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2013/0158 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulations Nos 13, 13H, 16, 29, 44, 53, 79, 94, 95, 96, 117 and 130, and regarding the adoption of a proposal for a Global Technical Regulation on hydrogen and fuel cell vehicles and the adaptation to technical progress of Global Technical Regulations Nos 2 and 12 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 vehicles² (“Parallel Agreement”), the Union 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 a contracting party to two 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 the 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 2013 WP29 meeting that will take place on 24 to 28 June 2013.

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

The Technical Committee Motor Vehicles was consulted on 8 May 2013 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 13, 13H, 16, 29, 44, 53, 79, 94, 95, 96, 117, 130, and regarding the adoption of a proposal for a Global Technical Regulation on hydrogen and fuel cell vehicles and the adaptation to technical progress of Global Technical Regulations Nos 2 and 12.

- **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).

- **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.

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on the position to be adopted on behalf of the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulations Nos 13, 13H, 16, 29, 44, 53, 79, 94, 95, 96, 117 and 130, and regarding the adoption of a proposal for a Global Technical Regulation on hydrogen and fuel cell vehicles and the adaptation to technical progress of Global Technical Regulations Nos 2 and 12 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, in conjunction with 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 vehicles⁵ (Framework Directive) 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

³ OJ L 346, 17.12.1997, p. 78.

⁴ OJ L 35, 10.2.2000, p. 12.

⁵ OJ L 263, 9.10.2007, p. 1.

for type-approval or as alternatives to Union legislation. Since the adoption of 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 13, 13H, 16, 29, 44, 53, 79, 94, 95, 96, 117 and 130 and by UNECE Global Technical Regulations Nos 2 and 12 need to be adapted. The proposal for a Global Technical Regulation on hydrogen and fuel cell vehicles should be adopted.
- (5) It is appropriate to establish the position to be adopted on behalf of the Union 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 those 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 24 to 28 of June 2013 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 10 to the 11 series of amendments to Regulation No. 13 (Heavy vehicle braking)	ECE/TRANS/WP.29/2013/56
Proposal for Corrigendum 4 to the 11 series of amendments to Regulation No. 13 (Heavy vehicle braking), Russian version only	ECE/TRANS/WP.29/2013/61
Proposal for Supplement 15 to Regulation No. 13-H (Brakes of M1 and N1 vehicles)	ECE/TRANS/WP.29/2013/57
Proposal for Corrigendum 3 to Revision 2 to Regulation No. 13-H (Brakes of M1 and N1 vehicles)	ECE/TRANS/WP.29/2013/62
Proposal for Supplement 4 to the 06 series of amendments to Regulation No. 16 (Safety-belts)	ECE/TRANS/WP.29/2013/43
Proposal for Corrigendum 1 to Revision 7 to Regulation No. 16 (Safety-belts) (French version only)	ECE/TRANS/WP.29/2013/49
Proposal for Supplement 2 to the 02 series of amendments to Regulation No. 29 (Cabs of commercial vehicles)	ECE/TRANS/WP.29/2013/44
Proposal for Supplement 1 to the 03 series of amendments to Regulation No. 29 (Cabs of commercial vehicles)	ECE/TRANS/WP.29/2013/45
Proposal for Supplement 7 to the 04 series of amendments to Regulation No. 44 (Child Restraint Systems)	ECE/TRANS/WP.29/2013/46
Proposal for Corrigendum 1 to Supplement 13 to the 01 series of amendments to Regulation No. 53 (Installation of lighting on L3 vehicles)	ECE/TRANS/WP.29/2013/18
Proposal for Supplement 4 to the 01 series of amendments to Regulation No. 79 (Steering equipment)	ECE/TRANS/WP.29/2013/58
Proposal for Supplement 4 to the 02 series of amendments to UN Regulation No. 94 (Frontal collision)	ECE/TRANS/WP.29/2013/47
Proposal for Supplement 3 to the 03 series of amendments to UN Regulation No. 95 (Lateral collision)	ECE/TRANS/WP.29/2013/48
Proposal for the 04 series of amendments to Regulation No. 96 (Diesel emission (agricultural tractors))	ECE/TRANS/WP.29/2013/51
Proposal for Supplement 4 to the 02 series of amendments to Regulation No. 117 (Tyres, rolling resistance, rolling noise and wet grip)	ECE/TRANS/WP.29/2013/55 WP.29-160-08
Proposal for Supplement 1 to the 01 series of amendments to the draft Regulation [No. 130] on Advanced Emergency Braking Systems (AEBS)	ECE/TRANS/WP.29/2013/60

Proposal for Amendment 5 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), and its Annex 4 on market fuel quality	ECE/TRANS/WP.29/2013/52
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Proposal for a global technical regulation on hydrogen and fuel cell vehicles	ECE/TRANS/WP.29/2013/41 ECE/TRANS/WP.29/2013/42 ECE/TRANS/WP.29/AC.3/17 ECE/TRANS/WP.29/2011/147
Proposal for Amendment 3 to global technical regulation No. 2 (Worldwide Motorcycle emissions Test Cycle (WMTC))	ECE/TRANS/WP.29/2013/53 ECE/TRANS/WP.29/2013/54 ECE/TRANS/WP.29/2012/AC.3/34
Proposal for Amendment 1 to global technical regulation No. 12 (Controls tell-tales and indicators for two-wheeled vehicles)	ECE/TRANS/WP.29/2013/34 ECE/TRANS/WP.29/2013/34/Amend.1 ECE/TRANS/WP.29/2013/34/Amend.1/Corr.1 ECE/TRANS/WP.29/2013/35 ECE/TRANS/WP.29/2012/AC.3/35