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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading in a view to adoption of a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the labelling of tyres with respect to fuel efficiency and other
parameters, amending Regulation (EU) 2017/1369 and repealing
Regulation (EC) No 1222/2009
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 17 May 2018, the Commission adopted the above mentioned proposal within the broader package of measures on Low Carbon Mobility.
2. The European Economic and Social Committee and the Committee of the Regions were consulted and only the first body delivered its opinion on 17 October 2018.
3. On 4 March 2019, further to discussions at the level of the Energy Working Party, the Council reached a General Approach¹.
4. On 26 March 2019², the European Parliament adopted its position at first reading. This position was subsequently confirmed by the newly elected European Parliament.
5. On 10 October 2019, negotiations between the two co-legislators started. The second and final informal trilogue on the above proposal was held on 13 November 2019 and a provisional agreement was reached with the European Parliament.
6. On 22 November 2019, the Permanent Representatives Committee (Part 1) carried out its analysis of the provisional compromise text with a view to agreement.³
7. On 4 December 2019, the chair of the European Parliament's Committee on Industry, Research and Energy (ITRE) addressed a letter⁴ to the President of the Permanent Representatives Committee (Part 1) stating that, if the Council adopts its position at first reading in accordance with the text attached to this letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at Parliament's second reading.

¹ Ref.: document 6695/19.

² Document T8-0230/2019.

³ Ref.: documents 14152/19 and 14152/19 COR 1.

⁴ Ref. D (2019) 43576.

8. On 16 December 2019, the Council confirmed the above mentioned political agreement⁵ with a view to an adoption of a Position at first reading.
9. On 25 February 2020, the Council adopted its Position at first reading on the proposal as set out in doc. 14649/19.

II. OBJECTIVE

While repealing Regulation (EC) No 1222/2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters⁶, the objectives of this proposal are to clarify and extend the scope of the current regulatory framework by mainly:

- extending to C3 tyres the requirements for the label to be shown;
- updating the tyre label, allowing for its revision and improving its visibility of the label to consumers;
- setting requirements in relation to internet and distance selling and as other situations where the tyres are not physically seen by the consumer;
- requiring that information on the snow and ice performance of tyres be included on the label;
- considering the possibility to include mileage and abrasion as parameters for the label, as soon as suitable testing methods become available;
- including re-treaded tyres, once suitable testing method to measure the performance of such tyres has been developed;
- allowing for the revision of tyre performance classes through delegated acts;
- including an obligation to register tyres in an *ad hoc* database.

⁵ Ref.: Annex to Note 14640/19.

⁶ OJ L 342, 22.12.2009.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

A. General

The compromise text that was confirmed by the Council on 16 December 2019 fully reflects the agreement reached by the co-legislators. It maintains most of the objectives of the Commission proposal and, at the same time, takes on board the most important amendments adopted by the European Parliament in its first reading.

Notably, at its first reading, the European Parliament adopted more than fifty amendments. During the discussions at the level of the Energy Working Party, the Council analysed said amendments on a number of occasions.

Since the outset, the positions of the two co-legislators appeared not to be significantly divergent on many provisions. Therefore, the Council accepted most of the European Parliament's amendments at least in part, some of them in substance, while some others even in their exact wording. During the negotiation phase, the European Parliament withdrew or dropped some amendments.

B. Main issues

Overall, the modifications made to the Commission proposal respect its overarching goals to:

- give consumers more information on fuel efficiency, safety and noise when they buy tyres;
- improve the accuracy of the label, while providing relevant and comparable information;
- and
- maximise the label's contribution to the decarbonisation of the transport sector.

At the same time, the co-legislators appeared to have found the right balance between the ambition when it comes to the above mentioned goals and the need to ensure that the regulatory framework is easily applicable by the sector and/or authorities without setting unjustified administrative burdens.

More specifically, the main modifications compared to the original Commission proposal can be listed as follows:

- a) Article 2 was modified to clarify that re-treaded tyres are covered by the scope of the new regulation as any other C1, C2 and C3 tyres;
- b) the list of definitions in Article 3 was expanded, with some new definitions added (e.g. "tyre type identifier") and others being made clearer or further specified (e.g. "parameter");
- c) the obligations of tyre suppliers and/or distributors as defined in Articles 4 and 6 were further clarified: 1) as regards the possibility given to the suppliers and distributors to make the tyre label available in a nested display, in case of tyre visual advertisement on the internet; and 2) *vis-à-vis* the type approval and market surveillance authorities. Additionally, further clarifications were added as regards the role of these latter and the possibility (not the obligation) for such authorities to make additional verifications on the label was also introduced;
- d) all dates included in Articles 5(1)(2), 11(5), 17 and 18 regarding the obligations of tyre suppliers in relation to the product database and of the Member States *vis-à-vis* the Commission, the repeal of the current regulatory framework and the entry into force were lengthened;

- e) Article 8 was added to ensure consistency with Article 14 of the e-Commerce Directive, as regards the obligations of hosting service providers allowing the selling of tyres through its internet site;
- f) Article 12(4) was introduced to clarify that market surveillance authorities may recover the costs of document inspection and physical product testing from the supplier in cases of non-compliance by the supplier with the new regulatory framework or the relevant delegated acts adopted pursuant thereto;
- g) Article 13 was modified to prevent the rescaling of fuel efficiency, wet grip and external rolling noise classes through delegated acts. On the other hand, the Commission is now empowered to adopt delegated acts as follows: 1) by two years after the date of entry into force of the new regulation, in order to supplement it, by introducing information requirements for re-treaded tyres, provided that a suitable testing method is available; and 2) in order to include parameters or information requirements for tyre abrasion and mileage, as soon as reliable, accurate and reproducible methods to test and measure tyre abrasion and mileage are available for use by European or international standardisation organisations and provided that two conditions are met (i.e. a thorough impact assessment has been carried out by the Commission and a proper consultation of the relevant stakeholders has been conducted by the Commission);
- h) the rescaling of the fuel efficiency, wet grip and external rolling noise classes was not accepted as proposed by the Commission in Annex I. However, the co-legislators proceeded to the cleaning up of the empty classes as regards fuel efficiency and wet grip;

- i) new pictograms and a new layout of the label were inserted in Annexes I and II;
- j) Annex III of the Commission proposal was deleted;
- k) in Annex IV, the co-legislators introduced a new provision allowing suppliers and distributors, where relevant, to clarify that ice grip tyres are specifically designed for road surfaces covered with ice and compact snow, and should only be used in very severe climate conditions and that using ice grip tyres in less severe climate conditions could result in sub-optimal performance, in particular for wet grip, handling and wear;
- l) Annex VII was added to clarify what information should be entered into the public and compliance parts of the product database.

IV. CONCLUSION

The Council's position underlines the main objective of the Commission's proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.

This compromise was confirmed by a letter from the Chair of the European Parliament's Committee on Industry, Research and Energy (ITRE) addressed to the Presidency and dated 4 December 2019. It was subsequently endorsed by the Council on 16 December 2019 through the confirmation of the political agreement with a view to an adoption of a Position at first reading.