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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	5 June 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for modifications to UN Regulations Nos. 14, 17, 24, 30, 44, 51, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, 140 and 145, as regards the proposals for modifications to Global Technical Regulations (GTRs) Nos. 15 and 19, as regards the proposal for an amendment to Mutual Resolution M.R.2, as regards the proposal for one new UN Regulation, and as regards the proposals for (amendments to) the authorisations to develop GTRs

Delegations will find attached document COM(2019) 255 final.

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EUROPEAN
COMMISSION

Brussels, 5.6.2019
COM(2019) 255 final

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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for modifications to UN Regulations Nos. 14, 17, 24, 30, 44, 51, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, 140 and 145, as regards the proposals for modifications to Global Technical Regulations (GTRs) Nos. 15 and 19, as regards the proposal for an amendment to Mutual Resolution M.R.2, as regards the proposal for one new UN Regulation, and as regards the proposals for (amendments to) the authorisations to develop GTRs

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns decision establishing the position to be taken on the Union's behalf in the relevant Committees of the United Nations Economic Commission for Europe in connection with the envisaged adoption of a mega decision.

2. CONTEXT OF THE PROPOSAL

• Reasons for and objectives 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.

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"), and in accordance with 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"), the Union acceded to the Parallel Agreement.

The meetings of UNECE WP.29, the World Forum for Harmonisation of Vehicle Regulations, are held three times in March, June and November of each calendar year. In each meeting session new UN Regulations, new UN Global Technical Regulations (UN GTRs) and/or modifications to existing UN Regulations or UN Global Technical Regulations (UN GTRs) are adopted in order to allow for technical progress. Prior to each WP.29 meeting these modifications are adopted by one of the six working groups (GRs) active under WP.29.

Subsequently, in a WP.29 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 WP.29. A Council Decision, referred to as "mega decision", containing the list of Regulations, amendments, supplements and corrigenda, is prepared each time and authorises the Commission to vote on behalf of the Union in each WP.29 meeting.

This Council Decision defines the Union's position in the voting of the Regulations, amendments, supplements and corrigenda submitted for vote in the June 2019 WP.29 meeting that will take place from 24 to 28 June 2019.

• Consistency with existing policy provisions in the policy area

This proposal complements and is fully in line with the Union's internal market policy as regards the automotive industry.

The WP.29 system strengthens international harmonization of vehicle standards. The 1958 Agreement plays a key role in this objective since EU manufacturers can operate to a common set of type approval Regulations in the knowledge that the product will be recognized by the Contracting Parties as being in conformity with its national legislation. This scheme, for

instance, has allowed for Regulation (EC) No 661/2009 on the general safety of motor vehicles to repeal more than 50 EU Directives and replace them with the corresponding Regulations developed under the 1958 Agreement.

A similar approach has been taken with Directive 2007/46/EC, which has replaced the approval systems of the Member States with a Union approval procedure and established a harmonised framework containing administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. That Directive incorporated UN Regulations in the EU type-approval system, either as requirements for type-approval or as alternatives to Union legislation. Since the adoption of that Directive, UN Regulations have increasingly been incorporated into Union legislation in the framework of the EU type-approval.

- **Consistency with other Union policies**

The WP.29 system is linked to the Union policy on competiveness, on which this initiative has a positive impact. This proposal is also consistent with Union transport, climate and energy policies, which are duly considered in the process for the drafting and adoption of the UN Regulations falling under the 1958 Agreement.

3. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for this proposal is Article 114, in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

- **Subsidiarity**

The vote in favour of international instruments like proposals for UN Regulations, modifications to UN Regulations and draft 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 environmental and safety standards across the Union. It also offers advantages of economies of scale: products can be made for the entire Union market and even the international market, instead of being customised to obtain national type-approval for every single Member State.

This proposal therefore complies with the subsidiarity principle.

- **Proportionality**

This Council Decision authorises the Commission to vote on behalf of Union and is the proportionate instrument in accordance with Article 5(1) of Council Decision 97/836/EC in order to define a unified EU position at the UNECE with respect to the vote on the working documents proposed on the agenda of the WP.29 meeting. Therefore, this 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 the instrument**

The use of a Council Decision is required by Article 218(9) TFEU in order to establish the positions to be adopted on the Union's behalf in a body set up by an international agreement.

4. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

External expertise is not relevant in the case of this proposal. It will however be reviewed by the Technical Committee on Motor Vehicles.

- **Impact assessment**

This proposal cannot be the subject of an impact assessment as it is not of a legislative nature and no alternative policy options are available or possible.

