



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 October 2012

15366/12

**Interinstitutional File:
2012/0294 (NLE)**

**ECO 126
ENT 262
MI 655
UNECE 16**

PROPOSAL

from:	The Commission
dated:	23 October 2012
No Cion doc.:	COM(2012) 613 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 3, 4, 6, 7, 10, 12, 14, 16, 19, 23, 26, 31, 37, 38, 44, 45, 46, 48, 49, 50, 53, 58, 61, 67, 77, 83, 85, 87, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 110, 112, 113, 115, 116, 117, 119, 121, 123 and 125 and regarding the adaptation to technical progress of Global Technical Regulations Nos 4 and 5 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) 613 final



Brussels, 23.10.2012
COM(2012) 613 final

2012/0294 (NLE)

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 3, 4, 6, 7, 10, 12, 14, 16, 19, 23, 26, 31, 37, 38, 44, 45, 46, 48, 49, 50, 53, 58, 61, 67, 77, 83, 85, 87, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 110, 112, 113, 115, 116, 117, 119, 121, 123 and 125 and regarding the adaptation to technical progress of Global Technical Regulations Nos 4 and 5 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 prescriptions (“Revised 1958 Agreement”)¹ 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 takes place, provided 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 November 2012 WP29 meeting that takes place on 13 to 16 November 2012.

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

The Technical Committee Motor Vehicles was consulted on 08 October 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 3, 4, 6, 7, 10, 12, 14, 19, 23, 26, 31, 37, 38, 44, 45, 46, 48, 49, 50, 53, 58, 61, 67, 77, 83, 85, 87, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 110, 112, 113, 115, 116, 117, 119, 121, 123 and 125, a corrigendum to Amendment 1 to Global Technical Regulation No. 4 and Amendment 1 to global technical regulation No. 5 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 Union. It also offers advantages of economies of scale: products can be made for the whole Union 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

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 3, 4, 6, 7, 10, 12, 14, 16, 19, 23, 26, 31, 37, 38, 44, 45, 46, 48, 49, 50, 53, 58, 61, 67, 77, 83, 85, 87, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 110, 112, 113, 115, 116, 117, 119, 121, 123 and 125 and regarding the adaptation to technical progress of Global Technical Regulations Nos 4 and 5 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) By Council Decision 97/836/EC³ 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”);
- (2) By Decision 2000/125/EC⁴ 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);
- (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. That 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, 10.2.2000, 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 3, 4, 6, 7, 10, 12, 14, 19, 23, 26, 31, 37, 38, 44, 45, 46, 48, 49, 50, 53, 58, 61, 67, 77, 83, 85, 87, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 110, 112, 113, 115, 116, 117, 119, 121, 123 and 125 and Global Technical Regulation Nos 4 and 5 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 Parallel Agreement concerning the amendments to be made to the aforementioned UNECE acts.

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 Parallel Agreement on 13 to 16 of November 2012 shall be to vote in favour of the proposed amendments listed in the Annex.

Article 2

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

Article 3

This Decision is addressed to the European Commission.

Done at Brussels,

*For the Council
The President*

ANNEX

List referred to in Article 1:

