Stage Approval is not yet applicable for N1 category vehicles.

However, it was agreed that modifications of the type described in the Netherlands paper could be covered by a test report from the originating Type Approval Authority which would then be accepted by the Type Approval Authorities of other member states to support National Type Approvals in those countries.

The content of the test report and the level of supporting information required would a matter for the Type Approval Authorities concerned and would be addressed on a case-by-case and country-by-country basis.

6.2. 70/156/EEC: Retroactive validity of approval extensions – Germany 2

Issue

Regarding article 5 paragraph 5 of the framework directive 70/156/EEC a vehicle type-approval can become invalid by the invalidity of one or several type-approvals according to separate directives. This then requires an extension for this approval to produce the registration ability for this vehicle type in question again, as a rule. This measure develops its effect only for those vehicles which are produced after the granting date. A retroactive validity of this measure for vehicle produced already before that date, until now can, only exist on a national basis, with validity on the respective sovereign territory,.

There are examples, where extensions were granted without any modification at the vehicle - perhaps only measurements with respect to a new amendment of the separate directive have been carried out. In similar cases a extension accompanied by a so called 'letter of no concern' might gain retroactive Europe-wide validity. This letter shall be issued by the approval authority in question.

It has to be mentioned that in such cases the procedure of article 8.2.b ' of end series vehicles ' is actually dictated.

Prescription

Article 5 of directive 70/156/EEC esp. Paragraph 5.

Possibilities of solution			Comments
	A	A 'letter of no concern' written by the TAA who has granted the extension to an approval is to be accepted as a prove of the retroactive validity of this approval for vehicles build before the granting date.	This might be an simple way to deal with minor changes or no changes of the vehicle from the technical view. This will reduce administrative burden.
	B	The procedure of Article 8.2.b is the way to allow vehicles to be registered if the state described in Article 5.5 occurred.	The 'end of series' exemption is a very practical and legal way to allow vehicles as above mentioned to be registered at least another year from the date of invalidity of their approvals.

Minutes of Meeting:

The meeting agreed that 'B' would be the appropriate solution.

6.3. 70/156/EEC: National codes and nationality abbreviations – Germany 4

Issue

The EU will be extended by 10 new Member States (MS) with effect from Mai 2004.
This also has consequences for the design of the CoC document. Number 47 tells the manufacturer to insert: fiscal power or national code numbers;

- all Member States are written with its fully name,
- the future MS have to be added.

But there is not enough space for the manufacturers to fill in every MS name.

A possible solution could be to use abbreviations, for example the ones which are already introduced for the nationality plates on vehicles.

For example:

A	-	IRL	2198 CCM
B	12 PK	L	- CCM
CY	-	LT	-
CZ	-	LV	-
D	62	M	-
DK	- KG	NL	-
E	14.08 CVF	P	2198 CCM
EST	-	PL	-
F	9 CV	S	-
FIN	-	SK	-
GR	-	SLO	-
H	-	UK	PLG
I	21 CV		

Figure 1

Prescription

Annex IX of directive 70/156/EEC number 47

Possibilities of solution			Comments
	A	The above mentioned abbreviations are accepted by the authorities / commission.	It's also possible to introduce different abbreviations.
	B	The above mentioned abbreviations are **not** accepted by the authorities / commission.	The space in the CoC document. is not sufficient.

Minutes of Meeting:

The meeting acknowledged the practical problems in providing information for all the new member states in item 47 of the Certificate of Conformity and agreed that abbreviations would be a good solution.

However, the meeting considered that a change to Annex IX of the framework directive (70/156/EEC as currently amended by 2001/116/EC) would be necessary before abbreviations could be used and it was agreed that, in co-operation with Germany, the chair should prepare a paper to be sent to the Commission.

There was some discussion about the appropriate form of abbreviation. The Type Approval identifier (e1, e2 etc) was considered as one alternative but the meeting eventually concluded that, because the Certificates of Conformity would be used by Registration Authorities who might not immediately recognise the 'e' codes, it would be better to use the established international vehicle registration identifiers (F for France, D for Germany, GB for the United Kingdom, B for Belgium, etc)

6.4. 70/156/EEC: Determination of the vehicle category and bodywork type – Latvia 2

BACKGROUND

During day-to-day work we sometimes face with the problem of determination of a type of vehicle bodywork due to blurred and at certain extent outdated definitions in ISO 3833-1977.

For instance, BMW X3 (type X83) is approved in KBA as AA (limousine, saloon), yet we consider it as an AF (multipurpose vehicle).

Sometimes (usually with special purpose vehicles of category M1 or N1) it is a problem to define even a vehicle category. Recently we have received an application for National Type Approval from a Spanish manufacturer SANTANA where it is approved as a N1/ N1G category vehicle. Nevertheless, in the component approval e9*74/408*96/37*7020*00 it is stated that vehicle has an AF „multiuse" bodywork i.e. bodywork of a M1 category vehicle.

The vehicle type has the following characteristics:
Type: **PS**
Variants/versions: **W20V and L20V**
Commercial name: **PS-10**
Technically permissible maximum laden mass: **3050** kg
Mass in running order: **2050** kg
Number of seats: **5** for version **W20V** and **2** for version **L20V (optional 9** for both versions**)**

According to the calculation formula (2001/116 /EC (Annex II, Part C)) only optional 9-seat versions are M1 category vehicles. However, we use this formula only in cases where it is not possible visually determine whether vehicle is rather designed for transportation of passengers or goods (since this formula is not absolutely correct- some M1 category vehicles with 2-seats according to it could be considered as N1 vehicles).

QUESTIONS

1. Would your TAA consider this vehicle to be: A) M1 or M1G category B) N1 or N1G category	
2. In similar cases how do you determine a vehicle category: A) by bodywork (van with or without windows, etc.) B) by space for goods C) by calculation formulas2001/116/EC(AnnexII,PartC) D) other (please specify)	

Additional Information: Extracts from relevant sections of 2001/116/EC Annex II Section C:

Definition of Type of Bodywork

1. PASSENGER CARS (M_1)

AA Saloon : ISO Standard 3833 — 1977, term No 3.1.1.1, but including also vehicles with more than four side windows.
AB Hatchback : Saloon (AA) with a hatch at the rear end of the vehicle.
AC Station wagon: ISO Standard 3833 — 1977, term No 3.1.1.4 (estate car)
AD Coupé: ISO Standard 3833 — 1977, term No 3.1.1.5
AE Convertible: ISO Standard 3833 — 1977, term No 3.1.1.6

AF Multi-purpose vehicle: Motor vehicle other than those mentioned in AA to AE intended for carrying passengers and their luggage or goods, in a single compartment.
However, if such a vehicle meets both of the following conditions:
(a) the number of seating positions, excluding the driver, is not more than six.
and
(b) $P – (M + N \times 68) > N \times 68$
where:
P = technically permissible maximum laden mass in kg
M = mass in running order in kg
N = number of seating positions excluding the driver
This vehicle is not considered to be a vehicle of category M_1.

3. MOTOR VEHICLES OF CATEGORY N

BA Lorry
BB Van : Lorry with the cab integrated into the body.
BC Semi-trailer towing vehicle
BD Trailer towing vehicle

- However, if a vehicle defined as BB with a technically permissible maximum mass not exceeding 3 500 kg:
- has more than six seating positions excluding the driver
or
- meets both of the following conditions:
(a) the number of seating positions, excluding the driver, is not more than six,
and
(b) $P – (M + N \times 68) \leq N \times 68$
this vehicle is not considered to be a vehicle of category N.

- However, if a vehicle defined as BA, BB with a technically permissible maximum mass exceeding 3 500 kg, BC or BD meets at least one of the following conditions:
(a) the number of seating positions, excluding the driver, is more than eight,
or
(b) $P – (M + N \times 68) \leq N \times 68$
this vehicle is not considered to be a vehicle of category N.

Minutes of Meeting:

The meeting accepted that definition of vehicle category and body type is often a 'grey' area (not helped by the overlap that exists between the ISO Standard definitions) and it was generally agreed that the starting point would normally be for the manufacturer to declare the vehicle category and body type.

If the Type Approval Authority had any concerns about the manufacture's declaration it was suggested that the following logic sequence could be considered:

- Manufacturer to state objective Vehicle Category e.g. M1 or N1 (or both)

- If vehicle declared as M1 Category:-
- Vehicle manufacturer to agree type of bodywork with Type Approval Authority
- If not possible to identify body type as AA, AB, AC, AD or AE then consider AF
- Apply rules for AF (total number of seats and ratio of payload to passenger load) to check if vehicle can still be classified as M1

It was confirmed that, in the case of M1 vehicles, the ratio of payload to passenger load formula ($P – (M + N \times 68) > N \times 68$) would only apply if the vehicle was classified as body type AF.

- If vehicle declared as N Category:-
- Apply rules for Section 3 (total number of seats and ratio of payload to passenger load) to check if vehicle can still be classified as N

The meeting considered that, depending on the number of passenger seats, the vehicle featured in the Latvian question could legitimately be classified with both M1 and N1 versions

It was noted that similar vehicles approved by the UK as M1 category vehicles have typically be classified as body type AC (Station Wagon) and hence, for this body type, the ratio of payload to passenger load formula was not applicable

6.5. 70/156/EEC: Acceptance of manufacturer's documentation (name change) – Latvia 3

SUBJECT: **Acceptation of manufacturer's documentation.**

DIRECTIVE: 70/156/EEC

BACKGROUND

During granting National Type approval for a N1 category vehicle type (Manufacturer: Andoria; type 3S; Commercial name "Lublin 3"), we have faced with a problem regarding acceptation of manufacturer's documentation.

