ATTACHMENT

DECISION No. 3 OF THE KOREA-EU TRADE COMMITTEE

of xx April 2019

on the amendment of Appendices 2-C-2 and 2-C-3 of the Annex 2-C of the Korea-EU Free Trade Agreement

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the Republic of Korea (‘Korea’), of the one part, and the European Union (‘EU’) and its Member States, of the other part, (hereinafter the ‘Agreement’ and the ‘Parties’, respectively), and in particular Articles 15.1.4(c) and 15.5.2 thereof, and Article 3(d) of Annex 2-C thereof,

Whereas:

(1) Pursuant to Article 15.1.4(c) of the Agreement, the Trade Committee established by the Parties may consider amendments to the Agreement or amend provisions of the Agreement in cases specifically provided for in the Agreement.

(2) Article 15.5.2 of the Agreement provides that a decision of the Trade Committee to amend the Annexes, Appendices, Protocols and Notes to the Agreement may be adopted by the Parties, subject to their respective applicable legal requirements and procedures.

(3) Article 3(d) of Annex 2-C of the Agreement mandates the Parties to review Appendices 2-C-2 and 2-C-3 of Annex 2-C no less than every three years from the entry into force of the Agreement with a view to furthering the acceptance of products as set out in subparagraph (a) of the same Article, taking into account any regulatory developments that may have occurred internationally or in the Parties. It further specifies that any modifications to Appendices 2-C-2 and 2-C-3 shall be decided upon by the Trade Committee.

(4) Korea and EU have modified the technical regulations in order to maintain the same degree of market access covered by Article 1.2 of Annex 2-C of the Agreement. Moreover, the reference to “UNECE” in Appendices 2-C-2 and 2-C-3 should now read as references to “UN Reg.” following the Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations (Revision 3)[[1]](#footnote-1) of 20 October 2017.

(5) Table 1 of Appendix 2-C-2 has been modified in the following way:

(a) Since UN Regulations apply on a compulsory basis in the EU, for simplicity reasons it has been decided to delete the references to EU Regulations (e.g. GSR) and Directives in the “Corresponding EU Technical Regulation” column. and the column has been left blank.

(b) However, where there are no applicable UN Regulations or where the scope of UN Regulations is inadequate, such as in the case of “Permissible sound level” for example, then the EU Regulations or Directives replace or complement the UN regulations. For this reason, a reference to “if existing” has been introduced in the “Corresponding EU Technical Regulation” line.

(c) Concerning “Permissible sound level” and “Replacement silencing systems”, Regulation (EU) No 540/2014 has been added under the Corresponding EU Technical Regulation because it repeals Directive 70/157/EEC and applies in a time-staggered fashion.

(d) “Emissions” has been replaced with “Emissions light vehicles” because the UN Reg. 83 requirement applies to M1 and N1 vehicle categories only. Moreover, the reference to “Directive 70/220/EEC” has been deleted because it has been repealed and replaced by Regulations (EC) No 715/2007, (EC) No 692/2008, (EU) No 459/2012, Regulation (EU) 2016/427, Regulation (EU) 2016/646, Regulation (EU) 2017/1151, Regulation (EU) 2017/1154 and Regulation (EU) 2018/1832, which have been added under the Corresponding EU Technical Regulation.

(e) Concerning “Replacement catalytic converters”, the reference to “Directive 70/220/EEC” has been deleted because it has been repealed and replaced by and Regulations (EC) No 715/2007 and (EC) No 692/2008 which have been added under the Corresponding EU Technical Regulation.

(f) Moreover, for those subjects whose names change, such as from “Braking” and “Braking” which have been replaced with “Braking heavy vehicles” and “Braking light vehicles”, these were done for clarity purposes.

(g) On “Diesel smoke”, “Directive 72/306/EEC” has been deleted since it has been replaced by “Regulation (EC) No 692/2008” which has been added in Table 1 under the Corresponding EU Technical Regulation.

(h) On “CO2 emissions – Fuel consumption”, “Directive 80/1268/EEC” has been replaced by Regulation (EC) No 692/2008 which has been added in Table 1 under the Corresponding EU Technical Regulation, and the subject now refers to “CO2 emissions - Fuel consumption passenger cars with no more than eight seats in addition to the driver's seat” in order to fully respect the scope of that regulation.

