



EUROPEAN  
COMMISSION

Brussels, 9.10.2013  
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2013/0334 (NLE)

Proposal for a

### **COUNCIL DECISION**

**on the position to be adopted on behalf of the Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the proposed amendments to Regulations Nos 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128, 129, and the Consolidated Resolution on the Construction of Vehicles (R.E.3), and regarding the draft Global Technical Regulation on Pole Side Impact**

## 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<sup>1</sup> (“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 vehicles<sup>2</sup> (“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 November 2013 WP29 meeting that will take place on 11 to 15 November 2013.

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

The Technical Committee Motor Vehicles has been consulted and the comments from Member State experts taken into account.

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<sup>1</sup> OJ L 346, 17.12.1997, p. 78.

<sup>2</sup> 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 No 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128 and 129, regarding a proposal for amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3), regarding the adoption of a proposal for a Global Technical Regulation on Pole Side Impact.

- **Legal basis**

Article 114, in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

- **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**

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.

Proposal for a

## COUNCIL DECISION

**on the position to be adopted on behalf of the Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the proposed amendments to Regulations Nos 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128, 129, and the Consolidated Resolution on the Construction of Vehicles (R.E.3), and regarding the draft Global Technical Regulation on Pole Side Impact**

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<sup>3</sup>, 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 Council Decision 2000/125/EC<sup>4</sup>, 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).

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<sup>3</sup> 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).

<sup>4</sup> 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).

- (3) Directive 2007/46/EC of the European Parliament and of the Council <sup>5</sup> 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 EC type-approval system, either as requirements 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 EC 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, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128 and 129 and by the Consolidated Resolution on the Construction of Vehicles (R.E.3) need to be adapted.
- (5) In order to harmonise the relevant safety provisions for the type-approval of motor vehicles, the draft Global Technical Regulation on Pole Side Impact should be adopted.
- (6) 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 adoption of those UNECE acts,

HAS ADOPTED THIS DECISION :

*Sole Article*

The position to be adopted on behalf of the Union within the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the Parallel Agreement on 11 to 15 November 2013 shall be to vote in favour of the UNECE acts listed in the Annex to this Decision.

Done at Brussels,

*For the Council*

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<sup>5</sup> 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).

## ANNEX

Proposal for Supplement 15 to the 02 series of amendments to Regulation No. 3 (Retro-reflecting devices)	ECE/TRANS/WP.29/2013/68
Proposal for Supplement 17 to Regulation No. 4 (Illumination of rear registration plates)	ECE/TRANS/WP.29/2013/69
Proposal for the 03 series of amendments to Regulation No. 5 (Sealed beam headlamps)	ECE/TRANS/WP.29/2013/70
Proposal for Supplement 25 to the 01 series of amendments to Regulation No. 6 (Direction indicators)	ECE/TRANS/WP.29/2013/71
Proposal for Supplement 23 to the 02 series of amendments to Regulation No. 7 (Position, stop and end-outline lamps)	ECE/TRANS/WP.29/2013/72
Proposal for the 05 series of amendments to Regulation No. 10 (Electromagnetic compatibility)	ECE/TRANS/WP.29/2013/73
Proposal for Supplement 3 to the 04 series of amendments to Regulation No. 12 (Steering mechanism)	ECE/TRANS/WP.29/2013/102
Proposal for Supplement 5 to the 07 series of amendments to Regulation No. 14 (Safety-belt anchorages)	ECE/TRANS/WP.29/2013/103
Proposal for Supplement 5 to the 06 series of amendments to Regulation No. 16 (Safety-belts)	ECE/TRANS/WP.29/2013/104
Proposal for Supplement 2 to the 08 series of amendments to Regulation No. 17 (Strength of seats)	ECE/TRANS/WP.29/2013/105
Proposal for Supplement 4 to the 03 series of amendments to Regulation No. 19 (Front fog lamps)	ECE/TRANS/WP.29/2013/74
Proposal for Supplement 6 to the 04 series of amendments to Regulation No. 19 (Front fog lamps)	ECE/TRANS/WP.29/2013/75 ECE/TRANS/WP.29/2013/75/Add.1
Proposal for Supplement 20 to Regulation No. 23 (Reversing lamps)	ECE/TRANS/WP.29/2013/76
Proposal for the 03 series of amendments to Regulation No. 31 (Headlamps (Halogen Sealed Beam (HSB)))	ECE/TRANS/WP.29/2013/77
Proposal for Supplement 42 to the 03 series of amendments to Regulation No. 37 (Filament lamps)	ECE/TRANS/WP.29/2013/78
Proposal for Supplement 17 to Regulation No. 38 (Rear fog lamps)	ECE/TRANS/WP.29/2013/79
Proposal for Corrigendum 2 to Revision 3 to Regulation No. 43 (Safety glazing),	ECE/TRANS/WP.29/2013/116
Proposal for Supplement 12 to the 04 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2013/80

