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2015/0033 (NLE)

Proposal for a

COUNCIL DECISION

establishing the position to be adopted on the Union's behalf in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos. 7, 13, 23, 37, 38, 41, 43, 45, 51, 55, 59, 75, 78, 98, 99, 106, 107, 110, 112, 113, 117, 119, 123, 128, 129, on Amendment 2 to UN GTR No. 3 with regard to motorcycle braking, on Amendment 3 to UN GTR No. 4 with regard to the Worldwide Heavy-Duty Certification procedure

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

At international level, the United Nations Economic Commission for Europe (UNECE) develops harmonised requirements intended to remove technical barriers to the trade in motor vehicles between the Contracting Parties to the Revised 1958 Agreement and to ensure that such vehicles offer a high level of safety and environmental protection.

In accordance with Council Decision 97/836/EC of 27 November 1997 the Union acceded to the Agreement of the United Nations Economic Commission for Europe (“UNECE”) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions¹ (“Revised 1958 Agreement”), and in accordance with Council Decision 2000/125/EC of 31 January 2000 concerning the conclusion of the Agreement concerning the establishing of Global Technical Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles² (“Parallel Agreement”), the Union acceded to the Parallel Agreement.

The meetings of UNECE WP29, the World Forum for Harmonisation of Vehicle Regulations, are held three times in March, June and November of each calendar year. In each meeting session new amendments to existing UN Regulations or UN Global Technical Regulations (UN GTRs) are adopted in order to allow for technical progress. Prior to each WP29 meeting these amendments were adopted by one of the six working groups (GRs) that are active under WP29.

Subsequently, in a WP29 meeting the final vote for adoption of the amendments, supplements and corrigenda takes place, provided the quorum is reached and there is a qualified majority among contracting parties. The EU is a contracting party to two Agreements (1958 and 1998 Agreements) under WP29. A Council Decision, referred to as “mega decision”, containing the list of amendments, supplements and corrigenda, is prepared each time and authorises the Commission to vote on behalf of the Union in each WP29 meeting.

This Council Decision defines the Union's position in the voting of the amendments, supplements and corrigenda submitted for vote in the March 2015 WP29 meeting that will take place on 10 to 13 March 2015.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The Technical Committee - Motor Vehicles has been consulted and the comments from Member State experts have been taken into account.

¹ OJ L 346, 17.12.1997, p. 78.

² OJ L 35, 10.2.2000, p. 12.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposal defines the Union's position in the voting of the amendments to UN Regulations Nos. 7, 13, 23, 37, 38, 41, 43, 45, 51, 55, 59, 75, 78, 98, 99, 106, 107, 110, 112, 113, 117, 119, 123, 128, 129, on Amendment 2 to UN GTR No. 3 with regard to motorcycle braking, on Amendment 3 to UN GTR No. 4 with regard to the Worldwide Heavy-Duty Certification procedure.

- **Legal basis**

The legal basis for this proposal is Article 114, in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

- **Subsidiarity principle**

The vote in favour of international instruments like proposals for amendments to UN Regulations and draft Global Technical Regulations and their incorporation into the Union system for the type-approval of motor vehicles can only be done by the Union. This does not only prevent fragmentation of the Internal Market, but also ensures equal health and safety standards across the Union. It also offers advantages of economies of scale: products can be made for the entire Union market and even the international market, instead of being customised to obtain national type-approval for every single Member State.

This proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

This Council Decision authorises the Commission to vote on behalf of Union and is the proportionate instrument in accordance with Article 5(1) of Council Decision 97/836/EC in order to define a unified EU position at the UNECE with respect to the vote on the working documents proposed on the agenda of the WP29 meeting. Therefore, this proposal complies with the proportionality principle as it does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the Internal Market, while at the same time providing for a high level of public safety and protection.

- **Choice of instruments**

The use of a Council Decision is required by Article 218(9) TFEU in order to establish the positions to be adopted on the Union's behalf in a body set up by an international agreement.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Council Decision 97/836/EC³, the Union acceded to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement').
- (2) In accordance with Council Decision 2000/125/EC⁴, the Union acceded to the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles ('Parallel Agreement').

³ Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

⁴ Council Decision 2000/125/EC of 31 January 2000 concerning the conclusion of the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles ('Parallel Agreement') (OJ L 35, 10.2.2000, p. 12).

- (3) Directive 2007/46/EC of the European Parliament and of the Council⁵ replaced the approval systems of the Member States with a Union approval procedure and established a harmonised framework containing administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. That Directive incorporated UN regulations in the EU type-approval system, either as requirements for type-approval or as alternatives to Union legislation. Since the adoption of that Directive, UN regulations have increasingly replaced Union legislation in the framework of the EU type-approval.
- (4) In the light of experience and technical developments, the requirements relating to certain elements or features covered by UN Regulations Nos. 7, 13, 23, 37, 38, 41, 43, 45, 51, 55, 59, 75, 78, 98, 99, 106, 107, 110, 112, 113, 117, 119, 123, 128, 129, by UN GTR No. 3 with regard to motorcycle braking and by UN GTR No. 4 with regard to the Worldwide Heavy-Duty Certification procedure, need to be adapted.
- (5) It is therefore necessary to establish the position to be adopted on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement and in the Executive Committee of the Parallel Agreement, as regards the adoption of those UN acts,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement and in the Executive Committee of the Parallel Agreement on 10 to 13 March 2015 shall be to vote in favour of the UN acts listed in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*

⁵ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).