The applicant is a Polish company Andoria-Mot Sp.z.o.o. However, all component type approvals are issued to the previous manufacturer Daewoo Motor Polska Sp.z.o.o. (On 01.02.2003. there was signed an agreement according to which Daewoo Motor Polska transfers all legal rights and manufacture plant to Andoria-Mot Sp.z.o.o.).

QUESTION

What would be decision of your TAA: A) accept all component approvals, issued for Daewoo B) reject all documents and request make extensions where instead of Andoria appears Daewoo C) grant a temporary approval and request gradually re-certify all component approvals as for Andoria D) other decision or special conditions (please, specify)	

Minutes of Meeting:

The meeting agreed that 'B' would be the appropriate solution for this question.

It was noted that in some circumstances, for example if the manufacturer actually remains the same but simply changes its name, it would be acceptable to cover the change initially with a 'letter of no concern' and then change the name on the various Type Approval certificates at the time of the next normal extensions.

6.6. 70/220/EEC (Emissions): In-use compliance – Germany 3

Issue
For the internal testing of In Use Compliance (IUC) the approval owner / manufacture might create vehicle / type families. These families might contain vehicle types which have approvals according to directive 70/220/EEC in different Memberstates.

Since the measured values of a representative vehicle type suffice for the demanded confirmation of the exhaust gas behaviour of a vehicle family, it can be possible that the data to be used are not part of the approval scope of an assigned approval of compliance testing member state.

In such a case, where deviations from the approved type are recognised, the IUC testing authority can inform the TAA / Memberstate, who has granted the approval, about the deviations. This TAA / Memberstate then can start action to restore the conformity of production. (see directive70/156/EEC, article 11, para. 3 and 4).

The TAA executing the IUC has no direct power of attorney to the approval owner.

Prescription
Annex I, Appendix 3, Paragraph 2

	Possibilities of solution		Comments
	A	The KBA did explain in its guideline for IUC that it will only regard those approvals which are granted by the KBA. Based on this, the TAA executing the IUC has not sufficient tools to reach the goal of the directive, to make sure that products will prove their conformity. The directive has to be amended to clarify the fact of approvals for types in a family granted by different Memberstates.	The bothered types will be tested in the Memberstate where the approval was granted. A family for IUC can only contain approvals of types of one Memberstate.
	B	The directive has not to be amended to clarify the fact of approvals for types in a family granted by different Memberstates.	The procedure will not create any problems to reach the goal of the directive.

Additional Information: Extracts from relevant sections of 70/156/EEC, as amended by 2001/116/EC, Article 11.

2. If a Member State which has granted type-approval finds that vehicles, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the type it has approved, it shall take the necessary measures to ensure that production vehicles, components or separate technical units, as the case may be, again conform to the approved type. The approval authorities of that Member State shall advise those of the other Member States of the measures taken which may, where necessary, extend to withdrawal of type-approval.

3. If a Member State demonstrates that vehicles, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type it may request the Member State which granted the type-approval to verify that vehicles, components or separate technical units, as the case may be, in production conform to the approved type. Such action shall be taken as soon as possible and in any case within six months of the date of the request.

4. In the case of:

— vehicle type-approval where the nonconformity of a vehicle arises exclusively from the nonconformity of a system, component or separate technical unit, or

— multi-stage type-approval where the nonconformity of a completed vehicle arises exclusively from the nonconformity of a system, component or separate technical unit being part of the incomplete vehicle, or of the incomplete vehicle itself,

the vehicle-approval authority shall request the Member State(s) which granted any relevant system, component, separate technical unit or incomplete vehicle type-approval(s) to take the necessary action to ensure that vehicles in production again conform to the approved type. Such action shall be taken as soon as possible and in any case within six months of the date of the request, if necessary in conjunction with the Member State making the request. Where a failure to conform is established, the approval authorities of the Member State which granted the system, component or separate technical unit type-approval or the approval of the incomplete vehicle shall take the measures set out in paragraph 2.

Additional Information: Extracts from relevant sections of 70/220/EEC, as amended by 2003/76/EC, Annex I.

7. CONFORMITY OF PRODUCTION

7.1. Measures to ensure the conformity of production must be taken in accordance with the provisions of Article 10 of Directive 70/156/EEC, as last amended by Directive 96/27/EEC (whole vehicle type-approval). That Article entrusts the manufacturer with the responsibility for taking measures to ensure the conformity of production to the type approved. Conformity of production is checked on the basis of the description in the type-approval certificate set out in Annex X to this Directive[98/69-65].

As a general rule, conformity of production with regard to limitation of tailpipe and evaporative emissions from the vehicle is checked on the basis of the description in the type-approval certificate set out in Annex X and, where necessary, of all or some of the tests of types I, II, III and IV described in section 5.2.

CONFORMITY OF IN-SERVICE VEHICLES

With reference to type-approvals granted for emissions, these measures must also be appropriate for confirming the functionality of the emission control devices during the normal useful life of the vehicles under normal conditions of use (conformity of in-service vehicles properly maintained and used). For the purpose of this Directive these measures must be checked for a period of up to 5 years of age or 80 000 km, whichever is the sooner, and from 1 January 2005, for a period of up to five years of age or 100 000 km, whichever is the sooner.

7.1.1. Audit of in-service conformity by the type-approval authority is conducted on the basis of any relevant information that the manufacturer has, under procedures similar to those defined in Article 10(1) and (2) of Directive 70/156/EEC and in points 1 and 2 of Annex X to that Directive[2002_80-66].

Figures I.8 and I.9 in Appendix 4 to this Annex illustrate the procedure for in-service conformity checking.

7.1.1.1. Parameters defining the in-service family The in-service family may be defined by basic design parameters which must be common to vehicles within the family. Accordingly, those vehicle types which have in common, or within the stated tolerances, at least the parameters described below, can be considered as belonging to the same in-service family:

- *— combustion process (2-stroke, 4-stroke, rotary),*
- *— number of cylinders,*
- *— configuration of the cylinder block (in-line, V, radial, horizontally opposed, other). The inclination or orientation of the cylinders is not a criteria),*
- *— method of engine fuelling (e.g. indirect or direct injection),*
- *— type of cooling system (air, water, oil),*
- *— method of aspiration (naturally aspirated, pressure charged),*
- *— fuel for which the engine is designed (petrol, diesel, NG, LPG, etc). Bi-fuelled vehicles may be grouped with dedicated fuel vehicles providing one of the fuels is common,*
- *— type of catalytic converter (three-way catalyst or other(s)),*
- *— type of particulate trap (with or without),*
- *— exhaust gas recirculation (with or without),*
- *— engine cylinder capacity of the largest engine within the family minus 30 %.*

7.1.1.2. An audit of in-service conformity will be conducted by the type-approval authority on the basis of information supplied by the manufacturer. .....

Minutes of Meeting:

The meeting recognised the clear principle in 70/156/EEC that the Type approval Authority responsible for issuing an approval is also the one responsible for ensuring that the manufacturer concerned maintains conformity of production. However, the meeting also acknowledged that, under the in-service family parameters of 2003/76/EC, it would be possible for the in-service compliance checks by one TA to identify compliance problems affecting an approval issued by a different authority.

It was generally agreed that it should be possible to deal with this under the current legislative arrangements but that it is important that, when in-service compliance testing involves an in-service family comprising approvals from more that one approval authority, the relevant authorities work together to avoid duplication of audit.

It was suggested that TAAM members should remain mindful of this issue and if problems occur it should be raised for discussion at a future TAAM.

6.7. 77/541/EEC (Seat Belts): Use of airbags – Sweden 1

SUBJECT: Safety belts and restraint system

DIRECTIVE: 77/541/EEC last amended by 2000/3/EC

RELEVANT SECTION: Annex 1 2.6.1.4.1. and 2.7.8.

QUESTION / PROBLEM /CONCERN:

Is it possible to use an Airbag in combination with a restraint system (Z) to unprovide contact with steering wheel at 24 km/h to fulfil the demands in Annex 1 point 2.6.1.4.1?

	A	It is not possible to use an Airbag to fulfil the demands according to Annex 1 point 2.6.1.4.1.	The test according to 2.6.1.4.1 shall verify that the torso does not hit the steeringwheel at over 24km/h. (with no help of airbag)
	B	It is possible to use an Airgbag in a restraint system Z to fulfil the demands according to Annex 1 point 2.6.1.4.1.	Tests will be performed on a trolley with relevant part of the restraint system, airbag included.

Additional Information: Extracts from relevant sections of 77/541/EEC, as amended by 2000/3/EC.

Annex I

2.6.1.3.2. the forward displacement of the manikin shall be between 80 and 200 mm at pelvic level in the case of lap belts. In case of a harness belt the minimum displacement specified for the pelvis may be reduced by half. In the case of other types of belt, the forward displacement shall be between 80 and 200 mm at pelvic level and between 100 and 300 mm at torso level. These displacements are the displacements in relation to the measurement points shown in Annex VIII, Figure 6.

2.6.1.3.3. In the case of a safety belt intended to be used in an outboard front seating position protected by an airbag in front of it, the displacement of the chest reference point may exceed that specified in paragraph 2.6.1.3.2 above if its speed at this value does not exceed 24 km/h.

2.6.1.4. In the case of a restraint system:

2.6.1.4.1. The movement of the chest reference point may exceed that specified in 2.6.1.3.2 if it can be shown, either by calculation or by a further test, that no part of the torso or the head of the manikin used in the dynamic test would have come into contact with any forward rigid part of the vehicle, apart from contact of the chest with the steering assembly, if the latter meets the requirements of Council Directive 74/297/EEC (1) and provided that contact does not occur at a speed higher than 24 km/h.

