

# EUROPEAN COMMISSION

ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Sustainable Growth and EU 2020 Sustainable Mobility and Automotive Industry

> Brussels, 16 December 2013 ENTR/D.5 GG D(2013)

# Meeting minutes of the Motorcycle Working Group MCWG / MVEG on Motorcycles (L-category vehicles)

Brussels, 19 April 2013

#### **Meeting Motorcycle working group (MCWG)**

#### **Date and Venue**

19 April 2013, 10.00 – 17.30h. Centre Albert Borschette, conference room 1B 36, Rue Froissart - Brussels

#### **Documentation**

Documents can be downloaded from the CIRCABC website: <a href="https://circabc.europa.eu/w/browse/528fde84-43f7-4345-b64a-fc3c778aa53e">https://circabc.europa.eu/w/browse/528fde84-43f7-4345-b64a-fc3c778aa53e</a>

#### **Summary**

**Madam Chair**, Mrs Bonvissuto (European Commission - DG Enterprise and Industry – Automotive Unit D5), welcomed the participants (list attached in Annex) and thanked them for their constructive feedback delivered on time allowing the Commission services to draft the delegated and implementing acts according to schedule.

## (1) Approval of the draft agenda

Document: MCWG MVEG 2013 04 19 draft agenda v1.pdf

The agenda was approved. On request of the French representative point 6 of the agenda was combined with point 5b on vehicle construction requirements

# (2) Approval of the draft minutes of the MCWG meetings of 18.12.2012 and 04.02.13.

Document: 2a 2012 12 18 MCWG MVEG L Cat minutes v2

The draft minutes of the meeting on 18 Dec 12 were approved. The minutes of the meeting on 04 Feb 13 were not available yet for review and adoption. **Madam Chair** invited the participants to review the draft minutes once uploaded and to provide comments in writing. The approval of these minutes was postponed until the next meeting in September.

**Madam Chair** thanked all participants for the collaboration on Codecision Regulation (EU) No 168/2013 (OJ L60 2.3.2013 p. 52) and underlined the importance of the adoption by Council and Parliament of this new framework to approve L-category vehicles, which had been published in the OJ in March 2013.

#### (3) Policy studies:

#### 3a. International environmental and propulsion performance requirements;

**Documents:** 3a1 L-EPPR MCWG - 20130419 v01 final

3a2 L-EPPR Report - v2.05 - 20130405 - final

3a3 L-EPPR Roadmap 20130410

The TRL expert presented the status and key dates of the study regarding international environmental and propulsion performance requirements. He introduced the objectives of the study and provided first impressions on the stakeholder consultation. The TRL expert continued with an overview of the steps to take stock of existing L-category vehicle approval legislation around the globe and finished the presentation by pointing out some issues encountered to be discussed in the UN L-EPPR informal working group.

**ACEM** appreciated that an update on the status of the study had been provided but wondered about the high priority regarding classification. ACEM was of the opinion that this will be a challenging issue and

reaching an agreement on three- and four-wheelers might be very ambitious at the global level of the UN. The representative from ACEM requested the EC to provide their view on this topic and inquired if it would be possible to regularly inform the MCWG participants of identified issues in and progress of work of the UN L-EPPR working group ( <a href="https://www2.unece.org/wiki/pages/viewpage.action?pageId=5800520">https://www2.unece.org/wiki/pages/viewpage.action?pageId=5800520</a>).

**Madam Chair** appreciated that suggestion and supported the idea to provide regular updates on the UN L-EPPR working group activities and controversial issues at stake to the MCWG participants. However, she did not want this process to become too burdensome and would like to limit the discussions only to those items requiring EU coordination so as to prevent diverging positions and discussions in Geneva and to allow presenting a common EU position in the UN meetings to come.

