

EN

EN

EN



EUROPEAN COMMISSION

Brussels, 15.6.2010
COM(2010)310 final

2010/0169 (NLE)

Proposal for a

COUNCIL DECISION

of [...]

on the compulsory application of Regulations No 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 of the United Nations Economic Commission for Europe for the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor

EXPLANATORY MEMORANDUM

Proposal for a Council Decision on the compulsory application of Regulations No 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 of the United Nations Economic Commission for Europe for the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor

1. CONTEXT OF THE PROPOSAL

The Community has acceded to UNECE Regulations No. 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 of the United Nations Economic Commission for Europe (UNECE) for the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor.

Directive 2007/46/EC provides for the possibility to apply UNECE Regulations for the purpose of EC vehicle type-approval on a compulsory basis.

Regulation (EC) No 661/2009 repeals several Directives concerning the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor. The requirements set out in those Directives should be replaced, where appropriate, with references to the corresponding UNECE Regulations.

It is appropriate to incorporate UNECE Regulations No. 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 into the approval system for motor vehicles and thus to add them to the legislation in force within the Community, following the implementation dates set out in Article 13 of Regulation (EC) No 661/2009.

According to Article 4 (2) of Regulation (EC) No 661/2009 type-approval in accordance with the UNECE Regulations which have been made mandatory shall be considered as EC type-approval in accordance with that Regulation and its implementing measures.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Not applicable

3. LEGAL ELEMENTS OF THE PROPOSAL

Type-approvals issued under the UNECE Regulations will be considered as EC type-approvals, thus avoiding duplication not only in technical requirements but also in certification and administrative procedures, to the benefit of both industry and national authorities. In addition, type-approval that is directly based on internationally agreed standards will improve market access in third countries, in particular those which are contracting parties to the UNECE 1958 Agreement, thus enhancing EU industry's competitiveness.

The legal basis of the proposal is Article 14 of Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5. ADDITIONAL INFORMATION

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

COUNCIL DECISION

of [...]

on the compulsory application of Regulations No 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 of the United Nations Economic Commission for Europe for the type-approval of motor vehicles , their trailers and systems, components and separate technical units intended therefor

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 (“UN/ECE”) 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”)¹,

Having regard to 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)², and in particular Article 34(2) thereof,

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor³, and in particular Article 14 thereof,

Having regard to the proposal from the European Commission⁴,

Having regard to the opinion of the European Parliament⁵,

Whereas:

¹ OJ L 346, 17.12.1997, p. 78.

² OJ L 263, 9.10.2007, p. 1.

³ OJ L 200, 31.7.2009, p.1.

⁴ OJ C , , p. .

⁵ OJ C , , p. .

- (1) By Council Decision 97/836/EC, the Community has acceded to UNECE Regulations No 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 58, 66, 73, 77, 79, 80, 87, 89, 90, 91, 93, 97, 98, 99 and 102.
- (2) By Council Decision 2000/710/EC, the Community has acceded to UNECE Regulation 67⁶.
- (3) By Council Decision 2001/505/EC, the Community has acceded to UNECE Regulation 105⁷.
- (4) By Council Decision 2001/395/EC, the Community has acceded to UNECE Regulation 13 H⁸.
- (5) By Council Decision 2005/614/EC, the Community has acceded to UNECE Regulations 94 and 95⁹.
- (6) By Council Decision 2006/364/EC, the Community has acceded to UNECE Regulation 123¹⁰.
- (7) By Council Decision 2006/444/EC, the Community has acceded to UNECE Regulation 55¹¹.
- (8) By Council Decision 2006/874/EC, the Community has acceded to UNECE Regulation 107¹².
- (9) By Council Decision 2007/159/EC, the Community has acceded to UNECE Regulation 125¹³.

⁶ Council Decision of 7 November 2000 on the accession by the European Community to United Nations Economic Commission for Europe Regulation No 67 on the approval of special equipment for motor vehicles fuelled by liquefied petroleum gas, OJ L 290, 17.11.2000, p.29.

⁷ Council Decision of 26 June 2001 on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 105 on the approval of vehicles intended for the carriage of dangerous goods with regard to their specific constructional features, OJ L 183, 6.7.2001, p.33.

⁸ Council Decision of 14 May 2001 on the accession of the European Community to the United Nations Economic Commission for Europe Regulation No 13-H on the component approval of passenger cars in respect of their Braking, OJ L 139, 23.5.2001, p.14.

⁹ Council Decision of 18 July 2005 on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 94 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision and Regulation No 95 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision, OJ L 217, 22.8.2005, p.1.