For this assessment, the seat shall be considered to be in the position specified in 2.7.8.1.5.

Minutes of Meeting:

There was no clear consensus on this issue.

Some delegates considered that it would be acceptable to allow airbag operation to be included in test for the approval of a restraint system provided that it was clear that the use of an airbag would always be a condition of the approval. Other delegates were not so sure and it was generally agreed that more time was needed to allow further consideration of this question.

It was therefore agreed that Sweden would re-submit this question as an email query and that the responses to this query would then be discussed at the next TAAM

6.8. 92/21/EEC (Masses & Dimensions – M1): Relationship between number of seating positions and towing capability – Netherlands 1

Directive	:	92/21/EEC
Subject	:	Interpretation of item 3.4. of Annex II to Directive 92/21/EEC, as amended by Directive 95/48/EC.
Annex	:	II
Paragraph	:	-
Point	:	3.4.
Text	:	The maximum number of passenger seating positions declared by the manufacturer shall not depend on whether the vehicle is towing a trailer or not.
Question	:	This item was discussed during the TAAM of December 2000. Due to the differing interpretations of determining the maximum towing weight of a vehicle it was decided to ask the Commission to make a definite interpretation on this item. The Commission has done so in the enclosed letter (appendix 1). It has come to our attention that not all Members act according to said interpretation. This creates the undesirable situation that customers start shopping around for the country which has the most favourable interpretation. Our question to all Members is to confirm that they will act according to the interpretation by the Commission as mentioned in the enclosed letter (appendix 1).
Suggestion	:	We would like all Member States to confirm that they will act according to the interpretation by the Commission.

Appendix 1: The letter of the Commission concerning the interpretation of item 3.4. of 92/21/EEC (text only).

Subject: Results of the meeting of Type Approval Authorities, 13 and 14 December 2000.

Dear Mr Jongenelen,

Thank you very much for your letter, dated 2 May 2001, regarding the interpretation of item 3.4. of Annex II to Directive 92/21/EEC, as amended by Directive 95/48/EC, which was raised by the TAAM working party during its session, last December.

TAAM reports that divergent interpretations of item 3.4. by type-approval authorities could lead to an increase or decrease in the towing capacity of a vehicle in relation to how many seats are actually occupied when the vehicle is towing a trailer.

Item 3.4. states that: "the maximum number of passenger seating positions declared by the manufacturer shall not depend on whether the vehicle is towing a trailer or not"' and may only have one meaning for the purpose of computation of the towing mass. The maximum number of seating positions is the one declared by the manufacturer and mentioned in the type-approval certificate. Hence, the combination mass of the vehicle has to take account of the maximum mass of the vehicle, computed from the maximum passenger capacity plus the maximum trailer mass.

The interpretation considering that item 3.4. is not part of the requirements for the purpose of the computation of the towable mass is erroneous, precisely for the reason that the towable mass may not be depending on the number of passengers seated in the vehicle.

However, I acknowledge that, these last years, new concepts in design have appeared in the automotive industry, which offer more flexibility with respect to the arrangement of seats than before: certainly MPV's with modular seating arrangement and off-road vehicles equipped with tip-up seats can occasionally, increase the seating capacity to 6 or more positions.

According to the current provisions of Directive 92/21/EEC, the computation of the maximum combination mass has to take account of the maximum mass of the vehicle including the highest seating capacity, whatever the seating positions may be, real or `virtual', the seats occupied or not.

In the case of MPV's and off-roads vehicles, the way of computing the maximum combination mass will certainly have technical consequences, for example with respect to the obligation on the manufacturer to reinforce brakes, couplings, power train cooling system etc., although the vehicle would probably never be used in its full load configuration.

In conclusion, item 3.4. of Directive 92/21/EEC has to be applied strictly for the computation of the towing capacity, but I agree that Directive 92/21/EEC could be amended, in order to consider the particular issues of modular seating position capacity and off-roads vehicles, that could permit higher towing capacities.

Yours sincerely,

signed by Per Ove Engelbrecht, Head of Unit.

[Note: The original letter has been distributed by The Netherlands to all Member states. A copy can be obtained from the RDW, Mr H. Jongenelen.]

Minutes of Meeting:

All delegates, apart from France, confirmed that they were following the interpretation from the Commission.

France explained that they held some reservations about this issue and agreed to consider making a proposal for a change to the legislation to allow some flexibility on the number of occupied seats when a vehicle is towing. France also accepted that if they eventually decided not to submit the proposal for legislative change they would be prepared to follow the Commission's interpretation.

6.9. <u>97/27/EEC (Masses & Dimensions – Other than M1): Technically permitted maximum laden mass for centre axle trailers – Sweden 3</u>

SUBJECT: Masses and dimension

DIRECTIVE: 97/27/EC last amended by 2003/19/EC

RELEVANT SECTION: Annex I Paragraph 2.6 definition of Technically permissible maximum laden mass (M) for centre-axle trailers., Annex II Paragraph 2.8 and 2.8.1

Annex I, 2.6.: Technically permissible maximum laden mass (M) means the maximum mass of the vehicle based on its construction and performance, stated by the manufacturer.

The vehicle category is determined in accordance with Annex II to Directive 70/156/EEC.
By definition, only one technically permissible maximum laden mass may be attributed to a given technical configuration of the vehicle type as defined by one set of values of the items laid down in the information document in Annex II to this directive.

Annex II, 2.8.: Technically permissible maximum laden mass stated by the manufacturer:.....

Annex II, 2.8.1: Distribution of this mass among the axles and, in case of a semi-trailer or centre-axle trailer, load on the coupling point:.....

<u>QUESTION / PROBLEM /CONCERN:</u>

Two different technically permissible maximum laden mass (M) for semi-trailers/centre-axle trailers?

1. Technically permissible maximum laden mass (M) is normally based on a vehicles total weight as it stands to the ground.
In the information document in Annex II, paragraph 2.8 and 2.8.1 the technically permissible maximum laden mass for centre-axle trailer shall be stated in 2.8 and the distribution of this mass is stated in 2.8.1. Paragraph 2.8.1 also indicates that the mass on the coupling point is considered to be calculated in the technically permissible maximum laden mass by the sentence *Distribution of this mass among the axles <u>and</u>, in case of a semi-trailer or centre-axle trailer, load on the coupling point.*

2. When the category of vehicle is determined according to 70/156/EEC Annex II the technically permissible maximum laden mass for centre-axle trailers and semi-trailers is the static vertical load transmitted on the ground by the axle or axles when coupled to the towing vehicle and carrying its maximum load.
The second sentence in 70/156/EEC Annex II says (Where reference is made to 'maximum mass' in the following definitions, this means ' technically permissible maximum laden mass' as specified in point 2.8 of Annex I)

	A	There is a difference in the technically permissible maximum laden mass, when using it in a type-approval according to 97/27/EC and when using it to determine the vehicle category.	This is the Swedish interpretation of the directives.
	B	The technically permissible maximum laden mass shall the same in both interpretations, based on the load transmitted to the ground by the axle(s) as used for determine the vehicle category. There has to be made corrections in the information document and clarify the interpretation in 97/27 Annex I, paragraph 2.6.	

Minutes of Meeting:

The meeting agreed with answer 'A'.

6.10. 97/27/EEC (Masses & Dimensions – Other than M1): Intention of Annex II paragraph 2.16 – Sweden 4

SUBJECT: Masses and dimension

DIRECTIVE: 97/27/EC last amended by 2003/19/EC

RELEVANT SECTION: 97/27/EG Annex IV and Annex II paragraph 2.16

QUESTION / PROBLEM /CONCERN:
What is the intended use for paragraph 2.16 in Annex II in Directive 97/27/EC? Is it possible to lower/decrease the technically permissible maximum laden mass for different vehicle individuals in an approval by using the gap between 2.8 to 2.16 to any levels when registering the vehicle. Isn´t the intention of 2.16 to decrease mass of a vehicle where the roadworthiness in the country does not accept a certain value (on some roads in Sweden 10 tonnes). Can 2.16 be used for lower mass as for an example down to 1 tonnes, for some other purposes? By definition in Annex I paragraph 2.6 only one technically permissible maximum laden mass may be attributed to a given technical configuration of the vehicle type.

	A	The intended use for paragraph 2.16 in the information document is to give the manufacturer the possibility to register a lower mass when the roadworthiness does not allow the use for the stated technically permissible maximum laden mass of the vehicle.	This is the Swedish interpretation of the directives.
	B	The intended use for paragraph 2.16 in the information document is to give the manufacturer the possibility to register any lowered technically permissible maximum laden mass for the vehicle, even down to 1 tonnes.	

Additional Information: Extracts from relevant sections of 97/27/EC as amended by 2003/19/EC.

ARTICLE 4

When Member States grant national type-approval of vehicles approved under this Directive or permit the registration, entry into service or use of such vehicles, they assign to them national registration/in-service maximum permissible masses according to their relevant national maximum authorized masses. For the determination of these registration/in-service maximum permissible masses, no Member State may refuse to apply the procedure provided for in Annex IV, should the manufacturer request its application.

ANNEX I

2.6. 'Technically permissible maximum laden mass (M)' means the maximum mass of the vehicle based on its construction and performance, stated by the manufacturer.
The vehicle category is determined in accordance with Annex II to Directive 70/156/EEC[2003_19-10].
By definition, only one technically permissible maximum laden mass may be attributed to a given technical configuration of the vehicle type as defined by one set of the possible values of the items laid down in the information document in Annex II to this Directive.

