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European Union

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Subject:	Adoption of a Council Decision authorizing the Commission to negotiate the conditions for Community accession to the United Nations Economic Commission for Europe (UN-ECE) 1997 Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections done at Vienna on 13 November 1997. Common Guidelines Consultation deadline: 22 November 2005
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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THE EUROPEAN UNION

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ENT 142
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"I/A" ITEM NOTE

from : General Secretariat

to : Permanent Representatives Committee/Council

No. Cion prop. : 12390/04 ENT 119 ECO 149

Subject : Adoption of a Council Decision authorizing the Commission to negotiate the conditions for Community accession to the United Nations Economic Commission for Europe (UN-ECE) 1997 Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections done at Vienna on 13 November 1997.

Common Guidelines

Consultation deadline: 22 November 2005

1. Under cover of a letter dated 8 September 2004, the Commission submitted to the Council a recommendation designed to authorize the Commission to negotiate the conditions for community accession to the United Nations Economic Commission for Europe (UN-ECE) Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections, which was concluded in Vienna on 13 November 1997.

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It is indeed crucial that the Community accedes to the Vehicle inspection Agreement in order to ensure coherence from a community perspective between roadworthiness testing standards and type-approval, both within the remit of UN-ECE WP.29.

2. On 26 October 2005, the 133 Committee (Motor Vehicles) Working party examined the recommendation and unanimously agreed to the text annexed to this note.
3. The Permanent Representatives Committee is therefore invited to suggest that the Council:
in part "A" of the agenda of one of its forthcoming meetings, adopt the draft Decision and the negotiating directives set out in the Annex to this note.

COUNCIL DECISION

authorising the Commission to negotiate the conditions for Community accession to the United Nations Economic Commission for Europe (UN-ECE) Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections concluded at Vienna on 13 November 1997

1. The Council, on the recommendation of the Commission, has authorised the Commission to negotiate an Agreement for the Community's accession to the Vehicle Inspection Agreement as soon as possible.
2. The Commission shall conduct the negotiations in consultation with a special advisory Committee designated by the Council, in conformity with the negotiating directives in the Annex.

Negotiating directives

1. The objective of the negotiations is to enable the European Community to accede to the UN-ECE Vehicle Inspection Agreement as soon as possible.
2. During the negotiations, the Commission must in particular:
 - ensure that, in areas where competence lies with the Community, the Community will vote with the number of votes of its Member States being members of the Economic Commission for Europe, in application of Article 4(1) of the Vehicle Inspection Agreement;
 - declare in accordance with Article 2(4) of the Vehicle Inspection Agreement that the Community will not apply
 - the provision of Article 1 relative to the reciprocal recognition (the term used in Community law is mutual recognition) of the inspections carried out by its Member States;
 - Article 12 of the Vehicle Inspection Agreement on the bilateral agreement as a prior condition to technical inspections carried out by technical inspection bodies on behalf of an other Member State; and
 - Rule No. 1 on the uniform provisions for periodical technical inspections of wheeled vehicles with regard to the protection of the environment;as long as they are not fully compliant with the Community legislation.
- stipulate that the Community reserves the right to declare at any time, in conformity with Article 2(2) of the Vehicle Inspection Agreement, that it will not apply (a) certain Rule(s) annexed to this Agreement;

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- declare that it does not consider itself bound by Article (8) of the Vehicle Inspection Agreement relative to the arbitration of disputes between two or more Contracting Parties.

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