¹⁰ Council Decision of 15 May 2006 on the position of the European Community in relation to the draft Regulation of the United Nations Economic Commission for Europe concerning the approval of adaptive front-lighting systems (AFS) for motor vehicles, OJ L 135, 23.5.2006, p.12.

¹¹ Council Decision of 13 March 2006 on the accession of the Community to United Nations Economic Commission for Europe Regulation No 55 on provisions concerning the approval of mechanical coupling components of combinations of vehicles, OJ L 181, 4.7.2006, p.53.

¹² Council Decision of 28 November 2006 on the accession of the Community to United Nations Economic Commission for Europe Regulation No 107 on uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction, OJ L 337, 5.12.2006, p.45.

¹³ Council Decision of 22 February 2007 on the position of the Community in relation to the draft Regulation of the United Nations Economic Commission for Europe concerning the approval of motor vehicles with regard to the forward field of vision of the motor vehicle driver, OJ L 69, 9.3.2007, p.37.

- (10) By Council Decision 2009/433/EC, the Community has acceded to UNECE Regulation 61¹⁴.
- (11) By Council Decision of 28 February 2000, the Community has acceded to UNECE Regulation 110.
- (12) By Council Decision of 7 November 2000, the Community has acceded to UNECE Regulation 112.
- (13) By Council Decision of 29 April 2004, the Community has acceded to UNECE Regulation 116.
- (14) By Council Decision of 29 April 2004, the Community has acceded to UNECE Regulation 118.
- (15) By Council Decision of 14 March 2005, the Community has acceded to UNECE Regulation 121.
- (16) By Council Decision of 14 March 2005, the Community has acceded to UNECE Regulation 122.
- (17) Directive 2007/46/EC provides for the possibility to apply UNECE Regulations for the purpose of EC vehicle type-approval on a compulsory basis.
- (18) Regulation (EC) No 661/2009 repeals several Directives concerning the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor. The requirements set out in those Directives should be replaced, where appropriate, with references to the corresponding UNECE Regulations.
- (19) It is appropriate to incorporate UNECE Regulations No 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 into the approval system for motor vehicles and thus to add them to the legislation in force within the Community, following the implementation dates set out in Article 13 of Regulation (EC) No 661/2009.
- (20) According to Article 4 (2) of Regulation (EC) No 661/2009 type-approval in accordance with the UNECE Regulations which have been made mandatory shall be considered as EC type-approval in accordance with that Regulation and its implementing measures.

¹⁴ Council Decision of 5 May 2009 on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel , OJ L 144, 9.6.2009, p.24.

HAS ADOPTED THIS DECISION:

Article 1

1. With effect from 1 November 2012, the Regulations of the United Nations Economic Commission for Europe listed in Annex I shall be applied on a compulsory basis for the purpose of EC type-approval of new types of vehicles, their trailers and systems, components and separate technical units intended therefor.
2. With effect from 1 November 2014, the Regulations of the United Nations Economic Commission for Europe listed in Annex I shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles and their trailers and sale and entry into service of new systems, components and separate technical units intended therefor.
3. With effect from 1 November 2011, Regulation 13 H, supplement 9 of the United Nations Economic Commission for Europe¹⁵, including the requirements set out in its Annex 9, shall be applied on a compulsory basis for the purpose of EC type-approval of new types of vehicles of categories M₁.
4. With effect from 1 November 2014, Regulation 13 H, supplement 9 of the United Nations Economic Commission for Europe, including the requirements set out in its Annex 9, shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles of categories M₁.
5. With effect from 1 November 2011, Regulation 13, supplement 3 to the 11 series of amendments¹⁶, including the requirements on roll-over control and directional control set out in its Annex 21, or Regulation 13 H, supplement 9 of the United Nations Economic Commission for Europe, including the requirements set out in its Annex 9, shall be applied on a compulsory basis for the purpose of EC type-approval of new types of vehicles of categories N₁.
6. With effect from 1 November 2014, Regulation 13, supplement 3 to the 11 series of amendments, including the requirements on roll-over control and directional control set out in its Annex 21, or Regulation 13 H, supplement 9 of the United Nations Economic Commission for Europe, including the requirements set out in its Annex 9, shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles of categories N₁.
7. Following the implementation dates set out in Table 1 of Annex V of Regulation (EC) No 661/2009, Regulation 13, supplement 3 to the 11 series of amendments of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of EC type-approval of new types of vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄ on grounds relating to their electronic stability control systems.