The EC representative replied that UN classification should be high on the priority list as the target is to harmonise substantive requirements and classification to the maximum extent possible allowing to replace the currently developed REPPR requirements with references to international UN standards on the long term. It should be kept in mind that the UN special resolution No 1 (S.R.1) and the resolution on vehicle construction (R.E.3) are not legally binding, which means that in case classification cannot be harmonised the EU can always fall back on its own classification rules.

Madam Chair indicated that the ultimate goal would be to prevent parallel application of EU and UN Regulations and to

# 3b. Presentation environmental effect study Emisia;

**Documents:** 3b1 130419 environmental effect study 3b2 130412 ACEM Environmental Study

The Emisia expert presented the final report on the study that had been commissioned by ACEM with the objective to take stock of the issues that would need to be assessed and which was submitted as input to the Euro 5 effect study referred to in Article 23(4) of Regulation (EU) No 168/2013. Emisia expected the study to be comprehensive and estimated a total budget needed of 1.68 million Euros as well as an anticipated timeframe of approximately 16 - 20 months to conduct the study. He presented different proposals of burden sharing and recommendations how to minimise the cost of testing. The final steps in this study were dedicated to include stakeholder feedback on the draft final results and to deliver the final report by Jun 13.

**Madam Chair** appreciated the presentation and indicated that regarding the budget it was not possible at this point in time to confirm the and that the EC would need further review the study as well make an internal assessment before starting to draft the terms of reference and to specify the Euro 5 study. She invited MS to share with the group whether there were any plans to conduct aspects of this study at the national level and she indicated that DG ENTR would inquire with the other Service of the EC, e.g. DG ENV if they could contribute to the study with e.g. making available of modelling or other useful tools.

The EC representative thanked ACEM for having commissioned this study and the expert of Emisia for his comprehensive presentation. He stated that the study is valuable as input to the Euro 5 study and that it will be assessed in detail before drafting the specifications of the Euro 5 study. He acknowledged that the anticipated budget and anticipated time to conduct the study are significant and that owing to the main objective of the EC Services to complete the delegated acts still within 2013 the definition of the Euro 5 study was not high on the priority list until mid to end of 2013. However, subsequent to finalising the delegated and implementing acts more time would be available to specify the items in the scope of the Euro 5 step, which would be shared with stakeholders in due course. More details on the outline of the study would be shared in the next MCWG meeting.

# 3c. Update Commission on environmental effect study and study regarding advanced safety requirements for subcategory L7e-A;

**Document:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p4 – 7)

The EC representative provided a brief overview of the L7e-A (heavy on-road quads) safety study. One of the objectives is to compare the type of accidents in which these light 4-wheeled vehicles are involved in with the ones of light duty (LD) motor vehicles (category M) and to take stock of which applicable safety requirements for LD vehicles might be cost beneficial for L7e-A subcategory vehicles as a consequence. He anticipated that the relatively small fleet size and therefore small sample size might be a constraint for a full analysis. Two main aspects of the study were to forecast the future fleet size and to conduct a cost effectiveness analysis. He expected the contractor to collect stakeholder input and he invited stakeholders to review and to provide feedback on the preliminary results that would be shared with stakeholders in the first quarter of 2014.

# (4) Status of the AHO / Moped Euro 3 proposal.

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p9 – 16)

4a Prop Euro3 AHO r2

4b Prop Euro3 AHO transparency document v1

4c AHO Euro3 Summary Comments Replies v1

**Madam Chair** provided the status of the draft proposal and indicated that some changes were made based on stakeholder feedback. A vote by MS was scheduled on 08 May 13.

The EC representative repeated the objective of the proposal and summarised the latest changes. The changes from the inter service consultation that just had been concluded were not included in the draft text yet. After the vote by MS a three months scrutiny period by Council and Parliament would follow. He anticipated that the proposal would be published in the OJ by Oct 13 in support of the entry-into-force date of 01 Jul 14. He indicated that some recent concerns with the translations had been raised and therefore the vote in the TCMV meeting on 08 May 13 might not be achievable. Alternatively the MS expert meeting on 20 Jun 13 could be a fall-back solution in case these concerns could not be resolved in time.