(i) On “Engine power”, “Directive 80/1269/EEC” has been deleted since it has been replaced by Regulations (EC) No 692/2008 and (EU) No 582/2011 which have been added in Table 1 under the Corresponding EU Technical Regulation.

(j) On “Emissions heavy duty vehicles”, “Directive 2005/55/EC” has been replaced by Regulation (EC) No 595/2009, Regulation (EU) No 582/2011 and Regulation (EU) 2016/1718, which have been added in Table 1 under the Corresponding EU Technical Regulation. The subject has also been renamed “Emissions heavy duty vehicles” because UN Regulation 49 applies to heavy duty vehicles (i.e. vehicles with a reference mass exceeding 2,610 kg).

(6) Table 2 of Appendix 2-C-2 remains unchanged.

(7) Table 1 of Appendix 2-C-3 has been modified in the following way:

(a) On “Occupant crash protection” “Frontal”, “KMVSS Article 102 Paragraphs 1,3” have replaced the reference to “KMVSS Article 102” under the Corresponding Korean Technical Regulations due to a revision of KMVSS.

(b) On “Occupant crash protection” “Side”, “KMVSS Article 102 Paragraph 1” has replaced the reference to “KMVSS Article 102” under the Corresponding Korean Technical Regulations due to a revision of KMVSS.

(c) The whole line on “Towing hook” has been replaced. Specifically, “Towing hook” has been replaced by “Towing devices”, as “Towing devices” is the official concept referred to in Regulation (EU) No 1005/2010. Moreover, the requirements for “Towing devices” are now “Regulation (EU) No 1005/2010” instead of “77/389/EEC”. Finally, the Corresponding Korean Technical Regulations now read “KMVSS Article 20 paragraph 1” which has replaced the previous reference to “KMVSS Article 20 Items 1, 2, 4”.

(d) On “Lighting and signalling system”, KMVSS Article 106 Items 1 to 10 have been deleted from the corresponding Korean Technical Regulations on “Head lamp”, “Front fog lamp”, Backup lamp”, “Clearance lamp”, “Registration plate lamp”, “Tail lamp”, “Stop lamp”, “Centre high mounted stop lamp”, “Turn signal”, “Auxiliary turn signal” and “Rear fog lamp” due to a revision of KMVSS.

(e) On “Lighting and signalling system” “Installation”, the Corresponding Korean Technical Regulations now read “KMVSS Articles 38, 38-2, 38-3, 38-4, 38-5, 39, 40, 41, 42, 43, 44, 44-2, 45, 45-2, 47 and 49” which have replaced the previous reference to “KMVSS Articles 38, 39, 40, 41, 42, 43, 44, 45 and 47”. This is due to a revision of KMVSs.

(f) “Lighting and signalling system”, “Daytime running lamp” and “Cornering lamp” have been added to the table due to a revision of KMVSS and in order to reflect the updated installation requirements on “Lighting and signalling system”.

(g) On “Lighting and signalling system”, “Centre high mounted stop lamp”, in addition to the deletion of KMVSS Article 106 Item 8, paragraph 3 of KMVSS Article 43 has also been deleted because it has been replaced by the Corresponding Korean Technical Regulations “KMVSS Article 43 Paragraph 2”.

(h) On “Lighting and signalling system”, “Side marker lamp” has been added to the table due to a revision of KMVSS and in order reflect the updated installation requirements on “Lighting and signalling system”.

(i) On “Lighting and signalling system”, “Retro-reflection devices”, the Corresponding Korean Technical Regulations now read “KMVSS Article 49” which has replaced the previous reference to “KMVSS Article 49 paragraphs 1, 2, Article 107”. This is due to a revision of KMVSS.

(j) On “Engine power”, the Corresponding Korean Technical Regulations now read “KMVSS Article 111” which has replaced the previous reference to “KMVSS Article 11 Paragraph 1 Item 2, Article 111”. This is due to a revision of KMVSS.

(k) On “Device for securing driver’s visibility”, the references under “Requirements” to “78/318/EEC” and “78/317/EEC” have been deleted since they have been repealed and replaced by “Regulation (EU) No 1008/2010” or “Regulation (EU) No 672/2010”. The Corresponding Korean Technical Regulations remain unchanged.