Proposal for Supplement 13 to the 02 series of amendments to Regulation No. 3 (Retro-reflecting devices)	ECE/TRANS/WP.29/2012/62
Proposal for Supplement 16 to Regulation No. 4 (Illumination of rear registration plates)	ECE/TRANS/WP.29/2012/63
Proposal for Supplement 23 to the 01 series of amendments to Regulation No. 6 (Direction indicators)	ECE/TRANS/WP.29/2012/64
Proposal for Corrigendum 1 to Revision 5 of Regulation No. 6 (Direction indicators)	ECE/TRANS/WP.29/2012/110
Proposal for Supplement 21 to the 02 series of amendments to Regulation No. 7 (Position, stop and end-outline lamps)	ECE/TRANS/WP.29/2012/65
Proposal for Supplement 2 to the 04 series of amendments to Regulation No. 10 (Electromagnetic compatibility)	ECE/TRANS/WP.29/2012/66
Proposal for Supplement 2 to the 04 series of amendments to Regulation No. 12 (Steering mechanism)	ECE/TRANS/WP.29/2012/96
Proposal for Supplement 4 to the 07 series of amendments to Regulation No. 14 (Safety-belt anchorages)	ECE/TRANS/WP.29/2012/42 ECE/TRANS/WP.29/2012/97
Proposal for Supplement 3 to the 06 series of amendments to Regulation No. 16 (Safety-belts)	ECE/TRANS/WP.29/2012/43
Proposal for Supplement 4 to the 04 series of amendments to Regulation No. 19 (Front fog lamps)	ECE/TRANS/WP.29/2012/67
Proposal for Supplement 19 to Regulation No. 23 (Reversing lamps)	ECE/TRANS/WP.29/2012/68
Proposal for Supplement 2 to the 03 series of amendments to Regulation No. 26 (External projections of passenger cars)	ECE/TRANS/WP.29/2012/86
Proposal for Supplement 8 to the 02 series of amendments to Regulation No. 31 (Headlamps (halogen sealed beam (HSB)))	ECE/TRANS/WP.29/2012/69
Proposal for Supplement 40 to the 03 series of amendments to Regulation No. 37 (Filament lamps)	ECE/TRANS/WP.29/2012/70
Proposal for Supplement 16 to Regulation No. 38 (Rear fog lamps)	ECE/TRANS/WP.29/2012/71
Proposal for Supplement 6 to the 04 series of amendments to Regulation No. 44 (Child restraint systems)	ECE/TRANS/WP.29/2012/98
Proposal for Supplement 7 to the 01 series of amendments to Regulation No. 45 (Headlamp cleaners)	ECE/TRANS/WP.29/2012/72
Proposal for the 04 series of amendments to Regulation No. 46 (Devices for indirect vision)	ECE/TRANS/WP.29/2012/87 WP.29-158-08

Proposal for Supplement 10 to the 04 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2012/73 ECE/TRANS/WP.29/2012/73-Corr.1
Proposal for Supplement 3 to the 05 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2012/74
Proposal for Corrigendum 1 to Supplement 7 to the 04 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2012/111
Proposal for Supplement 1 to the 06 series of amendments to Regulation No. 49 (emissions of C.I. and P.I. (NG and LPG) engines)	ECE/TRANS/WP.29/2012/103 ECE/TRANS/WP.29/2012/103/Corr.1
Proposal for Supplement 16 to Regulation No. 50 (Position, stop, direction indicator lamps for mopeds and motorcycles)	ECE/TRANS/WP.29/2012/75
Proposal for Supplement 14 to the 01 series of amendments to Regulation No. 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2012/76
Proposal for Supplement 3 to the 02 series of amendments to Regulation No. 58 (Rear underrun protection),	ECE/TRANS/WP.29/2012/88
Proposal for Supplement 2 to Regulation No. 61 (External projections of cab's rear panel)	ECE/TRANS/WP.29/2012/89
Proposal for Supplement 11 to the 01 series of amendments to Regulation No. 67 (LPG vehicles)	ECE/TRANS/WP.29/2012/90
Proposal for Supplement 15 to Regulation No. 77 (Parking lamps)	ECE/TRANS/WP.29/2012/77
Proposal for Supplement 3 to the 06 series of amendments to Regulation No. 83 (emissions of M1 and N1 vehicles)	ECE/TRANS/WP.29/2012/104 ECE/TRANS/WP.29/2012/105
Proposal for Corrigendum 2 to the 06 series of amendments to Regulation No. 83 (emissions of M1 and N1 vehicles)	ECE/TRANS/WP.29/2012/127
Proposal for Supplement 6 to Regulation No. 85 (measurement of the net power)	ECE/TRANS/WP.29/2012/106
Proposal for Supplement 16 to Regulation No. 87 (Daytime running lamps)	ECE/TRANS/WP.29/2012/78
Proposal for Corrigendum 1 to Revision 3 of regulation No. 90 (Replacement braking parts) Alignment of the English and French version of the Russian text	ECE/TRANS/WP.29/2012/117
Proposal for Supplement 14 to Regulation No. 91 (Side marker lamps)	ECE/TRANS/WP.29/2012/79
Proposal for Supplement 3 to the 02 series of amendments to Regulation No. 94 (Frontal collision)	ECE/TRANS/WP.29/2012/99