- **Regulatory fitness and simplification**

In terms of administrative burden, the initiative does not have repercussions, as the modification references annexed to the mega decision will not introduce new reporting or other administrative obligations for enterprises, including SMEs. On the contrary, reduction of administrative burden is targeted as the application of world-harmonised requirements allow manufacturers to present approval documentation of systems and components not only in the EU but also on the export markets from Contracting Parties to the 1958 Agreement outside the EU.

The proposal has a very positive impact on automotive EU competitiveness and international trade. The acceptance of internationally harmonised vehicle regulations by the EU's trading partners is recognised as the best way to remove non-tariff barriers to trade and to open or widen market access for EU automotive enterprises.

- **Fundamental rights**

The proposal has no consequences for the protection of fundamental rights.

5. BUDGETARY IMPLICATIONS

This initiative has no budgetary implications.

6. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Explanatory documents (for directives)**

Not applicable

- **Detailed explanation of the specific provisions of the proposal**

The proposal defines the Union's position in the voting of

– the proposals for modifications to UN Regulations Nos 14, 17, 24, 30, 44, 51, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, 140 and 145;

– the proposals for modifications to Global Technical Regulations (GTRs) Nos. 15 and 19;
– the proposal for an amendment to the Mutual Resolution M.R.2;
– the proposal for one new UN Regulation; and
– the proposals for three (amendments to) the authorisations to develop GTR.

2019/0124 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for modifications to UN Regulations Nos. 14, 17, 24, 30, 44, 51, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, 140 and 145, as regards the proposals for modifications to Global Technical Regulations (GTRs) Nos. 15 and 19, as regards the proposal for an amendment to Mutual Resolution M.R.2, as regards the proposal for one new UN Regulation, and as regards the proposals for (amendments to) the authorisations to develop GTRs

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/EC[1], 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 those prescriptions ('Revised 1958 Agreement'). The Revised 1958 Agreement entered into force on 24 March 1998.

(2) By Council Decision 2000/125/EC[2], 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'). The Parallel Agreement entered into force on 15 February 2000.

(3) Pursuant to Article 1 of the Revised 1958 Agreement and Article 6 of the Parallel Agreement, the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the Parallel Agreement ('the relevant Committees of the United Nations Economic Commission for Europe') may adopt, as applicable, the proposals for modifications to UN Regulations Nos. 14, 17, 24, 30, 44, 51, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, 140 and 145, the proposals for modifications

[1] Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe 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') (OJ L 346, 17.12.1997, p. 78).

[2] 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') (OJ L 35, 10.2.2000, p. 12).

to Global Technical Regulations (GTRs) Nos. 15 and 19, the proposal for an amendment to Mutual Resolution M.R.2, the proposal for one new UN Regulation, and the proposals for (amendments to) the authorisations to develop GTRs ('mega decision').

(4) The relevant Committees of the United Nations Economic Commission for Europe, during the 178th session of the World Forum to be held between 24 and 28 June 2019, are to adopt a mega decision in relation to the administrative provisions and uniform technical prescriptions for the approval of and global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the relevant Committees of the United Nations Economic Commission for Europe as regards the adoption of proposals for UN Regulations, as the UN Regulations will be binding on the Union and capable of decisively influencing the content of Union law in the field of vehicle type-approval.

(6) Directive 2007/46/EC of the European Parliament and of the Council[3] replaced the approval systems of the Member States with a Union approval procedure and established a harmonised framework containing administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. That Directive incorporated regulations adopted under the Revised 1958 Agreement ('UN Regulations') in the EU type-approval system, either as requirements for type-approval or as alternatives to Union legislation. Since the adoption of Directive 2007/46/EC, UN regulations have been increasingly incorporated into Union legislation.

(7) In the light of experience and technical developments, the requirements relating to certain elements or features covered by UN Regulations Nos 17, 24, 30, 44, 64, 75, 78, 79, 83, 85, 90, 115, 117, 129, 138, 139, and 140 need to be supplemented and UN Global Technical Regulations Nos 15 and 19 need to be amended. In addition, certain provisions in UN Regulations Nos 14, 51, 83, 129 and 145, and in the UN Global Technical Regulation 15 need to be corrected. Finally, new requirements regarding the Advanced Emergency Braking System need to be adopted.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the Parallel Agreement during the 178th session of the World Forum to be held between 24 and 28 June 2019 shall be to vote in favour of the proposals listed in the Annex to this Decision.

Article 2

[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) (OJ L 263, 9.10.2007, p. 1).

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President