(l) On “Seat belt assembly anchorages”, the Corresponding Korean Technical Regulations now read “KMVSS Article 27 Paragraphs 1, 2, 3, 4; Article 103” which have replaced the previous references to “KMVSS Article 27 Paragraphs 1, 2, 3, 4, 5; Article 103 Paragraphs 1, 2, 3”. This is due to a revision of KMVSS.

(m) On “Emission and noise (except the passer-by noise of 3 or 4 wheels) for motor cycles”, the references under “Requirements” to, inter alia, “Directives 2002/51/EC, 2003/77/EC, 97/24/EC Chapters 5 and 9” have been deleted, since they have been repealed and replaced by, inter alia, “Regulations (EU) No 168/2013, (EU) No 134/2014”. The Corresponding Korean Technical Regulations remain unchanged.

(n) On “Emission Diesel (incl. OBD)” “Below 3.5t vehicle”, the following references under “Requirements” have been added: “Regulations (EC) No 715/2007” and “(EU) No 459/2012” because these are the applicable Regulations that correspond to KMVSS. The Corresponding Korean Technical Regulations remain unchanged.

(o) On “Emission Diesel (incl. OBD)” “Over 3.5t vehicle”, the reference under “Requirements” to, inter alia, “Regulation (EC) No 692/2008” has been deleted and replaced with, inter alia, “Regulations (EC) No 595/2009, (EU) No 582/2011” because “Regulation (EC) No 692/2008” does not deal with heavy duty vehicles. The Corresponding Korean Technical Regulations remain unchanged.

(p) On “Tyres” the Corresponding Korean Technical Regulations now read “Electrical Appliances and Consumer Products Safety Control Act Articles 15, 18 and 19; Enforcement Rules of Electrical Appliances and Consumer Products Safety Control Act Article 3, paragraph 4, Article 26; KMVSS Article 12 Paragraph 1” which have replaced the previous reference to “Quality Management Safety and Control of Industrial Products Act (QMSCIPA) (Articles 19, 20, 21); Enforcement Rules of QMSCIPA Article 2 paragraph 2, Article 19.” This is because QMSCIPA has been replaced by the “Electrical Appliances and Consumer Products Safety Control Act”.

(8) Table 2 of Appendix 2-C-3 remains unchanged.

(9) Pursuant to Article 12.2 in the Annex of of Decision No. 1 of the Korea-EU Trade Committee of 23 December 2011 on the adoption of the rules of procedure of the Trade Committee, in the period between the meetings of the Trade Committee, it can adopt decisions by written procedure if both Parties agree. The written procedure would consist of an exchange of notes between the Chairpersons of the Trade Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Table 1 of Appendix 2-C-2 of Annex 2-C of the Agreement shall be replaced by Table 1 of Annex 1 to this Decision.

*Article 2*

Table 1 of Appendix 2-C-3 of Annex 2-C of the Agreement shall be replaced by Table 1 of Annex 2 to this Decision.

*Article 3*

This Decision shall enter into force on the first day of the month following the date on which the Parties exchange written notifications through diplomatic channels certifying that they have completed their respective applicable legal requirements and procedures necessary for its entry into force.

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| For the Trade Committee  |  |
| Yoo Myung-heeMinister for TradeMinistry of Trade, Industry and Energy of the Republic of Korea | Cecilia MALMSTRÖMMember of the European Commission responsible for Trade |
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Annex 1

