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THE EUROPEAN UNION**

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PROPOSAL

from: European Commission
dated: 4 May 2012

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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 a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 201 final



EUROPEAN COMMISSION

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Proposal for a

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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")

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives 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.

The objective of this proposal is to simplify and expedite the procedure regarding the voting of UNECE Regulations by the Commission on behalf of the Union, hence reducing the delay in the adoption of these acts in the framework of the UNECE. This is important as the EU vehicle type-approval system currently relies more and more on UNECE Regulations, which are replacing EU legislation (see Regulation (EC) No 661/2009 on General Safety¹). In addition, quicker adoption of legislation will allow for faster responses to regulatory requests from the operators.

Furthermore, the changes to the Treaties occurred after the adoption of Council Decision 97/836/EC, in particular the adoption of the Treaty on the Functioning of the European Union, have substantially altered the decision making procedure to be followed for the establishment of the position of the Union when voting Regulations to be adopted by the UNECE and the conclusion of agreements between the Union and international organisations, making it necessary to adapt those Decisions to the new procedures.

The present proposal therefore aims at adapting Council Decision 2000/125/EC to the decision making procedures regarding international agreements set out in the Treaty on the Functioning of the European Union (TFEU).

- **General context**

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).

That Decision should be amended to reflect the changes introduced by the TFEU to the decision making procedure to be followed for the establishment of the position of the Union when voting Regulations to be adopted by the UNECE and the conclusion of agreements between the Union and international organisations.

- **Existing provisions in the area of the proposal**

¹ 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 (OJ L 200, 31.7.2009)

² OJ L 35, 10.2.2000, p.12.

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")³ the Union has acceded to the Parallel Agreement.

- **Consistency with the other policies and objectives of the Union**

The proposal is in line with the objectives of the common trade policy in accordance with Article 217 TFEU. The participation of the Union at the work of the UNECE helps developing and strengthening the international harmonisation of vehicle-related technical regulations, contributing to facilitate international trade in motor vehicles. The 1958 Agreement plays a key role in this objective since manufacturers can operate a common set of type-approval standards knowing that their products will be recognised by many countries on different continents as being in conformity with their national legislation. International regulatory harmonisation is thus one of the most effective means to prevent obstacles to trade.

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

- **Consultation of interested parties**

In developing the proposal the European Commission has consulted stakeholders, in the framework of the Technical Committee – Motor Vehicles.

- **Impact assessment**

No Impact Assessment was conducted for this proposal.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposal amends Council Decision 2000/125/EC to reflect the changes introduced by the TFEU to the decision making procedure to be followed for the establishment of the position of the Union when voting Regulations to be adopted by the UNECE and the conclusion of agreements between the Union and international organisations.

- **Legal basis**

Considering the legal basis for the Council act being amended was Articles 95 and 133 in conjunction with Article 300(2), first sentence, Article 300(3), second subparagraph, of the Treaty establishing the European Community, the legal basis of the proposal is Article 207(3) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union.

- **Subsidiarity principle**

³ OJ L 35, 10.2.2000, p.12.

The vote in favour of international instruments like draft UNECE 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 EU. It also offers advantages of economies of scale: products can be made for the whole European market and even the international market, instead of being customised to obtain national type-approval for every single Member State.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The 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**

Proposed instrument: Council Decision.

The use of a Council Decision is considered to be appropriate as in line with the requirements of Article 218(6) TFEU.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

5. OPTIONAL ELEMENTS

- **European Economic Area**

The proposed act does not concern an EEA matter and should therefore not extend to the European Economic Area.

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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 Articles 207(3) and 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament⁴,

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")⁵ 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)⁶ 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.
- (3) The changes to the Treaties occurred after the adoption of Decision 97/836/EC and in particular the adoption of the Treaty on the Functioning of the European Union have substantially altered the decision-making procedure to be followed for the conclusion

⁴ OJ (...) (not yet published).

⁵ OJ L 35, 10.2.2000, p.12.

⁶ OJ L 263, 24.02.2011, p.1.

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 should also be adapted to the procedure 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.
- (5) Therefore, Decision 2000/125/EC should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/125/EC is amended as follows:

- (1) Article 5 is amended as follows:

- (a) Paragraph 1 is 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 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.";

- (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.";

- (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.

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

2. The Decision to express an objection to an amendment to the Parallel Agreement shall be taken in accordance with the procedure laid down in Article 39(9) of Directive 2007/46/EC."

Article 2

This Decision shall enter into force on the third day following 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*