ANNEX II

2.8. Technically permissible maximum laden mass stated by the manufacturer (y) (ε):

Footnotes
(y) For trailers or semi-trailers, and for vehicles coupled with a trailer or a semi-trailer, which exert a significant vertical load on the coupling device or the fifth wheel, this load, divided by standard acceleration of gravity, is included in the maximum technically permissible mass
(ε) 'Set out in such a way as to make the actual value clear for each technical configuration of the vehicle type'.

ANNEX II

2.16. Intended registration/in-service maximum permissible masses (optional: where these values are given, they must be verified in accordance with the requirements of Annex IV) (1):

2.16.1. Intended registration/in-service maximum permissible laden mass (several entries possible for each technical configuration) (ε):

2.16.2. Intended registration/in-service maximum permissible laden mass on each axle and in the case of a semi-trailer or centre-axle trailer, intended load on the coupling point stated by the manufacturer if lower than the technically permissible maximum mass on their coupling point (several entries possible for each technical configuration) (ε):

2.16.3. Intended registration/in-service maximum permissible mass on each axle group (several entries possible for each technical configuration) (ε):

2.16.4. Intended registration/in-service maximum permissible towable mass (several entries possible for each technical configuration) (ε):

2.16.5. Intended registration/in-service maximum permissible mass of the combination (several entries possible for each technical configuration) (ε):

Footnotes

(1) Points 2.16.1 to 2.16.5 do not preclude additional registration/in-service maximum masses being accepted by the national registration authorities.

(ε) 'Set out in such a way as to make the actual value clear for each technical configuration of the vehicle type'.

ANNEX IV

This Annex contains the uniform procedure referred to in Article 4 of this Directive for the determination of the 'registration/in-service maximum permissible masses' in each Member State and the uniform technical requirements for loadable and retractable axles referred to in Article 5 of this Directive:

1.1.2. Each of the Member States' authorities must, for their respective country, determine the registration/in-service maximum permissible laden mass of a given vehicle according to the following principles:

- *by definition, only one registration/in-service maximum permissible laden mass may be attributed to one given technical configuration of the vehicle type as defined by one set of the possible values of the items laid down in the information document in Annex II to this Directive,*
- *the registration/in-service maximum permissible laden mass is determined as the greatest mass inferior or equal to the technically permissible maximum laden mass and to the relevant vehicle maximum authorized mass in force in that Member State (or a lower mass at the request of the manufacturer in agreement with the Member State's authorities), and which complies with the requirements laid down in section 2 of this Annex.*

This does not preclude the possibility for Member States to allow a higher mass either for the purpose of carriage of indivisible loads or for the purposes of certain national transport operations that do not significantly affect international competition in the transport sector, within the limits of the technically permissible maximum laden mass of the vehicle.

1.1.4. Member States may require the registration/in-service maximum permissible laden mass not to depend on the tyres fitted.

Minutes of Meeting:

The meeting recognised a distinction between:
a) The technically permissible mass (i.e. the maximum design mass) stated by the manufacturer (reference Annex 1 paragraph 2.6 and cross referred to Annex II item 2.8) for which there is one specified value for a given technical configuration
and
b) The intended registration/in-service maximum permissible masses identified in Annex II section 2.16. for which a range of values is possible for each technical specification (Noting that there can also be more than one technical configuration for any approved vehicle type reference Annex II section 2.16.1.).

From the information given in Annex II Section 2.16, each member State may, if required, then determine a single registration/in-service maximum permissible laden mass of a given vehicle technical configuration for operation in its territory (Reference the provisions of Annex IV Paragraph 1.1.2.)

6.11 94/20/EC (Couplings): Combination of different couplings into one device – Netherlands 3

Directive : 94/20/EEC
Subject : Combination of different couplings into one device.

Annex : I
Paragraph : 2.1.16.
Point : 2.1.16.1 and 2.1.16.4.

Text : 2.1.16. A type of mechanical coupling device means a device which does not differ in such essential aspects as:
2.1.16.1. class of coupling device;
2.1.16.2. factory mark or trade name;
2.1.16.3. external shape or principal dimensions or other fundamental differences in design;
2.1.16.4. characteristic values D, S, V and U.

Question : There exist a number of coupling devices which consist of two or more different couplings. Please see the examples in the following pictures.

Is it possible to issue one approval certificate for such a multi-coupling device (a combination of different couplings in one device)?

Suggestion : We would like to know the opinion of the other TAAM participants concerning the issuing of one approval certificate for a multi-coupling device.

Minutes of Meeting:

After some discussion the consensus view of the meeting was that separate approvals should be issued for each different class of coupling although it would be acceptable for the approval numbers to be listed on one common label.

6.12. 2001/56/EC (Heating Systems): Paragraph 2.3.3 – France 1

Issue

Annex VII paragraph 2.3 defines requirements the fuel supply shall fulfill

Paragraph 2.3.3 : "A notice, indicating that the heater must be shut down before refuelling, must be affixed to the fuelling point.."

The query is :
- if the heater of the vehicle is shut down automatically when the engine of the vehicle stops (and the heater can't be restarted);
- if the tank of twice the engine and the heater is the same;
- because of supplying fuel with the engine running is forbidden (in France).

Is this notice necessary ?

Prescriptions

- Directive 2001/56 Annex VII, Paragraph 2.3.3

Possibilities of solution			Comments
	A	In this case the notice of the paragraph 2.3.3 is not necessary	All Member states have the same legislation as France concerning engine fuel supply
	B	Even in this case The provisions of the Annex VII Paragraph 2.3.3 have to be followed strictly	

Minutes of Meeting:

There were some reservations expressed because the 'letter' of the legislation seems to mandate a label without exception. However, in this case, the meeting felt there was some scope for flexibility because it is not possible for the combustion heater to be operating when the vehicle's engine is turned off and the vehicle's engine must be turned off when refuelling.

The consensus view of meeting therefore eventually moved in favour of answer 'A' as a practical and pragmatic solution to this question.

France agreed to make a proposal for a change to the wording of the legislation to clarify this situation in line with answer 'A'.

6.13. 2001/85/EC (Bus & Coach Construction): Knee space for seated passengers – UK 1

ISSUE

Annex I, paragraph 7.7.8.5.1 defines a minimum clear space that must be provided in front of each passenger seat. This paragraph refers to Annex III, figure 13. In this figure it is stated that there must be at least 280mm clear space for passengers' knees.

However, the text of 7.7.8.5.1 also states that "the seat back of another preceding seat or partition whose contour corresponds approximately to that of the inclined seat back may intrude into this space as provided by paragraph 7.7.8.4."

The question of interpretation arises because 7.7.8.4 does not appear to relate directly to passenger space except for distance between front and back of seats (7.7.8.4.1).

If we look at Class II and III vehicles as an example, the distance between seat backs under 7.7.8.4.1 is a minimum 680mm and if we take the minimum seat cushion longitudinal depth of 400mm (7.7.8.2.2), then a clear 280mm knee space is achieved. But if the seat cushion is more than 400mm, it would seem to indicate that the knee space can be reduced.

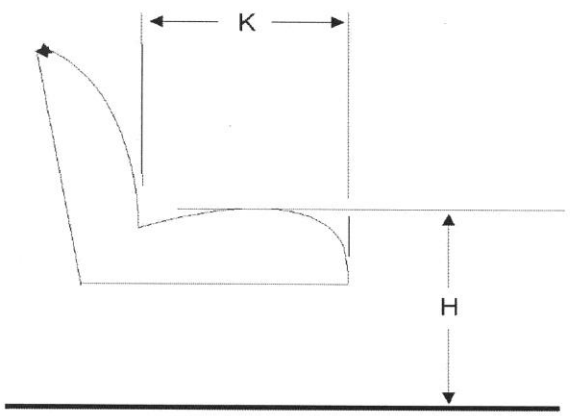
This would make sense because the space available for knees is more realistically determined by the distance between the seat backs than by the longitudinal depth of the seat cushion.

LEGISLATION

Annex I paragraph 7.7.8.2.
Minimum depth of seat cushion (dimension K, see Annex III, figure 11)

	The minimum depth of a seat cushion shall be:
7.7.8.2.1.	*350 mm in vehicles of Class I, A and B, and*
7.7.8.2.2.	*400 mm in vehicles of Class II and Class III.*
7.7.8.3.	*Height of seat cushion (dimension H, see Annex III, figure 11)* *The height of the uncompressed seat cushion relative to the floor shall be such that the distance from the floor to a horizontal plane tangential to the front upper surface of the seat cushion is between 400 and 500 mm: this height may however be reduced to not less than 350 mm at the wheel arches and at the engine compartment.*

Figure 11 - Seat-cushion depth and height
(see Annex I paragraphs 7.7.8.2 and 7.7.8.3)



H = 400/500 mm (*)
K = 350 mm min (**)

(*) 350 mm at wheel arches and engine compartment
(**) 400 mm in vehicles of Classes II & III

7.7.8.4. ***Seat spacing (see Annex III, figure 12)***

7.7.8.4.1. *In the case of seats facing in the same direction, the distance between the front of a seat squab and the back of the squab of the seat preceding it (dimension H), shall, when measured horizontally and at all heights above the floor between the level of the top surface of the seat cushion and a point 620 mm above the floor, not be less than:*

Class I, A and B : 650 mm
Class II and III : 680 mm

7.7.8.4.2. *All measurements shall be taken, with the seat cushion and squab uncompressed, in a vertical plane passing through the centre line of the individual seating place.*

7.7.8.4.3. *Where transverse seats face one another the minimum distance between the front faces of the seat squabs of facing seats, as measured across the highest points of the seat cushions, shall be not less than 1 300 mm.*