Appendix 2-C-2

Table 1

**List referred to in Article 3(a)(i) of Annex 2-C**

| Subject | Requirements | Corresponding EU Technical Regulation (if existing)[[2]](#footnote-2) |
| --- | --- | --- |
| Permissible sound level | UN Reg[[3]](#footnote-3). 51 | Directive 70/157/EEC, Regulation (EU) No 540/2014 |
| Replacement silencing systems | UN Reg. 59 | Directive 70/157/EEC, Regulation (EU) No 540/2014 |
| Emissions light vehicles  | UN Reg. 83 | Regulations (EC) No 715/2007, (EC) No 692/2008, (EU) No 459/2012Regulations (EU) 2016/427, (EU) 2016/646, (EU) 2017/1151, (EU) 2017/1154 and (EU) 2018/1832  |
| Replacement catalytic converters | UN Reg. 103 | Regulations (EC) No 715/2007, (EC) No 692/2008 |
| Fuel tanks | UN Reg. 34 |  |
| LPG tanks | UN Reg. 67 |  |
| CNG tanks | UN Reg. 110 |  |
| Rear protective device | UN Reg. 58 |  |
| Steering effort | UN Reg. 79 |  |
| Door latches and hinges | UN Reg. 11 |   |
| Audible warning | UN Reg. 28 |  |
| Indirect vision devices | UN Reg. 46 |  |
| Braking heavy vehicles | UN Reg. 13 |  |
| Braking light vehicles | UN Reg. 13H |  |
| Brake linings | UN Reg. 90 |  |
| Radio interference (electromagnetic compatibility) | UN Reg. 10 |  |
| Diesel smoke | UN Reg. 24 | Regulation (EC) No 692/2008 |
| Interior fittings | UN Reg. 21 |  |
| Anti-theft | UN Reg. 18 |  |
| Anti-theft and immobiliser | UN Reg. 116 |  |
| Vehicle Alarm Systems | UN Reg. 97 UN Reg. 116 |  |
| Behaviour of steering device under impact | UN Reg. 12 |  |
| Seat strength | UN Reg. 17 |  |
| Seat strength (buses and coaches) | UN Reg. 80 |  |
| Exterior projections | UN Reg. 26 |  |
| Speedometer | UN Reg. 39 |  |
| Seat belt anchorages | UN Reg. 14 |  |
| Installation of lighting and light signalling devices | UN Reg. 48 |  |
| Retro reflectors | UN Reg. 3 |  |
| End-outline/front-position (side)/rear- position (side)/stop lamps | UN Reg. 7 |  |
| Daytime running lamps | UN Reg. 87 |  |
| Side marker lamps | UN Reg. 91 |  |
| Direction indicators | UN Reg. 6 |  |
| Rear registration plate lamp | UN Reg. 4 |  |
| Headlamps (R2 and HS1) | UN Reg. 1 |  |
| Headlamps (sealed beam) | UN Reg. 5 |  |
| Headlamps (H1, H2, H3, HB3, HB4, H7, and/or H8. H9 ,HIR1, HIR2 and/or H11) | UN Reg. 8 |  |
| Headlamps (H4) | UN Reg. 20 |  |
| Headlamps (halogen sealed beam) | UN Reg. 31 |  |
| Filament lamps for use in approved lamp units | UN Reg. 37 |  |
| Headlamps with gas-discharge light sources | UN Reg. 98 |  |
| Gas-discharge light sources for use in approved gas-discharge lamp units | UN Reg. 99 |  |
| Headlamps (asymmetrical passing beam) | UN Reg. 112 |  |
| Adaptative front-lighting systems | UN Reg. 123 |  |
| Front fog lamps | UN Reg. 19 |  |
| Rear fog lamps | UN Reg. 38 |  |
| Reversing lamps | UN Reg. 23 |  |
| Parking lamps | UN Reg. 77 |  |
| Seat belts and restraint systems | UN Reg. 16 |  |
| Child restraints | UN Reg. 44  |  |
| Front forward field of vision | UN Reg. 125 |  |
| Identification of controls, tell-tales and indicators | UN Reg. 121 |  |
| Heating systems | UN Reg. 122 |  |
| Head restraints (combined with seats) | UN Reg. 17 |  |
| Head restraints | UN Reg. 25 |  |
| CO2 emissions - Fuel consumption passenger cars with no more than eight seats in addition to the driver's seat | UN Reg. 101 | Regulation (EC) No 692/2008  |
| Engine power  | UN Reg. 85 | Regulations (EC) No 692/2008, (EU) No 582/2011  |
| Emissions heavy duty vehicles | UN Reg. 49 | Regulation (EC) No 595/2009, Regulation (EU) No 582/2011 Regulation (EU) 2016/1718 |
| Lateral protection | UN Reg. 73 |  |
| Safety glazing | UN Reg. 43 |  |
| Tyres, motor vehicles and their trailers | UN Reg. 30 |  |
| Tyres, commercial vehicles and their trailers | UN Reg. 54 |  |
| Temporary-use spare wheels/tyres | UN Reg. 64 |  |
| Rolling sound | UN Reg. 117 |  |
| Speed limitation devices | UN Reg. 89 |  |
| Couplings | UN Reg. 55 |  |
| Close-coupling device | UN Reg. 102 |  |
| Flammability | UN Reg. 118 |  |
| Buses and coaches | UN Reg. 107 |  |
| Strength of superstructure (buses and coaches) | UN Reg. 66 |  |
| Frontal impact | UN Reg. 94 |  |
| Side impact | UN Reg. 95 |  |
| Vehicles intended for the transport of dangerous goods | UN Reg. 105 |  |
| Front underrun protection | UN Reg. 93 |  |

