



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 December 2012

15788/12

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MI 689
UNECE 21**

NOTE

from: the Council Secretariat
to: the Working Party on Technical Harmonisation (Motor Vehicles)
No Cion prop.: 10073/12 ECO 66 ENT 129 MI 348 UNECE 1
Subject: Proposal for a Council Decision amending 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")

Delegations will find attached the text of this proposal as it stands following its revision by the Legal Service.

Proposal for a
COUNCIL DECISION

amending 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")

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Articles 207(34) and **thereof, in conjunction with Article** 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) By 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")² the Union has acceded to the Parallel Agreement, in the framework of the United Nations Economic Commission for Europe (UNECE).
- ~~(2) 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)³ replaced the Member States' approval systems with a Union approval procedure, establishing a harmonised framework containing the administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. That Directive incorporated UNECE Regulations in the EU vehicle type approval system, either as requirements for type approval or as alternatives to EU legislation. Since the adoption of Directive 2007/46/EC, UNECE Regulations have increasingly replaced EU legislation in the framework of EU vehicle type approval.~~

¹ OJ ... (not yet published **in the Official Journal**).

² OJ L 35, 10.2.2000, p.12.

³ OJ L 263, 24.02.2011, p.1.

- (3) The ~~e~~Changes to the Treaties **on which the Union is founded** occurred after the adoption of Decision ~~97/836/EC~~ **2000/125/EC**, and in particular the adoption of ~~the~~ Treaty on the Functioning of the European Union ~~have~~ **has** substantially altered the ~~decision-making~~ procedure to be followed for the conclusion of Agreements between the Union and international organisations, making it necessary to adapt Decision 2000/125/EC to the new procedures.
- (4) The procedure for establishing the position to be adopted on the Union's behalf in the United Nations **concerning the adoption of UNECE Regulations or amendments to UNECE Regulations** should also be adapted to the **new** procedures ~~set out in the Treaty and therefore it is appropriate to follow the procedure set out in Article 218(9) of the Treaty on the Functioning of the European Union.~~
- (4a) It is appropriate that the procedure for adopting proposed amendments to the Parallel Agreement submitted by the Union, as well as the decision whether to raise an objection to a proposed amendment, be the same as the procedure for the accession to international agreements.**
- (5) ~~Therefore,~~ Decision 2000/125/EC should **therefore** be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/125/EC is amended as follows:

- (1) Article 5 is **hereby** amended as follows:
- (a) Paragraphs 1 **and 2** is **are** replaced by the following:
- "1. The Union shall vote in favour of establishing any draft global technical regulation or a draft amendment to such a regulation **where the draft has been approved** ~~if the Union's vote in favour of the parallel draft technical regulation has been decided~~ in accordance with the procedure set out in Article 218(9) of the Treaty **on the Functioning of the European Union (TFEU).**
- 2. Where the draft has not been approved in accordance with paragraph 1, the Union shall vote against the establishment of a global technical regulation in the global registry.**";

(b) Paragraph 3 is replaced by the following:

"3. The position of the Union with regard to the listing and reaffirmation of listing in the compendium of candidate technical regulations as well as with regard to issue resolution between Contracting Parties shall be established in accordance with the procedure laid down in Article ~~39(9) of Directive 2007/46/EC~~ **218(9) TFEU**".

(2) Article 6 is replaced by the following:

"Article 6

1. The Union shall vote in favour of a proposed amendment to the Parallel Agreement where the proposed amendment has been approved in accordance with the procedure set out in Article 218(6)(a)(v) of the Treaty **TFEU**.

Where that procedure has not been completed in time before the vote takes place, the ~~Commission~~ **Union** shall vote against the amendment ~~on behalf of the Union~~.

2. The ~~D~~decision **whether or not** to express **raise** an objection to an **proposed** amendment to the Parallel Agreement **put forward by another Contracting Party** shall be taken in accordance with the procedure ~~laid down~~ **set out** in Article ~~39(9) of Directive 2007/46/EC~~ **218(6)(a) TFEU**.

Where that procedure has not been completed in time before the vote takes place, the Union shall vote against the amendment. "

Article 2

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

Article 3

~~This Decision shall be notified by the Commission to the Secretary-General of the United Nations.~~

Done at Brussels,

*For the Council
The President*