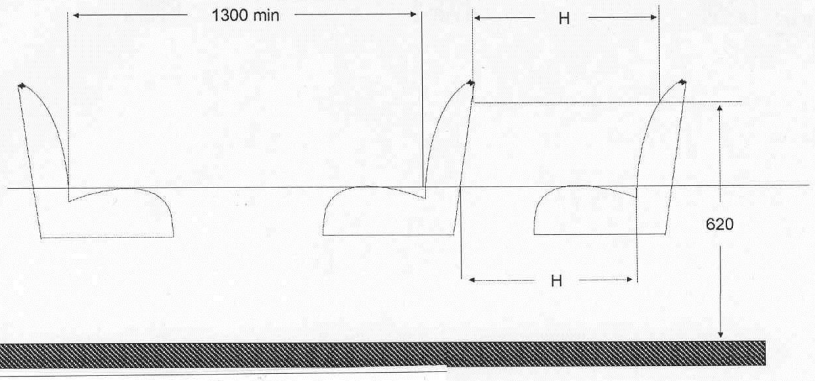
7.7.8.4.4. *Measurements shall be taken with reclining passenger seats and adjustable driving seats with their seat backs and other seat adjustments in the normal position of use specified by the manufacturer.*

7.7.8.4.5. *Measurements shall be taken with any folding table fitted to a seat back in the folded position.*

7.7.8.4.6. *Seats which are mounted on a track or other system which permits the operator or the user to easily vary the interior configuration of the vehicle shall be measured in the normal position of use specified by the manufacturer in the application for the approval.*

Figure 12 - Seat spacing

(see Annex I paragraph 7.7.8.4)



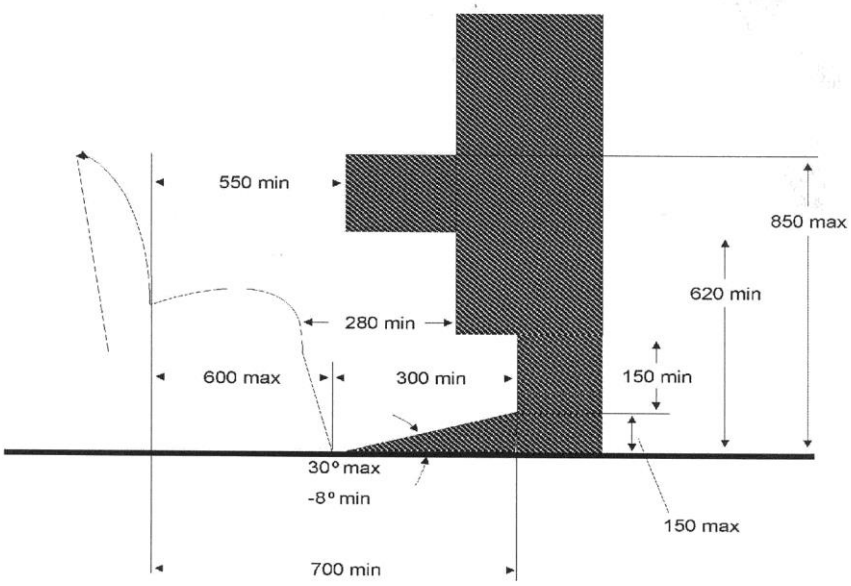
	H
Classes I, A and B	650 mm
Class II and Class III	680 mm

7.7.8.5. ***Space for seated passengers (see Annex III, figure 13)***

7.7.8.5.1. *A minimum clear space in front of each passenger seat shall be provided as shown in Annex III, figure 13. The seat back of another preceding seat or a partition whose contour corresponds approximately to that of the inclined seat back may intrude into this space as provided by paragraph 7.7.8.4. The local presence in this space of seat legs shall also be permitted provided that adequate space remains for the passenger's feet. In the case of seats alongside the driver's seat in vehicles with up to 22 passengers, intrusion of the dashboard, instrument panel, windscreen, sun visor, seat belts and seat belt anchorages shall be allowed.*

Figure 13 - Space for seated passengers

(see Annex I paragraph 7.7.8.5)



TAAM DISCUSSION

Possibilities of solution			Comments
	A	The space for passengers' knees must be a minimum 280mm in all cases	
	B	The space for passengers' knees is allowed to be less than 280mm provided the seat spacing shown in Annex III Figure 12 is achieved.	The 280mm requirement is only relevant when a seat is directly behind a solid partition or bulkhead

Minutes of Meeting:

The UK delegates provided a practical demonstration of the seat spacing issues.

The meeting was initially split between solution 'A' and solution 'B', with the Commission, in particular, considering that the 280mm dimension was to allow for easy access to the seat and therefore applicable for all forward facing seats not just those behind a solid partition or bulkhead.

The Netherlands pointed out that this very issue had recently discussed by GRSG and a proposed amendment to ECE R36 will be on the agenda for WP29 on 9-12 March 2004. One of the proposed changes to R36 is as follows

Paragraph 5.7.8.5.1., amend to read:
"5.7.8.5.1. For a seat behind a partition or other rigid structure other than a seat, a minimum clear space in front of each passenger seat shall be provided as shown in annex 3, figure 8.
and
Annex 3, Figure 8, amend the title to read:
"Figure 8
SPACE FOR SEATED PASSENGERS BEHIND A PARTITION OR OTHER RIGID STRUCTURE OTHER THAN A SEAT (see paragraph 5.7.8.5.1)"

And the original justification for this amendment was given as follows:

'to clarify the interpretation of paragraph 5.7.8.5.1 and Annex 3 figure 8 which was intended not to impose any additional requirements on seat spacing but instead to determine the clear space between a passenger seat and a partition or other rigid structure other than a seat'

[Note: Paragraph 5.7.8.5.1 and Annex 3 Figure 8 in ECE R36 are directly equivalent to 2001/85/EC paragraph 7.7.8.5.1 and Annex 3 Figure 13 respectively]

The meeting accepted that these proposed amendments to R36 added support to acceptance of Solution 'B' as the appropriate interpretation of the 280mm requirement.

It was agreed that, subject to WP29 acceptance of the proposed amendments to R36, the UK would make a proposal for corresponding changes to 2001/85/EC and there was general TAAM agreement to use Solution 'B' as a working interpretation in the meantime.

Additional Information: Proposed amendment to ECE R36:

Economic and Social Council
UNITED NATIONS
Distr.GENERAL TRANS/WP.29/2004/20
5 December 2003
Original: ENGLISH
ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE
World Forum for Harmonization of Vehicle Regulations (WP.29)

*(One-hundred-and-thirty-second session**, 9-12 March 2004,** agenda item 4.2.7.)*

PROPOSAL FOR DRAFT SUPPLEMENT 10 TO THE 03 SERIES OF AMENDMENTS TO REGULATION No. 36 (Large capacity passenger vehicles)

Transmitted by the Working Party on General Safety Provisions (GRSG)
Note: The text reproduced below was adopted by GRSG at its eighty-fifth session, and is transmitted for consideration to WP.29 and to AC.1. It is based on documents TRANS/WP.29/GRSG/2003/18 as amended by informal document No. 12 and on TRANS/WP.29/GRSG/64, annex 2.

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Paragraph 5.7.8.5.1., amend to read:
"5.7.8.5.1. For a seat behind a partition or other rigid structure other than a seat, a minimum clear space in front of each passenger seat shall be provided as shown in annex 3, figure 8. A partition whose contour corresponds approximately to that of the inclined seat back may intrude into this space as provided by paragraph 5.7.8.4."

Insert a new paragraph 5.7.8.5.2., to read:
"5.7.8.5.2. For a seat behind a seat and/or a seat facing the gangway, a minimum clear foot space of at least 300 mm depth and a width according to paragraph 5.7.8.1.1. shall be provided as shown in annex 3, figure 6b. The local presence in this space of seat legs and of intrusions as provided by paragraph 5.7.8.6.2.3. shall be permitted provided that adequate space remains for the passengers' feet. This foot space may partly be situated in and/or above the gangway but shall not create any obstruction when measuring the minimum gangway-width in accordance with paragraph 5.7.5."

Paragraph 5.7.8.5.2., renumber as paragraph 5.7.8.5.3.

Annex 3,
Figure 6, renumber as Figure 6a.

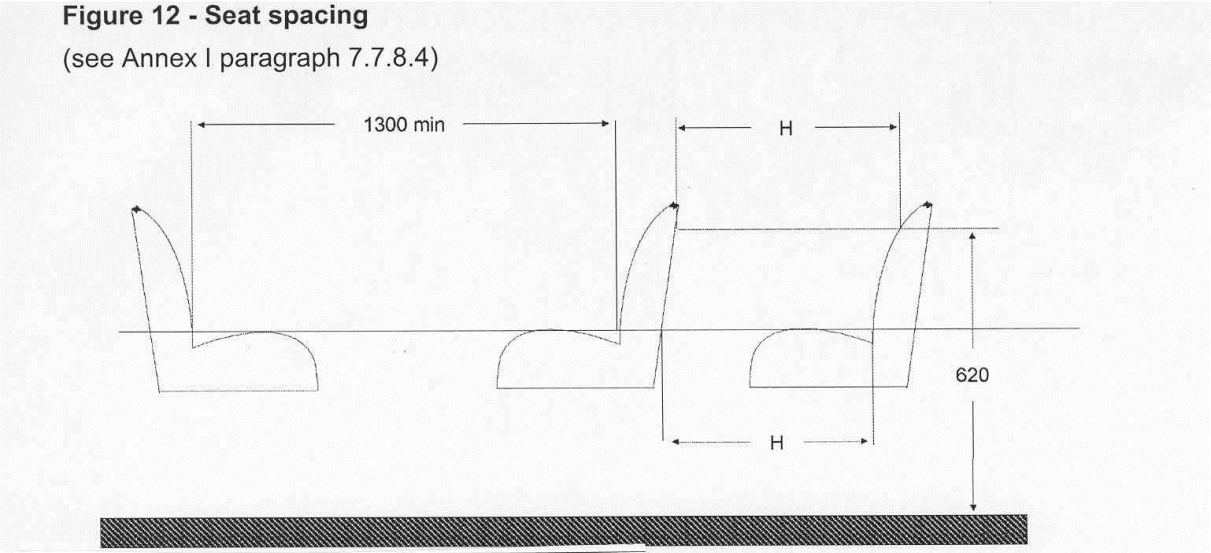
Insert a new figure 6b, to read:
"Figure 6b
SPACE FOR SEATED PASSENGERS BEHIND A SEAT AND/ OR A SEAT FACING THE GANGWAY (see paragraph 5.7.8.5.2)"

Figure 8, amend the title to read:
"Figure 8
SPACE FOR SEATED PASSENGERS BEHIND A PARTITION OR OTHER RIGID STRUCTURE OTHER THAN A SEAT (see paragraph 5.7.8.5.1)"

6.14. 2001/85/EC (Bus & Coach Construction): Knee space for passengers in facing seats – UK 2

ISSUE

Annex I, paragraph 7.7.8.4.3 defines a minimum clear space between the front faces of the seat squabs of facing seats of 1300mm.