Annex 2

Appendix 2-C-3

Table 1

**List referred to in Article 3(a)(ii) of Annex 2-C**

| Subject | Requirements | Corresponding KoreanTechnical Regulations |
| --- | --- | --- |
| Occupantcrash protection | Frontal | UN Reg. 94  | KMVSS[[4]](#footnote-4) Article 102Paragraphs 1, 3 |
| Side | UN Reg. 95 | KMVSS Article 102Paragraph 1 |
| Steering control rearward displacement | UN Reg. 12 | KMVSS Article 89 paragraph 1 Item 2 |
| Impact protection for the driver from the steering control system | UN Reg. 12 | KMVSS Article 89 paragraph 1 Item 1 |
| Seating systems | UN Reg. 17 | KMVSS Article 97 |
| Head restraints | UN Reg. 17, UN Reg. 25,GTR 7 | KMVSS Articles 26, 99 |
| Door locks and door retention components | UN Reg. 11,GTR 1 | KMVSS Article 104 Paragraph 2 |
| Instrument panel impact | UN Reg. 21 | KMVSS Article 88 |
| Seat back impact | UN Reg. 21 | KMVSS Article 98 |
| Armrest impact | UN Reg. 21 | KMVSS Article 100 |
| Sun visor impact | UN Reg. 21 | KMVSS Article 101 |
| Inside rear view mirror impact | UN Reg. 46 | KMVSS Article 108 |
| Towing devices | Regulation (EU) No 1005/2010 | KMVSS Article 20 paragraph 1  |
| Rear under-run protection | UN Reg. 58 | KMVSS Article 19 Paragraph 4 and Article 96  |
| Lighting and signalling system | Installation | UN Reg. 48 | KMVSS Articles 38, 38-2, 38-3, 38-4, 38-5, 39, 40, 41, 42, 43, 44, 44-2, 45, 45-2, 47 and 49 |
| Head lamp | UN Reg. 1, 2, 5, 8, 20, 31, 37, UN Reg. 98, 99, 112, 113, 123  | KMVSS Article 38, Article 48 Paragraph 3 |
| Front fog lamp | UN Reg. 19 | KMVSS Article 38-2 Paragraph 1 |
| Daytime running lamp | UN Reg. 87 | KMVSS Article 38-4 |
| Cornering lamp | UN Reg. 119 | KMVSS Article 38-5 |
| Backup lamp | UN Reg. 23 | KMVSS Article 39 |
| Clearance lamp | UN Reg. 7 | KMVSS Article 40 |
| Registration plate lamp | UN Reg. 4 | KMVSS Article 41 |
| Tail lamp | UN Reg. 7 | KMVSS Article 42 |
| Stop lamp | UN Reg. 7 | KMVSS Article 43 Paragraph 1 |
| Centre high mountedstop lamp | UN Reg. 7 | KMVSS Article 43 Paragraph 2 |
| Turn signal | UN Reg. 6 | KMVSS Article 44 |
| Auxiliary turn signal | UN Reg. 7 | KMVSS Article 44 |
| Side marker lamp | UN Reg. 91 | KMVSS Article 44-2 |
| Rear fog lamp  | UN Reg. 38 | KMVSS Article 38-2Paragraph 2 |
| Retro-reflection devices | UN Reg. 70,UN Reg. 3 | KMVSS Article 49  |
| Driver's visibility | UN Reg. 46 | KMVSS Article 50Article 94 |
| Engine power | UN Reg. 85 | KMVSS Article 111 |
| Device for securing driver's visibility | Windshield wiping system | Regulation (EU) No 1008/2010 | KMVSS Article 51 Paragraph 2, Article 109 Item 1  |
| Defrosting system | Regulation (EU) No 672/2010 | KMVSS Article 109 Item 2 |
| Defogging system  | Regulation (EU) No 672/2010 | KMVSS Article 109 Item 3 |