**ACEM** noted that some changes proposed had been taken into account. However, the emissions part contained some minor inconsistencies and required some error corrections that would need to be addressed.

Madam Chair acknowledged and invited ACEM to resolve these minor issues at the bilateral level.

The NL representative welcomed the proposal but was concerned that the proposed measures were only applicable to new vehicle types and not to existing types.

The EC representative appreciated the support from NL and he pointed out that there is an interaction between this Comitology proposal and the legal package based on Regulation (EU) No 168/2013. In fact the concern raised by NL was partly addressed distributing the new types and new vehicle date over the Comitology proposal and the application of Regulation (EU) 168/2013, which was deemed to be a pragmatic approach to address the request from Council and Parliament.

**The FR representative** requested a revised text well in advance of the vote on 08 May 13 as he required to review the text changes owing to the concerns and possible resulting changes from the discussions with ACEM

**Madam Chair** stressed that it only concerned minor issues and that the text including any error correction as well as the recommended changes stemming from the inter-service consultation would be made available one week before the vote, at the latest by 30 Apr 13.

#### (5) Status on proposed draft delegated and implementing acts:

#### 5a. Adoption procedure and timing;

**Document:** <u>3-7 2013 04 19 MCWG L Category vehicles EC v2 (p17 – 22)</u>

The EC representative presented the adoption timing of the delegated and implementing acts. He stated that the programme was on track and feasible but that some of the upcoming deadlines were crucial to be met in order to realise the timing and to get the delegated acts still adopted by the EC within in 2013.

**Madam Chair** pointed out the importance of close collaboration between the MS experts and the translators of the draft proposals to correct the proposed text before adoption. She invited the MS expert to come back to the EC if there were any issues in this new linguistic verification and correction process.

#### 5b. Draft Regulation on functional safety requirements (RVFSR);

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p24 – 40)

5b1 RVFSR MCWG L 2013 04 19 r5

5b2 RVFSR MCWG L 2013 04 19 transparancy doc r5

5b3 RVFSR Summary Comments Replies r4

**The EC representative** introduced the latest changes to the text and anticipated that the draft text would be available in time for endorsement by MS on 07 May 13. He anticipated adoption by the EC in Sep 13 and publication in the OJ by Jan 14.

The FR representative raised the issue regarding audible warning device requirements for electrically assisted bicycles that in the latest draft text required a mechanical bell rather than an electrically operated horn as for mopeds. He was not in the position to take a firm position or final view on this topic and was not content to be faced with a fait accompli 2 weeks before the vote of the proposal. He could not accept that electrically assisted bicycles were exempted from the same requirements applicable to mopeds and was concerned that this could possibly lead to unfair competition between the different vehicle categories.

Madam Chair clarified that there were two specific requirements in the area of functional safety, namely audible warning devices and lighting, that required a differentiated approach in the RVFSR for powered cycles designed to pedal. Any issue discovered in the drafting process was reported by the EC to the group with the shortest possible time delay in order to maintain a transparent drafting and adoption process. MS were still provided the opportunity to provide comments on the latest draft until 26 Apr 13 and the discussion in the MCWG meeting was held to ensure that everyone was informed at the same level covering pros and cons from different perspectives. All elements and information known to the EC had been provided for the MS to take a final decision by the anticipated date of vote. The issue that also had been discussed in the MS expert meeting on 18 Apr 13 was whether all L1e vehicles with a maximum design vehicle speed < 25 km/h would be exempted from the obligation to fit a horn or if this exemption should only apply for cycles designed to pedal, which would be equipped with a mechanical bell. She requested the view of the group but indicated that

ETRA feared that there was a loophole in the text of Regulation (EU) 168/2013 with respect to the exclusion of off-road vehicles from its scope creating safety problems. The ETRA representative underlined the importance of custom-tailored and feasible requirements for e.g. electrically propelled

cycles falling under the L1e-B category as else manufacturers might use this loophole even more in the view of ETRA.