	H
Classes I, A and B	650 mm
Class II and Class III	680 mm

Taking Class II vehicle as an example, the minimum seat cushion depth is 400mm (7.7.8.2.2). This leaves 500mm between the front edge of seat cushions
(1300 – 2x400 = 500mm).

7.7.8.5.1 says that there must be 280mm knee clearance in front of each seat.

Each seat ***independently*** has 280mm clear space, but in our example there is only 500mm total distance instead of 560mm (2 x 280mm), so overlapping of the knee space areas of the two seats occurs.

In real life, it is possible for passengers to interlock (overlap) legs with each other in this space but is this allowed by the legislation?.

LEGISLATION

Annex I paragraph 7.7.8.2.
Minimum depth of seat cushion (dimension K, see Annex III, figure 11)

The minimum depth of a seat cushion shall be:
7.7.8.2.1. 350 mm in vehicles of Class I, A and B, and
7.7.8.2.2. 400 mm in vehicles of Class II and Class III.

Also Directive 2001/85/EC, Annex I, paragraphs 7.7.8.2.2, 7.7.8.4.3 and 7.7.8.5.1 - see UK Question 1 for details.

TAAM DISCUSSION

Possibilities of solution			Comments
	A	Interlocking of passenger's legs (overlapping of the clear knee space) on facing seats IS allowed provided the spacing between the seat backs is in line with Figure 12	
	B	Interlocking of passenger's legs (overlapping of the clear knee space) on facing seats IS NOT allowed	The minimum knee space must be 560mm (2x 280mm)

Minutes of Meeting:

Following on from the previous question (Agenda Item 6.13), and the associated interpretation of paragraph 7.7.8.5.1, the meeting consensus was in favour of Solution 'A'

6.15 2001/85/EC (Bus & Coach Construction): Step heights according to Annex VII – UK 3

ISSUE

It is accepted that the steps in the door(s) nominated for boarding by passengers with reduced mobility, and steps in the access passage to/from this door, must meet all the requirements of Annex VII, Paragraph 3.1

But, should all steps in the WHOLE gangway of the vehicle meet the requirements of Annex VII or does Annex VII only apply to those steps in the part of the gangway between the access passage at the door suitable for access by passengers with reduced mobility and the priority seats?

The main differences are that for Annex VII the height of the steps (other than the first step from the ground) in an access passage and in a gangway shall be not more than 200 mm for vehicles of Class I and A and 250 mm for vehicles of Class II, III and B whereas for Annex I the corresponding steps heights are 250 mm and 350 mm respectively.

All Class 1 vehicles must comply with Annex VII and yet the step requirements for Class 1 vehicles are also identified in the standard specifications of Annex I.

This would seem to suggest that the Annex VII steps heights are only applicable in those areas of the bus intended for access by passengers with reduced mobility and that Annex I step height dimensions are acceptable for the rest of the bus.

LEGISLATION

1.2 ***Article 3***

*1. Vehicles of **Class I** shall be accessible for people with reduced mobility including wheelchair users according to the technical provisions laid down in **Annex VII.***
2. Member States shall be free to choose the most appropriate solution to achieve improved accessibility in vehicles other than those of Class I. However, if vehicles other than those of Class I are equipped with devices for people with reduced mobility and/or wheelchair users, they shall comply with the relevant requirements of Annex VII.

Annex I paragraph 7.7.7. *Steps (see Annex III, figure 8)*

7.7.7.1. The maximum and minimum height, with the kneeling system not activated, and the minimum depth of steps for passengers at service and emergency doors and within the vehicle shall be as follows:

	Classes	I and A	II, III and B
First step from ground 'D	Max height (mm)	**340 (1)**	380 (1) (2) (5)
	Min depth (mm)	300 (*)	
Other steps 'E	Max height (mm)	**250 (3)**	350 (4)
	Min height (mm)	120	
	Min depth (mm)	200	

(*) 230 mm for vehicles having a capacity not exceeding 22 passengers.
(1) 700 mm in the case of an emergency door;
1 500 mm in the case of an emergency door in the upper deck of a double deck vehicle.
(2) 430 mm in the case of a vehicle with solely mechanical suspension.
(3) 300 mm in the case of steps at a door behind the rearmost axle.
(4) 250 mm in gangways for vehicles having a capacity not exceeding 22 passengers.
(5) For at least one service door; 400 mm for other service doors.
Note: 1. At a double doorway the steps in each half of the access passage shall be treated separately.
2. Annex III, figure 8, dimension E, need not be the same for each step.

7.7.7.1.1.Any transition from a sunken gangway to a seating area shall not be considered to be a step.
However, the vertical distance between the gangway surface and the floor of the seating area hall not exceed 350 mm.

7.7.7.2. For the purpose of Section 7.7.7, the height of a step shall be measured at the centre of its width.
Furthermore, manufacturers should specifically take account of access by passengers with reduced mobility, particularly in relation to a step height to be kept to a minimum.
7.7.7.3. The height of the first step in relation to the ground shall be measured with the vehicle on level ground, at its mass in running order as defined in paragraph 2.18 and the tyre equipment and pressure being as specified by the manufacturer for the technically permissible maximum laden mass (M) declared in accordance with paragraph 2.19.
7.7.7.4. Where there is more than one step, each step may extend into the area of the vertical projection of the next step by up to 100 mm and the projection over the tread below shall leave a free surface of at least 200 mm (see Annex III, figure 8) with all step nosings being designed such as to minimise the risk of tripping and being in a contrasting colour or colours.

Annex VII Paragraph 3.1. Steps

*3.1 The height of the first step from the ground of at least one service door shall not exceed **250 mm** for vehicles of **Class I** and A and 320 mm for vehicles of Class II, III and B.*
As an alternative for vehicles of Class I and A, the first step from the ground shall not exceed 270 mm in two door openings, one entrance and one exit.

A kneeling system and/or retractable step may be engaged.

*The height of the steps other than the first step from the ground at the abovementioned door(s), in an access passage and in a gangway, shall be not more than **200 mm** for vehicles of **Class I** and A and 250 mm for vehicles of Class II, III and B.*

The transition from a sunken gangway to a seating area shall not be considered to be a step.

TAAM DISCUSSION

Possibilities of solution			Comments
	A	ALL steps in the vehicle must meet the requirements	
	B	Only those steps in the gangway between the access door and the priority seats must meet Annex VII. All other steps elsewhere in the gangway must meet Annex I, 7.7.7.1	

Minutes of Meeting:

During the early discussion there was a view that for any vehicle approved to Annex VII all steps throughout the whole vehicle must comply with the step requirements of Annex VII.

However, it was the pointed out that all Class 1 vehicles must always comply with Annex VII and yet (different) step requirements are also identified for Class 1 vehicles in the standard specifications of Annex I.

It was suggested that this means that the Annex VII steps heights are only applicable in those areas of the bus intended for access by passengers with reduced mobility and that Annex I step height dimensions are acceptable for the rest of the bus.

By the end of the discussion there was a clear majority in support of Solution B although it was agreed that the outcome of ongoing GRSG/WP29 discussions on this subject should be closely monitored.

6.16. 2001/85/EC (Bus & Coach Construction): Height of door control according to Annex VII – UK 4

ISSUE

According to Annex I paragraph 7.6.4.2, if a interior control to open a service door in normal conditions (i.e. by a passenger for normal entry/exit) is provided it must be between 1000mm and 1500mm above the floor.

If the door is power-operated it must meet the additional requirements of 7.6.5.1, such that there must be an emergency opening control at a height of not less than 1600mm above the first step.

If the same door is also the door declared for wheelchair access, it must meet Annex VII and in this case, according to Annex VII, paragraph 3.9.1 states that **any opening control** shall not be higher than 1300mm from the ground or floor.

This raises the question, does Annex VII, Paragraph 3.9.1 apply to NORMAL opening controls only, or all controls (i.e. both NORMAL and EMERGENCY controls)?

With regards to the normal controls, there is no conflict with Annex I (the Annex VII requirement can be met within the allowed Annex I 1000-1500mm band).

With regards to the emergency controls, there is an inconsistency – the height from the floor should be less than 1300mm for Annex VII yet more than 1600mm for Annex I.

Furthermore, the background to the Annex I requirement is to prevent mis-use of the emergency control in normal conditions. If it was necessary to provide an emergency control at a height of less than 1300mm, the risk of mis-use would increase significantly.