| Windshield washing system | Regulation (EU) No 1008/2010 | KMVSS Article 109 Item 4 |
| Passenger car brake | UN Reg. 13H | KMVSS Article 15, Article 90 Item 1  |
| Brake system except passenger car and trailer | UN Reg. 13 | KMVSS Article 15, Article 90 Item 2 |
| Trailer brake system | UN Reg. 13 | KMVSS Article 15, Article 90 Item 3 |
| Anti-lock brake system, except trailer | UN Reg. 13  | KMVSS Article 15, Article 90 Item 4 |
| Trailer anti-lock brake system | UN Reg. 13 | KMVSS Article 15, Article 90 Item 5 |
| Steering effort | UN Reg. 79 | KMVSS Article 14,Article 89 paragraph 2  |
| Speed limiter | UN Reg. 89 | KMVSS Article 110-2 |
| Speedometer | UN Reg. 39 | KMVSS Article 110  |
| Electro-magnetic compatibility | UN Reg. 10 | KMVSS Article 111-2 |
| Fuel leakage in collision | UN Reg. 34,UN Reg. 94,UN Reg. 95 | KMVSS Article 91 |
| Bumper impact | UN Reg. 42 | KMVSS Article 93 |
| Seat belt assembly anchorages | UN Reg. 14, UN Reg. 16 | KMVSS Article 27 Paragraphs 1, 2, 3, 4; Article 103  |
| Child seat anchorage | UN Reg. 14  | KMVSS Article 27-2, Article 103-2 |
| Horn noise, stationary noise and pass-by noise for vehicles (4 wheels) | UN Reg. 28,UN Reg. 51 | KMVSS Articles 35, 53, NVCA Article 30 and its Ordinance of MOE[[5]](#footnote-5) Article 29 |
| Emission and noise (except the passer-by noise of 3 or 4 wheels) for motor cycles | UN Reg. 40 UN Reg. 41 UN Reg. 47 Regulations (EU) No 168/2013, (EU) No 134/2014 | CACA[[6]](#footnote-6) Article 46 and its Ordinance of MOE Article 62, NVCA Article 30 and its Ordinance of MOE Article 29 |
| Emission Diesel (incl. OBD) | Below 3.5t vehicle | UN Reg. 83, UN Reg. 24Regulations (EC) No 715/2007, (EC) No 692/2008, (EC) No. 459/2012 | CACA Article 46 and its Ordinance of MOE Article 62 |
| Over 3.5t vehicle | UN Reg. 49Regulations (EC) No 595/2009, (EU) No 582/2011 |
| Tyres  | UN Reg. 30, 54, 75, 106, 117, 108, 109 | Electrical Appliances and Consumer Products Safety Control Act Articles 15, 18 and 19;Enforcement Rules of Electrical Appliances and Consumer Products Safety Control Act Article 3 paragraph 4, Article 26;KMVSS Article 12 Paragraph 1 |

1. E/ECE/TRANS/505/Rev.3. [↑](#footnote-ref-1)
2. Blank in the third column (Corresponding EU Technical Regulation) means the corresponding Regulation is the same as the UN Regulation in the second column (Requirements). [↑](#footnote-ref-2)
3. Abbreviation of "UN Regulation", formerly known as"UNECE". [↑](#footnote-ref-3)
4. Formerly known as Korea Motor Vehicle Safety Standards, renamed "Rules on the Performances and Standards of Korean Motor Vehicles and Parts" as of 1 July 2014 [↑](#footnote-ref-4)
5. Ministry of Environment of Korea. [↑](#footnote-ref-5)
6. Clean Air Conservation Act of Korea. [↑](#footnote-ref-6)