Proposal for Corrigendum 1 to Supplement 4 to the 01 series of amendments to Regulation No. 94 (Frontal collision protection)	ECE/TRANS/WP.29/2012/126
Proposal for Supplement 2 to the 03 series of amendments to Regulation No. 95 (Lateral collision)	ECE/TRANS/WP.29/2012/100
Proposal for Supplement 1 to the 03 series of amendments to Regulation No. 96 (diesel emissions (agricultural tractors))	ECE/TRANS/WP.29/2012/107
Proposal for Supplement 7 to the 01 series of amendments to Regulation No. 97 (Vehicle alarm systems)	ECE/TRANS/WP.29/2012/91
Proposal for Supplement 4 to the 01 series of amendments to Regulation No. 98 (Headlamps with gas-discharge light sources)	ECE/TRANS/WP.29/2012/80
Proposal for Corrigendum 1 to Revision 3 of Regulation No. 98 (Headlamps with gas-discharge light sources)	ECE/TRANS/WP.29/2012/61
Proposal for Supplement 8 to Regulation No. 99 (Gas-discharge light sources)	ECE/TRANS/WP.29/2012/81
Proposal for Supplement 2 to the 01 series of amendments to Regulation No. 100 (Battery electric vehicle safety)	ECE/TRANS/WP.29/2012/101
Proposal for the 02 series of amendments to Regulation No. 100 (Battery electric vehicle safety)	ECE/TRANS/WP.29/2012/102 WP.29-158-06
Proposal for Supplement 2 to the 01 series of amendments to Regulation No. 101 (CO2 emissions/fuel consumption)	ECE/TRANS/WP.29/2012/108
Proposal for the 01 series of amendments to Regulation No. 110 (CNG equipment),	ECE/TRANS/WP.29/2012/92
Proposal for Supplement 4 to the 01 series of amendments to Regulation No. 112 (Headlamps emitting an asymmetrical passing beam)	ECE/TRANS/WP.29/2012/82
Proposal for Supplement 2 to the 01 series of amendments to Regulation No. 113 (Headlamps emitting a symmetrical passing beam)	ECE/TRANS/WP.29/2012/83
Proposal for Supplement 5 to Regulation No. 115 (LPG and CNG retrofit systems)	ECE/TRANS/WP.29/2012/109
Proposal for Supplement 4 to Regulation No. 116 (Anti-theft and alarm systems)	ECE/TRANS/WP.29/2012/93
Proposal for Supplement 2 to the 02 series of amendments to Regulation No. 117 (Tyres - Rolling resistance, rolling noise and wet grip)	ECE/TRANS/WP.29/2012/54 ECE/TRANS/WP.29/2012/55 WP.29-158-09
Proposal for Supplement 2 to the 01 series of amendments to Regulation No. 119 (Cornering lamps)	ECE/TRANS/WP.29/2012/84
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 Supplement 8 to Regulation No. 121 (Identification of controls, tell-tales and indicators)	ECE/TRANS/WP.29/2012/94
Proposal for Supplement 4 to the 01 series of amendments to Regulation No. 123 (Adaptive front lighting systems (AFS))	ECE/TRANS/WP.29/2012/85
Proposal for the 01 series of amendments to Regulation No. 125 (Forward field of vision of drivers)	ECE/TRANS/WP.29/2012/95
Proposal for Amendment 3 to Special Resolution No. 1 (S.R.1)	ECE/TRANS/WP.29/2012/115
Proposal for Amendment to R.E.3 (Consolidated Resolution on the Construction of Vehicles)	ECE/TRANS/WP.29/2012/114

Proposal for Corrigendum 2 to Amendment 1 to global technical regulation No. 4 (Worldwide harmonized Heavy-Duty Certification procedure (WHDC))	ECE/TRANS/WP.29/2012/112
Proposal for Amendment 1 to global technical regulation No. 5 (World-wide harmonized Heavy Duty On-Board Diagnostic systems) (OBD)	ECE/TRANS/WP.29/2012/AC.3/30 ECE/TRANS/WP.29/2012/113 ECE/TRANS/WP.29/2012/118