**Madam Chair** concluded that all aspects on audible warning device requirements had been discussed at length and that it was now up to the MS to take a final view.

The EC representative continued with the requirements on braking, electric safety, endurance testing, front and rear protective structures, glazing, wash/wipe, defrost/demist, identification of controls, speedometer/odometer and the installation of lighting and light signalling devices.

**ACEM** was of the opinion that simplified requirements should only be limited to the L1e-A powered cycle subcategory for the sake of a level playing field in functional safety. The L1e-B subcategory vehicles should follow the mainstream requirements and no derogation should be granted specially for cycles designed to pedal falling within this subcategory.

**Madam Chair** concluded on the topics presented by the EC representative. The proposed text including special lighting requirements for vehicles with a maximum vehicle speed of up to 25 km/h and seemed to be preferred by MS in the expert meeting on 18 Apr 13. If no other comments from MS would be received until 26 May 13 the currently proposed requirements would remain to be assumed as being the agreed text.

The EC representative continued his presentation with requirements on active side lighting and retro reflective or equivalent lighting devices fitted on the rims or on side walls of tyres of 2-wheeled vehicles. He presented the compromise text that had been established after the discussions in the MS expert meeting of 18 Apr 13.

ETRA asked why rims had been excluded from the proposed compromise text.

**The EC representative** asked if MS could agree to include rims again and stated that it was not a concern to re-include rims in the proposal providing MS could agree.

**The DE representative** was not sure if the compromise text was in line with the initial view DE had taken on active side lighting requirements for two-wheeled vehicles in the MS expert meeting on 18 Apr 13, but he confirmed to provide comments before the deadline if this should not be the case.

**The UK representative** inquired if the Comitology proposal would be adapted in a coherent way with the presented compromise text of the RVFSR.

**The EC representative** acknowledged this request but argued that the Comitology proposal only covered mopeds and that therefore the text could be omitted in this proposal.

**ACEM** pointed out that on 2 different types of safety requirements special provisions had been included for cycles designed to pedal with a maximum design vehicle speed of less than or equal to 25 km/h. ACEM was of the view that these vehicles should be accurately defined and that a an appropriate definition would need to be included in Article 2 of the RVFSR.

**Madam Chair** acknowledged the request and confirmed that such a special provision was only proposed in the area of lighting in one dedicated point of Annex IX to the RVFSR. She agreed to further discuss the need for a definition.

**Colibi** / **Coliped** requested clarification if the side reflector requirements would only be applicable to subcategory L1e-A powered cycles or to any cycle designed to pedal of the L1e category.

**The EC representative** confirmed that this was proposed for all cycles designed to pedal within the L1e category independent of maximum design vehicle speed within the L1e category.

**The FR representative** preferred to delete this requirement in its entirety but could accept to apply it only for L1e-A subcategory vehicles.

The EC representative agreed and confirmed that the requirement would only be applicable to powered cycles. He continued his presentation on requirements on rearward visibility, roll-over protective structure, safety belt anchorages and safety belts, steer-ability, cornering properties and turnability. He referred to a proposal from ES that certain 3-wheeled vehicles with bodywork, with a mass less than 80 kg and not equipped with (optional) doors and seat belts for the driver, should not be equipped with a reverse gear and considered to include this proposal into the text pending comments from MS.

**The ES representative** referred to category L2e three-wheeled mopeds with respect to exempting these vehicles to be equipped with a reverse gear.

The FR representative agreed in principle with such an exemption for L2e only but argued that the maximum permissible mass should be taken into account for such an exemption.

**The EC representative** invited ES and FR to submit a common proposal. He continued with the requirements on tyres and the installation of tyres.

**ETRA** preferred the tyre pressure to be indicated only on the tyre as this would be the typical location where the users would refer to.