¹⁵ OJL

¹⁶ OJL

8. Following the implementation dates set out in Table 2 of Annex V of Regulation (EC) No 661/2009, Regulation 13, supplement 3 to the 11 series of amendments of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄ on grounds relating to their electronic stability control systems.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX I

List of UNECE Regulations whose application is mandatory

Article 1 paragraphs 1 and 2 of this Council Decision are without prejudice to the application dates set out in the UNECE Regulations. The list below contains references to the latest amendments of the UNECE Regulations. When these amendments set out implementation dates later than those set out in Paragraphs 1 and 2, the previous versions of such UNECE Regulations shall apply in the transitory period between the dates set out in Paragraphs 1 and 2 and the implementation dates set out in the UNECE Regulations.

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
1	Headlamps emitting an asymmetrical passing beam and/or driving beam equipped with filament lamps R2 and/or HS1	02 series of amendments	08.09.2001	
3	Retro-reflecting devices for power-driven vehicles	Supplement 11 to the 02 series of amendments	24.10.2009	
4	Illumination of rear-registration plates of power-driven vehicles and their trailers	Supplement 14 to the original version of the Regulation	15.10.2008	OJ L 31, 31.01.2009, p. 35
6	Direction indicators for power-driven vehicles and their trailers	Supplement 19 to the 01 series of amendments	19.08.2010	
7	Front and rear position (side) lamps, stop-lamps and end-outline marker lamps for power-driven vehicles and their trailers	Supplement 16 to the 02 series of amendments	19.08.2010	
8	Motor vehicles headlamps (H1, H2, H3, HB3, HB4, H7, H8, H9, HIR1, HIR2 and/or H11)	05 series of amendments Corrigendum 1 to Revision 4	08.09.2001 12.03.2003	
10	Electromagnetic compatibility	03 series of amendments	11.07.2008	OJ L 116, 08.05.2010, p. 1

