



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 June 2012

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PROPOSAL

from: European Commission
dated: 4 June 2012

No Cion doc.: COM(2012) 263 final

Subject: Proposal for a Council Decision on the position to be taken by the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulations Nos 11, 13H, 30, 44, 49, 54, 64, 101, 106 and 121 and regarding the adaptation to technical progress of Global Technical Regulation No 1 concerning door locks and retention components of the United Nations Economic Commission for Europe.

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) 263 final



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulations Nos 11, 13H, 30, 44, 49, 54, 64, 101, 106 and 121 and regarding the adaptation to technical progress of Global Technical Regulation No 1 concerning door locks and retention components of the United Nations Economic Commission for Europe

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.

By 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 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;

The meetings of UNECE WP29, the World Forum for Harmonisation of Vehicle Regulations, are held three times per year in March, June and November of each calendar year. In each meeting session new amendments to existing UNECE Regulations or Global Technical Regulations 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 are made, providing the quorum is reached and there is a qualified majority among contracting parties. The EU is contracting party to 2 Agreements (1958 and 1998 Agreements) under WP29 and votes on behalf of the Member States. A Council Decision, referred to as "mega decision" containing the list of amendments, supplements and corrigenda, is prepared each time and permits the Commission to vote on behalf of Member States 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 June 2012 WP29 meeting that takes place on 25 - 29 June 2012.

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

The Technical Committee Motor Vehicles was consulted on 16 May 2012 and the comments from Member State experts were 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 UNECE Regulations Nos 11, 13H, 30, 44, 49, 54, 64, 101, 106 and 121 and Global Technical Regulation No 1 of the UNECE.

- **Legal basis**

In order to adapt for the specificities of the Treaty on the Functioning of the European Union, the previously used legal bases referred to in recitals 1 and 2 have been replaced by a direct reference to Article 218(9), with the need for a modified preparation process for the WP29 meetings and resulting in a changed legal format, which is a Council Decision, rather than a Commission Decision used during the preparation process in the last 14 years;

- **Subsidiarity principle**

The vote in favour of international instruments like draft UNECE Regulations and 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 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(9) TFEU.

Proposal for a

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on the position to be taken by the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulations Nos 11, 13H, 30, 44, 49, 54, 64, 101, 106 and 121 and regarding the adaptation to technical progress of Global Technical Regulation No 1 concerning door locks and retention components of the United Nations Economic Commission for Europe

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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 prescriptions (“Revised 1958 Agreement”³);
- (2) In accordance with Council Decision 2000/125/EC of 31 January 2000 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)⁴;
- (3) 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)⁵ 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. This Directive incorporated UNECE Regulations in the EU vehicle type-approval system, either as requirements for type-approval or as alternatives to Union legislation. Since the adoption of

³ OJ L 346, 17.12.1997, p.78.

⁴ OJ L 35, 10.02.2000, p.12.

⁵ OJ L 263, 24.02.2011, p.1.

Directive 2007/46/EC, UNECE Regulations have increasingly replaced Union legislation in the framework of EU vehicle type-approval.

- (4) In the light of experience and technical developments, the requirements relating to certain elements or features covered by UNECE Regulations Nos 11, 13H, 30, 44, 49, 54, 64, 101, 106 and 121 and Global Technical Regulation No 1 of the UNECE need to be adapted.
- (5) It is appropriate 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 1998 Agreement concerning the amendments to be made to the aforementioned UNECE acts.
- (6) The measures laid down in this Decision are in accordance with the view of the Technical Committee - Motor Vehicles.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the 1998 Agreement on 25 to 29 of June 2012 shall be to vote in favour of the proposed amendments contained in the documents listed in the Annex.

Article 2

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

Done at Brussels,

*For the Council
The President*

ANNEX

The Union's vote relates to the following documents:

Proposal for Supplement 3 to the 03 series of amendments to Regulation No. 11 (Door latches and hinges)	ECE/TRANS/WP.29/2012/41
Proposal for Supplement 14 to Regulation No. 13-H (Brakes of M1 and N1 vehicles)	ECE/TRANS/WP.29/2012/47
Proposal for Supplement 17 to the 02 series of amendments to Regulation No. 30 (Tyres for passenger cars and their trailers)	ECE/TRANS/WP.29/2012/48
Proposal for Supplement 5 to the 04 series of amendments to Regulation No. 44 (Child restraint systems),	ECE/TRANS/WP.29/2012/44
Proposal for the 06 series of amendments to UN Regulation No. 49 (Emissions of C.I. and P.I. (LPG and CNG) engines)	ECE/TRANS/WP.29/2012/45
Proposal for Supplement 18 to Regulation No. 54 (Tyres for commercial vehicles and their trailers)	ECE/TRANS/WP.29/2012/49
Proposal for Corrigendum 3 to Revision 2 to Regulation No. 54 (Tyres for commercial vehicles and their trailers)	ECE/TRANS/WP.29/2012/52
Proposal for Supplement 2 to the 02 series of amendments to Regulation No. 64 (Temporary use spare unit, run flat tyres, run flat-system and tyre pressure monitoring system)	ECE/TRANS/WP.29/2012/50
Proposal for Supplement 1 to the 01 series of amendments to Regulation No. 101 (CO2 emission/fuel consumption)	ECE/TRANS/WP.29/2012/46
Proposal for Supplement 9 to Regulation No. 106 (Tyres for agricultural vehicles)	ECE/TRANS/WP.29/2012/51
Proposal for the 01 series of amendments to Regulation No. 121 (Identification of controls, tell-tales and indicators),	ECE/TRANS/WP.29/2012/30
Proposal for Amendment 1 to Global Technical Regulation No. 1 (Door locks and door retention components)	ECE/TRANS/WP.29/2012/56 ECE/TRANS/WP.29/2012/57 ECE/TRANS/WP.29/2012/AC.3/18