**The ES representative** pointed out that the pressure indicated on the side of the tyre is the maximum allowable (burst) pressure and therefore preferred the current proposal. He went on with the presentation on the maximum vehicle speed plate.

**ATVEA** pointed out that there was a minor error in Annex II of Regulation (EU) 168/2013 obliging L7e-B2 side by side buggies to be fitted with a maximum design vehicle speed plate, which are only limited in power.

**The EC representative** confirmed that this point will be included in the to-do list to correct Regulation (EU) 168/2013 in due time. The presentation was resumed with respect to interior fittings and doors, to requirements on maximum continuous total power and/or maximum vehicle speed limitation by design and on vehicle structure integrity

**Madam Chair** concluded that for the entire RVFSR only the lighting requirements needed a different treatment of cycles designed to pedal in comparison to other types of L-category vehicles. For the delegated act on vehicle construction this only concerned handholds and foot rests requirements and with respect to the proposed Regulation on environmental and propulsion unit performance it only concerned the power measurement procedure.

**ETRA** could not agree to the proposed definition of cycles designed to pedal. The ETRA representative underlined the importance of taking the text refinements on board they had submitted.

**Madam Chair** agreed that a specific definition would not be required as a more generic description in the referred annexes could be sufficient to separate the different vehicle types.

**ACEM** questioned the need for a throttle operated cycle to pedal to be differentiated from a throttle operated moped with respect to the lighting requirements.

The EC representative explained that the intrinsic design characteristics between both vehicle types justify a differentiated approach.

**ETRA** pointed out that the obligation to fit moped type of lighting systems on cycles designed to pedal is too restrictive and not cost beneficial.

The FR representative was confused and had assumed that the expression "cycles designed to pedal" was only applicable to pedal assisted cycles and not to throttle operated powered cycles, which was in his view a moped. He requested further clarification.

**Colibi** / **Coliped** as representative of the industry producing powered cycles designed to pedal underlined the importance of differentiating between pedal assisted bicycles and throttle operated electric mopeds. The Colibi / Coliped representative was content with the definition set out in point 1.1.2. of Annex XIX on structural integrity requirements.

**ETRA** understood the question from the FR representative but underlined the importance of certain dedicated requirements for cycles designed to pedal, especially with respect to the vehicle structure integrity requirements that should be more specific than the general requirements set out for all other L-category vehicles in Annex XIX.

The EC representative pointed out in other areas of type-approval legislation it was common to classify vehicles according to Annex I of Regulation (EU) No 168/2013 but at the same time a horizontal classification was used based on other criteria to group vehicles in a logical way in order to make them subject to appropriate test and performance requirements, e.g. in type I emission after cold start testing. He suggested to take a similar approach for the very limited amount of requirements and to assume the simplest approach by just referring to the expression "cycles designed to pedal" without further specifying it.

**The ES representative** expressed his concerns with respect to cycles designed to pedal with maximum design speed over 25 km/h with respect to braking, especially those captured in subcategory L1e-B. Safety issues become even more important for those type of high speed cycles designed to pedal in his view.

**Madam Chair** concluded that the exemptions in Annex IX on lighting are only applicable to vehicles of subcategory L1e-A, which is in line with the Codecision Regulation. The attempt to capture special requirements with the expression "cycles designed to pedal" was not successful and if no further comments received from MS this conclusion will be incorporated in the final draft of the RVFSR.

**The Colibi** / **Coliped** underlined the importance of pedal assisted bicycles is important to be differentiated from other vehicles within the L1e-B subcategory.

**ETRA** requested the interpretation of the definition of L1e-A vehicles from the EC.

**Madam Chair** acknowledged that the definition of L1e-A vehicles in Regulation (EU) No 168/2013 left room for interpretation. During the discussions in Council and Parliament on the Codecision act regarding this topic it was assumed that cycles designed to pedal that could also be operated by a throttle would be categorised as a subcategory L1e-B vehicle.