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
11	Door latches and door retention components	Supplement 2 to the 03 series of amendments	17.03.2010	OJ L 120, 13.05.2010, p. 1
12	Protection of the driver against the steering mechanism in the event of impact	Supplement 3 to the 03 series of amendments Corrigendum 3 to Revision 3	23.03.2000	OJ L 165, 26.06.2008, p. 11
13	Braking on vehicles of categories M, N and O	Supplement 5 to the 10 series of amendments	15.10.2008	
13-H	Braking of passenger cars	Supplement 9 to the original version of the Regulation	17.03.2010	
14	Safety-belt anchorages, ISOFIX anchorages systems and ISOFIX top tether anchorages	Supplement 1 to the 07 series of amendments	19.08.2010	
16	Safety-belts, restraint systems, child restraint systems and ISOFIX child restraint systems	06 series of amendments Corrigendum 1 to Revision 6	22.07.2009	
17	Seats, their anchorages and any head restraints	08 series of amendments	22.07.2009	
18	Protection of motor vehicles against unauthorized use	Supplement 2 to the 03 series of amendments	15.10.2008	OJ L 120, 13.05.2010, p. 29
19	Power-driven vehicle front fog lamps	Supplement 2 to the 03 series of amendments	19.08.2010	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
20	Headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with halogen filament lamps (H4)	03 series of amendments	09.09.2001	
21	Interior fittings	Supplement 3 to the 01 series of amendments	31.01.2003	OJ L 188, 16.07.2008, p. 32
23	Reversing lights for power-driven vehicles and their trailers	Supplement 15 to the original version of the Regulation	15.10.2008	
25	Head restraints (headrests), whether or not incorporated in vehicle seats	04 series of amendments Corrigendum 2 to Revision 1	15.01.1997 12.11.2008	
26	External projections	Supplement 1 to the 03 series of amendments	11.06.2007	
28	Audible warning devices and signals	Supplement 3 to the original version of the Regulation	28.12.2000	
31	Power-driven vehicle's sealed-beam headlamps (SB) emitting an European asymmetrical passing beam or a driving beam or both	Supplement 7 to the 02 series of amendments	15.10.2008	
34	Prevention of fire risks	Supplement 3 to the 02 series of amendments	24.10.09	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
37	Filament lamps for use in approved lamp units of power-driven vehicles and their trailers	Supplement 34 to the 03 series of amendments	19.08.2010	
38	Rear fog lamps for power-driven vehicles and their trailers	Supplement 14 to the original version of the Regulation Corrigendum 1 to supplement 12	15.10.2008 10.03.2009	
39	Speedometer equipment including its installation	Supplement 5 to the original version of the Regulation	07.12.2002	OJ L 120, 13.05.2010, p. 40
43	Safety glazing materials	Supplement 12 to the original version of the Regulation	24.10.2009	
44	Restraining devices for child occupants of power-driven vehicles ("child restraint system")	Corrigendum 3 to Revision 2	11.11.2009	
46	Devices for indirect vision and their installation	Supplement 4 to the 02 series of amendments Corrigendum 1 to Supplement 4 to the 02 series	22.07.2009 11.11.2009	
48	Installation of lighting and light-signalling devices on motor vehicles	Supplement 4 to the 04 series of amendments	19.08.2010	
55	Mechanical coupling components of combinations of vehicles	Supplement 1 to the 01 series of amendments	17.03.2010	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
58	Rear underrun protective devices (RUPDs) and their installation; Rear underrun protection (RUP)	02 series of amendments	11.07.2008	OJ L 232, 30.08.2008, p. 13
61	Commercial vehicles with regard to their external projections forward of the cab's rear panel	Supplement 1 to the original version of the Regulation	10.10.2006	
66	Strength of the superstructure of large passenger vehicles	02 series of amendments	19.08.2010	
67	Motor vehicles using LPG	Supplement 9 to the 01 series of amendments	19.08.2010	
73	Lateral protection of goods vehicles	Supplement 1 to the original version of the Regulation	10.11.2007	OJ L 120, 13.05.2010, p. 49
77	Parking lamps for power-driven vehicles	Supplement 12 to the original version of the Regulation	15.10.2008	
79	Steering equipment	Supplement 3 to the 01 series of amendments	04.04.2005	OJ L 137, 27.05.2008, p. 25
80	Seats of large passenger vehicles	Supplement 3 to the 01 series of amendments Corrigendum 1 to the 01 series of amendments	18.06.2007 12.11.2008	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
87	Daytime running lamps for power-driven vehicles	Supplement 14 to the original version of the Regulation Corrigendum 1 to Revision 2	24.10.2009 11.11.2009	
89	Speed limitation of vehicles	Corrigendum 1 to the original version of the Regulation	12.03.2008	
90	Replacement brake lining assemblies and drum brake linings for power-driven vehicles and their trailers	Supplement 11 to the 01 series of amendments	24.10.2009	
91	Side-marker lamps for motor vehicles and their trailers	Supplement 11 to the original version of the Regulation	15.10.2008	
93	Front underrun protective devices (FUPDs) and their installation; front underrun protection (FUP)	Original version of the Regulation	27.02.1994	
94	Protection of occupants in the event of a frontal collision	Supplement 3 to the 01 series of amendments Corrigendum 2 to the 01 series of amendments Corrigendum 1 to Revision 1	02.02.2007 14.11.2007 24.06.2009	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
95	Protection of occupants in the event of a lateral collision	Supplement 1 to the 02 series of amendments Corrigendum 1 to Supplement 1 to the 02 series of amendments	12.08.2004 14.11.2007	OJ L 313, 30.11.2007, p. 1
97	Vehicle Alarm Systems (VAS)	Supplement 5 to the 01 series of amendments	18.06.2007	OJ L 351, 30.12.2008, p. 1
98	Motor vehicle headlamps equipped with gas-discharge light sources	Supplement 13 to the original version of the Regulation	19.08.2010	
99	Gas-discharge light sources for use in approved gas-discharge lamp units of power-driven vehicles	Supplement 5 to the original version of the Regulation	19.08.2010	
102	Close-coupling device (CCD); fitting of an approved type of CCD	Original version of the Regulation	13.12.1996	OJ L 351, 30.12.2008, p. 44
105	Vehicles for the carriage of dangerous goods	Supplement 1 to the 04 series of amendments	22.07.2009	
107	M ₂ and M ₃ vehicles	03 series of amendments	19.08.2010	
110	Specific components for CNG	Supplement 9 to the original version of the Regulation	19.08.2010	

Regulation Number	Subject	Latest amendment by UNECE	Date of entry into force of latest amendment	OJ Reference
112	Motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with filament lamps and/or LED modules	Supplement 12 to the original version of the Regulation	19.08.2010	
116	Protection of motor vehicles against unauthorized use	Supplement 2 to the original version of the Regulation	15.10.2008	
118	Burning behaviour of materials used in the interior construction of certain categories of motor vehicles	Original version of the Regulation	06.04.2005	
121	Location and identification of hand controls, tell-tales and indicators	Supplement 3 to the original version of the Regulation Corrigendum 1 to Supplement 1 Corrigendum 5 to the original version of the Regulation	24.10.2009 11.11.2009 11.11.2009	
122	Heating system of vehicles of categories M, N and O	Supplement 1 to the original version of the Regulation	22.07.2009	
123	Adaptive front-lighting systems (AFS) for motor vehicles	Supplement 4 to the original version of the Regulation	19.08.2010	
125	Forward field of vision	Supplement 2 to the original version of the Regulation:	19.08.2010	