LEGISLATION

Directive 2001/85/EC, Annex I, Paragraphs 7.6.4.2 and 7.6.5.1.2 and Annex VII, Paragraph 3.9.1.

Annex I:

7.6.4.2. *Every control or device for opening a door from the outside shall be between 1 000 and 1 500 mm from the ground and not more than 500 mm from the door. In vehicles of Classes I, II and III every control or device for opening a door from the inside shall be* ***between 1 000 and 1 500 mm from the upper surface of the floor or step*** *nearest to the control and not more than 500 mm from the door.*

7.6.5.1. *In the event of an emergency, every power-operated service door shall be capable, when the vehicle is stationary (but not necessarily when the vehicle is moving), of being opened from inside and, when not locked, from outside by controls which, whether or not the power supply is operating:*

7.6.5.1.1. ***override all other door controls****;*

7.6.5.1.2. *in the case of interior controls, are placed on, or within 300 mm of, the door, at a* ***height of not less 1 600 mm above the first step****;*

Annex VII:

3.9.1. *Any opening control adjacent to a door referred to in paragraph 3.6, whether being outside or inside of the vehicle, shall* ***not be higher than 1 300 mm from the ground or the floor.***

TAAM DISCUSSION

	Possibilities of solution		Comments
	A	Annex VII, Paragraph 3.9.1 applies only to the 'normal' opening controls, not the 'emergency' controls.	'Emergency' controls need only comply with Annex I dimensional requirements It is assumed that the driver and/or other passengers would be able to help passengers with reduced mobility in an emergency.
	B	Annex VII, Paragraph 3.9.1 applies to ALL opening controls (normal and emergency)	

Minutes of Meeting:

The meeting expressed concern that emergency controls could be misused if they were in easy reach of children and there was a general consensus in support of Solution A

6.17 2001/85 (Bus & Coach Construction): Application of the bus and coach directive by TAAM countries – Latvia 1

BACKGROUND

In general, directive 2001/85/EC is a compilation of the ECE-Regulations No.36, 52, 66 and 107. However, there are some differences. For instance, ECE-R 66 applies to buses and coaches above 16 passengers yet the directive applies to „city buses" above 22 passengers.

Till the August 13, 2003 (the date when EU Member States had to implement the requirements of this directive into national law) Member States were free to choose whether apply any of above mentioned ECE Regulations or instead use national requirements (standards).

According to the Paragraphs 3 and 4 of the Article 2 Member States have to apply requirements of the EC directive from February 13, 2004 (for EC approvals) and from February, 13, 2005 (for all buses). Nevertheless, since the above mentioned paragraphs states „.....Member States **„may"** refuse the registration ...." it leaves space for each Type Approval Authority (TAA) to require mandatory compliance with this directive or not.

MAJOR CONCERN

Currently bus / coach construction requirements differ from country to country. One of the biggest problems is requirements for „used" buses i.e. buses which previously already were registered in other Member States. Especially importers face with problems in countries where TAA strictly require compliance with requirements i.e. ECE Regulations for both new and used buses.

Another problem is that buses (especially small ones) rarely are manufactured in one stage and usually are tailored to needs of a particular customer. Therefore, there is no economic justification for getting official ECE or EU approval.

It is expected that after May 1, 2004 the situation will be even more complicated. Consequently we believe that it would be very useful to briefly compile present and / or expected requirements of TAAM countries in this field.

QUESTIONS

1. Does your TAA [will] require full compliance regarding general construction of buses according to 2001/85/EC or ECE-No.36, 52,107 by: A) Type Approval Certificate B) Official Test Report C) physical inspection before registration	
2. Does your TAA [will] require full compliance regarding the strength of superstructure of buses according to 2001/85/EC or ECE-No. 66? If yes: A) for all buses above 16 passengers (R-66) B) for „city buses" above 22 passengers (2001/85/EC) C) other (please specify)	
3. How an importer have to prove the compliance of a bus with the strength of superstructure requirements: A) by Type Approval certificate B) by calculations C) by declaration of a manufacturer	
4. According to your TAA interpretation, what is a „Class I vehicle" (city bus)? In other words, for what kind of buses your TAA does not require to proof compliance with the strength of superstructure requirements?	
5. Does your TAA will maintain application of National Standards for buses (coaches) in future? A) yes (in general) B) yes, for certain time (please specify) C) no (If yes, please name those standards and inform about their availability).	
6. What are requirements of your TAA for used buses and coaches: A) the same as for new ones	

B) no requirements at all if registered in any MS C) other	
7. If there are requirements for „used" buses, what kind of buses are considered „used" according the interpretation of your TAA: A) permanently registered in other MS (even for 1 day) B) registered at least for 3 months C) registered at least for 6 months D) other (please specify)	

Minutes of Meeting:

Since this is, in effect, a survey questionnaire that requires separate replies from each country, it was agreed that the delegates would send individual responses to Latvia after the TAAM.

7. ITEMS RELATING TO FRAMEWORK DIRECTIVE 92/61/EEC AND 2002/24/EC (MOTOR CYCLES)

7.1. 2002/24/EC: Definition of low-performance mopeds – Germany 6

Issue
A note of the directive 2002/24/EC, Annex 1 defines a low-performance moped . According to the note the moped have to have pedals, an auxiliary engine whose power not exceeds
1 kW and a maximum design speed not exceeding 25 km/h. This kind of moped could use special requirements in the directives listed in the note. But only in a few of the listed directives are special provisions for the low-performance mopeds named, in parts of the other directives is additionally another kind of moped with low performance defined (e.g. directive 93/30/EC, Annex II, Point 2.1, 0.5 kW, 25 km/h). Pedals are explicit not named in this directive.

In an actual case, we have a scooter with an electrically propulsion engine of power not exceeding 0,25 kW and a maximum design speed not exceeding 20 km/h. According to the directive (EC) 97/24 chapter 1, Annex III, Point 2.4 the tyres of low-performance mopeds needs not to fulfil the requirements of this directive. This moped/scooter is equipped with not type-approved tyres of the non standardised size 12½ x 2¼ which is not in the directive.
It is doubtful, why low-performance mopeds must be equipped with pedals to claim special provisions of the directives. The premises for the scooter are the same as for the mopeds with pedals, because it is also possible to drive the electrically propulsion scooter without the engine only with the muscular strength, like a moped with pedals.

Prescription
Directive 2002/24/EEC Annex I, note
Directive 97/24/EC Chapter 1, Annex III, Point 2.4

Possibilities of solution			Comments
	A	The exception of the note regarding low performance mopeds is valid for electrically scooters without pedals, too.	Mopeds with low maximum design speed should be treated equal and independent of pedals.
	B	The scooter is not equipped with pedals, so it is no low-performance moped and must fulfil the requirements of the directive 97/24/EC concerning the tyres.	

Additional Information: Extracts from relevant sections of 2002/24/EC.

Annex I - List Of Requirements For The Purpose Of Vehicle Type-Approval

Note *The separate Directives will lay down specific requirements for low-performance mopeds, i.e.* ***mopeds with pedals****, with an auxiliary engine of power not exceeding 1 kW and a maximum design speed not exceeding 25 km/h. These specific characteristics will apply in particular to the components and characteristics covered by heading Nos 18, 19, 29, 32, 33, 34, 41, 43 and 46 of this Annex.*

Minutes of Meeting:

The meeting considered that the note at the end of Annex I was clear and a ‘low-performance moped’ must have pedals. The meeting therefore agreed with Solution ‘B’.

7.2. 93/32/EC (Passenger Hand-holds on Two-wheel Vehicles): Applicability of the directive to 3 and 4 wheel vehicles – Spain 1

Issue
Is the directive applicable for three and four wheels vehicles (cuatricycle)?
Do you think a hand-hold designed for a motorcycle will be sufficient for an ATV?

Prescription

The title of the directive suggest only for two wheel vehicles

Possibilities of solution Comments

	A	It is possible to grant approvals without any safety device: hand-hold or safety belts.	The handhold was designed to support vertical force, NOT lateral force.
	B	The ATV are designed for use only with driver.	The passenger can cause loss of control in this type of vehicles provided of handle-bar and a motorcycle seat, without back of the seat or any device which help to support the centrifugal force.

Additional Information: Extracts from relevant sections of 93/32/EC as amended by 1999/24.

COUNCIL DIRECTIVE 93/32/EEC
of 14 June 1993
*on passenger hand-holds on **two-wheel motor vehicles***

COMMISSION DIRECTIVE 1999/24/EC
of 9 April 1999
*adapting to technical progress Council Directive 93/32/EEC on passenger hand-holds on **two-wheel motor vehicles***

93/32/EEC articles
Article 1
*This Directive and its Annex apply to passenger hand-holds of **all types of two-wheel vehicles** as defined in Article 1 of Council Directive 92/61/EEC.*

Minutes of Meeting:

The meeting agreed that the current legislation only applies to two wheeled vehicles and hence 'A' is the relevant solution.

There was general concern, therefore, that passengers can be allowed on quadricycles without the need for approved handhold.

It was also noted that the technical requirements for handhold on 3 and 4 wheeled vehicles (lateral and vertical forces) differ significantly from those appropriate for 2 wheeled machines (typically vertical forces).

Spain agreed to propose an amendment to 93/32/EC to cover requirements for passenger hand-holds on 3 and 4 wheeled vehicles.

7.3. 93/93/EC (Masses & Dimensions): Mass of passengers – UK 5

ISSUE

93/93/EC limits the maximum payload for this category of vehicle to 200kg and the mass of the rider it is taken to be a round figure of 75 kg. Based on the English text, it is not entirely clear in this case whether this 75 kg mass applies to the driver and passengers or just to the driver.