The NL representative liked to draw the attention to speed EPACs. If these types of vehicles would not be sufficiently well defined at the EU level the national authorities will have to make the distinction so as to apply appropriate requirements to those vehicles at a national level.

**ACEM** appreciated the constructive dialogue with the EC to compile the RVFSR. The ACEM representative requested to continue the discussions on finding the proper definitions for the different types of powered cycles and requested to take sufficient time to conclude.

**Madam Chair** repeated that up until Annex XIX there seemed to be no need to make the distinction between cycles designed to pedal and other types of L-category vehicles with the exception of structural integrity.

**ETRA** outlined that it would not be sensible to make the entire technical standards in set out in Annex XIX compulsory as these also contained requirements that overlapped with other specific requirements already addressed in the RVCR, e.g. on electro-magnetic compatibility. ETRA's proposal had been intended to only refer to the appropriate requirements on vehicle structure integrity.

**Madam Chair** acknowledged this proposal and requested ETRA to help identifying which parts of these technical standards should be referred to. She again underlined the importance to agree on a very light definition, initially set out in Article 2 but to be transferred to Annex XIX as this Annex.

**Madam Chair** summarised by indicating that after the MS expert meeting on 18 Apr 13 three outstanding issues were left for discussion and agreement:

- 1) audible warning devices; a mechanical bell may be fitted to L1e vehicles with a maximum design vehicle speed of 25 km/h;
- 2) lighting; exemptions in 2 points for L1e-A vehicles only;
- 3) exemption of fitting a reverse gear on L2e vehicles up to a to be discussed mass limit pending the ES and FR proposal.

**Madam Chair** indicated that the text in general was deemed mature. The revised text based on the discussion in both the MS expert meeting and this MCWG meeting would be made available soon and MS were requested to comment on the remaining issues before 26 Apr 13. The text was targeted to be endorsed by MS on 07 May 13.

#### 5c. Draft Regulation on vehicle construction requirements (RVCR);

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p41 – 56)

5c1 RVCR MCWG 2013 04 19 r3

5c2 RVCR MCWG 2013 04 19 transparency doc r3

5c3 RVCR Summary Comments Replies v5.00

**The EC representative** presented the current status of the text and the next steps. He also referred to conversion of L3e-A2 and A3 motorcycles and vice versa.

#### 5d. Draft Regulation on environmental and propulsion performance requirements (REPPR);

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p57 – 60)

5d1 REPPR MCWG 2013 04 19 r4

5d2 REPPR MCWG 2013 04 19 transparancy doc r4

# 5d3 REPPR Summary Comments Replies v3

# 5e. Draft Regulation on administrative provisions (RAR);

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p61 – 76)

5e1 RAR MCWG 2013 04 19 r2

5e2 RAR MCWG 2013 04 19 transparancy doc r2

5e3 RAR Summary Comments Replies v1

# (6) Conversion L3e-A2 to A3 motorcycles and vice versa (RVCR).

**Documents:** 3-7 2013 04 19 MCWG L Category vehicles EC v2 (p77 – 80) This point was presented and discussed under Annex III of the RVCR.

# (7) Any other business (AOB).

None

Next meeting: 29 September 2013.

#### ANNEX ATTENDANCE LIST

# Motorcycle Working Group MCWG / MVEG on Motorcycles (L-category vehicles) held in Brussels on 19 April 2013

#### **MEMBER STATES**

Belgium Ann Vereecken
Finland Reetta Kinesjärvi
France Pierre Bazzucchi
Germany Helge Jahn

Stephan Redmann

Hungary László Bády Netherlands Henk Baarbé

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Francisco González Arroyo José Pablo Laguna Gomez

Slovenia Andrej Cvenk Slovakia Ján Javorčík United Kingdom Adrian Burrows

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**EFTA COUNTRIES, Observers**Norway Tormod Schau

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