In English, the term "rider" is defined as a person or thing that rides so, in this case, the term rider could include the driver and passengers. In addition, it seems strange to legislate the requirements for the mass of the driver and ignore the mass of any passengers.

However, we are led to believe that the German and French text of the masses & dimensions directive (93/93/EEC) is more specific and defines the rider as the driver and, apparently, the mass of the passengers is not regulated.

The definition of "rider" makes a difference as to whether or not a masses & dimensions approval (93/93/EEC) can be issued. Paragraph 1.9 of 93/93/EEC states that the maximum payload declared by the manufacturer means the load obtained by subtracting the running order mass and the mass of the rider from the technically permissible maximum mass.

If the mass of the "rider" is taken to include the driver and all passengers, a four-seat quadricycle would need a payload of at least 225kg (i.e. (4 – 1) x 75kg)) which is in excess of the 200kg permitted by the legislation.

LEGISLATION

2002/24/EC (Motor Cycle Whole Vehicle Type Approval Directive) Article 1 Section 3

3. This Directive shall also apply to quadricycles, i.e. motor vehicles with four wheels having the following characteristics:

(a) light quadricycles whose unladen mass is not more than 350 kg (category L6e), not including the mass of the batteries in case of electric vehicles, whose maximum design speed is not more than 45 km/h, and

(i) whose engine cylinder capacity does not exceed 50 cm^3 for spark (positive) ignition engines, or

(ii) whose maximum net power output does not exceed 4 kW in the case of other internal combustion engines, or

(iii) whose maximum continuous rated power does not exceed 4 kW in the case of an electric motor.

These vehicles shall fulfil the technical requirements applicable to three-wheel mopeds of category L2e unless specified differently in any of the separate directives;

(b) quadricycles, other than those referred to in (a), whose unladen mass is not more than 400 kg (category L7e) (550 kg for vehicles intended for carrying goods), not including the mass of batteries in the case of electric vehicles, and whose maximum net engine power does not exceed 15 kW. These vehicles shall be considered to be motor tricycles and shall fulfil the technical requirements applicable to motor tricycles of category L5e unless specified differently in any of the separate Directives.

93/93/EC (Masses & Dimensions – 2&3 wheels)

1. Definitions

1.5. unladen mass

means the mass of vehicle ready for normal use and equipped as follows:

- *additional equipment required solely for the normal use under consideration,*
- *complete electrical equipment, including the lighting an light-signalling devices supplied by the manufacturer,*
- *instruments and devices required by the laws under which the unladen mass of the vehicle has been measured,*
- *the appropriate amounts of liquids in order to ensure the proper operation of all parts of the vehicle.*

NB: the fuel and the fuel/oil mixture are not included in the measurement, but components such as the battery acid, the hydraulic fluid, the coolant and the engine oil must be included;

1.6. ***mass in running order***

means the unladen mass to which the mass of the following components is added:

- *fuel: tank filled to at least 90 % of the capacity stated by the manufacturer,*
- *additional equipment normally supplied by the manufacturer in addition to that needed for normal operation (tool kit, luggage carrier, windscreen, protective equipment, etc).*

NB: in the case of a vehicle operating with a fuel/oil mixture:

(a) when the fuel and oil are pre-mixed the word 'fuel' must be interpreted as meaning a pre-mixture of fuel and oil this type;

(b) when the fuel and oil are put in separately the word 'fuel' must be interpreted as meaning only the petrol. In this case, the oil is already included in the measurement of the unladen mass;

1.7. ***mass of the rider***

by convention, it is taken to be a round figure of ***75 kg;***

1.8. ***technically permissible maximum mass***

means the mass calculated by the manufacturer for specific operating conditions, taking account of factors such as the strength of the materials, loading capacity of the tyres, etc.;

1.9. ***maximum payload declared by the manufacturer***

means the ***load obtained by subtracting the mass defined in paragraph 1.6, with the mass of the rider (defined in paragraph 1.7), from the mass defined in paragraph 1.8***.

3.2. Maximum masses

3.2.1. The maximum mass for two-wheel motor vehicles is the technically permissible mass declared by the manufacturer.

3.2.2. ***The maximum unladen masses*** *for three or four-wheel motor vehicles are as follows:*

3.2.2.1. three-wheel motor vehicles:
270 kg for mopeds;
1 000 kg for tricycles (no account is taken of the mass of traction batteries for electric vehicles);

3.2.2.2. four-wheel motor vehicles:

350 kg	***—***	***light quadricycles;***
400 kg	*—*	*quadricycles other than light for transport of persons;*
550 kg	*—*	*quadricycles other than light for transport of goods (no account is taken of the mass of traction batteries for electric vehicles).*

3.2.3. ***The maximum payloads*** *declared by the manufacturer for three or four-wheel motor vehicles are as follows:*

3.2.3.1. three-wheel mopeds:
300 kg;

3.2.3.2. ***light quadricycles:***
200 kg;

3.2.3.3. tricycles:
3.2.3.3.1. for transport of goods:
1 500 kg;
3.2.3.3.2. for transport of persons:
300 kg;

3.2.3.4. ***quadricycles, other than light:***
3.2.3.4.1. for transport of goods:
1 000 kg;
3.2.3.4.2. ***for transport of persons:***
200 kg;

3.2.4. two, three or four-wheel motor vehicles can be authorized to tow a mass declared by the manufacturer not exceeding 50 % of the unladen mass of the vehicle.

TAAM DISCUSSION

Possibilities of solution			Comments
	A	Driver and all passengers need to be considered in determining the payload of a quadricycle.	
	B	Only the driver and not the passengers are considered when determining the payload of a quadricycle.	

Minutes of Meeting:

Although there was some discussion and concern about the potential overloading of a 4-seat quadricycle, the meeting agreed that the mass of the passengers is not regulated and the 75 kg mass (Annex paragraph 1.7) only applies to the driver and not the passenger(s).

Hence, it was accepted that it is the responsibility of the driver to ensure that the total mass of the passengers does not exceed the allowed 200kg payload (e.g. one adult and two children) and 'B' was agreed as the appropriate solution.

Norway agreed to consider making proposal for an amendment to regulate passenger masses for quadricycles.

8. FRAMEWORK DIRECTIVE 74/150/EEC (AGRICULTURAL AND FORESTRY TRACTORS)

Minutes of Meeting:

No items to report.

9. MISCELLANEOUS

9.1. Unsuitable designs in general – Sweden 2

Minutes of Meeting:

Whilst the meeting shared Sweden's concerns about some designs that might be deemed to be 'unsuitable' there was general agreement that, provided the relevant legislative requirements are met, Type Approval Authorities should not impose additional requirements.

The appropriate action would be for the member state to propose changes to the legislation that would henceforth forbid the designs considered to be 'unsuitable'.

9.2. Questions to the delegates and the Commission – Germany 5/1

There are sometimes problems to get information concerning system approvals or approvals for separate technical units or parts. Although the necessity to get this information is pointed out to the concerned authority, there is no response. Even a question to the commission earns any reaction.

How shall the TAA act to get the information or copies of the approvals?

Minutes of Meeting:

The meeting supported the German concern that not all Member States fully co-operated with the principle of the free and prompt exchange and supply of information between Type Approval Authorities as and when required. The meeting noted that one Member State, in particular, had developed a reputation for a lack of co-operation. The Member State concerned was not in attendance at this TAAM.

It was felt that the TAAM provided the ideal environment for achieving/maintaining good working relationships between Type Approval Authorities and the chair agreed to write to the Country concerned to try to encourage them to take a more active role in future TAAM activities and thereby improve their co-operation.

9.3. Questions to the delegates and the Commission – Germany 5/2

Who of the TAA actually grant approvals according directive 97/68/EC for mobile machinery?

Minutes of Meeting:

A round table survey gave the following responses:

Type Approval Authorities that are responsible for 97/68/EC approvals: Belgium, Czech Republic, Finland, France, Germany, Hungary, Ireland, Netherlands, Slovenia, Sweden (from mid-2004), Turkey, UK

Type Approval Authorities that are not responsible for 97/68/EC approvals: Austria, Iceland, Latvia

Type Approval Authorities that will send details to Germany after the meeting: Norway, Poland, Spain

9.4. Common Approach to Complex Electronics in Brake Systems – Belgium

Minutes of Meeting:
Following from Item 5.1, it was agreed that the meeting should take this opportunity to confirm a common approach to the approval of complex electronic system in vehicle braking approvals.

Belgium prepared a statement that was then developed and unanimously agreed by all delegates as follows:

Type approval of brake systems using complex electronic systems

In agreement with the decision taken during the TAAM meeting in Brussels (agenda 6.13), the TAAM members strongly supported the necessity to perform the conformity assessment procedure (including test report) as defined in Annex 18 of Regulation 13.09, or Annex 8 of Regulation 13H, in addition to the other requirements foreseen in Directive 71/320/EEC as amended.

If the manufacturer requires an EC certificate for this type of braking system, the member state may issue such a certificate but must also include the test report and information foreseen in 13H (annex 8) or Regulation 13.09 (annex 18) as a basis for presentation. A comment will be added into the remarks section of that certificate.

9.5 Distribution of information to new Member States – Latvia

Minutes of Meeting:

Mindful of the need for information to be supplied to the states that will become new members of the EU from May, Latvia asked if Type Approval Authority contact details were available for all the new Member States.

It was agreed that the current contact details would be included with the TAAM minutes with a request for all delegates to update the information where necessary.

10. NEXT MEETINGS

Minutes of Meeting:

France kindly agreed to host the next TAAM which will be held in Q2/Q3 2004

Spain then kindly agreed to host the subsequent meeting in Q1/Q2 2005

VCA
3 March 2004