Proposal for Supplement 5 to the 05 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2013/81
Proposal for Supplement 3 to the 06 series of amendments to Regulation No. 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2013/82
Proposal for Supplement 6 to the 05 series of amendments to Regulation No. 49 (Compression ignition and positive ignition (LPG and CNG) engines)	ECE/TRANS/WP.29/2013/111
Proposal for Supplement 2 to the 06 series of amendments to Regulation No. 49 (Compression ignition and positive ignition (LPG and CNG) engines)	ECE/TRANS/WP.29/2013/112 ECE/TRANS/WP.29/2013/112/Corr.1
Proposal for Supplement 17 to Regulation No. 50 (Position, stop, direction indicator lamps for mopeds and motorcycles)	ECE/TRANS/WP.29/2013/83
Proposal for Corrigendum 1 to Revision 3 to Regulation No. 54 (Tyres for commercial vehicles and their trailers)	ECE/TRANS/WP.29/2013/130
Proposal for Supplement 13 to the 01 series of amendments to Regulation No. 67 (LPG vehicles),	ECE/TRANS/WP.29/2013/97
Proposal for Supplement 6 to the 01 series of amendments to Regulation No. 69 (Rear-marking plates for slow moving vehicles)	ECE/TRANS/WP.29/2013/85
Proposal for Supplement 9 to the 01 series of amendments to Regulation No. 70 (Rear-marking plates for heavy and long vehicles)	ECE/TRANS/WP.29/2013/86
Proposal for Supplement 17 to Regulation No. 77 (Parking lamps)	ECE/TRANS/WP.29/2013/87
Proposal for Corrigendum 3 to the 06 series of amendments to Regulation No. 83 (Emissions of M1 and N1 vehicles)	ECE/TRANS/WP.29/2013/131
Proposal for Supplement 18 to Regulation No. 87 (Daytime running lamps)	ECE/TRANS/WP.29/2013/88
Proposal for Supplement 16 to Regulation No. 91 (Side marker lamps)	ECE/TRANS/WP.29/2013/89
Proposal for Supplement 5 to the 01 series of amendments to Regulation No. 94 (Frontal collision)	ECE/TRANS/WP.29/2013/106
Proposal for Supplement 5 to the 02 series of amendments to Regulation No. 94 (Frontal collision)	ECE/TRANS/WP.29/2013/107
Proposal for Supplement 4 to the 03 series of amendments to Regulation No. 95 (Lateral collision)	ECE/TRANS/WP.29/2013/108
Proposal for Supplement 5 to the 01 series of amendments to Regulation No. 98 (Headlamps with gas-discharge light sources)	ECE/TRANS/WP.29/2013/90

Proposal for Supplement 9 to Regulation No. 99 (Gas-discharge light sources)	ECE/TRANS/WP.29/2013/91
Proposal for Supplement 3 to the 01 series of amendments to Regulation No. 100 (Electric power trained vehicles)	ECE/TRANS/WP.29/2013/109
Proposal for Supplement 1 to the 02 series of amendments to Regulation No. 100 (Electric power trained vehicles)	ECE/TRANS/WP.29/2013/135
Proposal for Supplement 3 to the 01 series of amendments to Regulation No. 101 (CO2 emissions/fuel consumption)	ECE/TRANS/WP.29/2013/113
Proposal for Supplement 4 to Regulation No. 103 (Replacement pollution control devices)	ECE/TRANS/WP.29/2013/114
Proposal for Supplement 3 to the 04 series of amendments to Regulation No. 107 (M2 and M3 vehicles),	ECE/TRANS/WP.29/2013/98
Proposal for Supplement 1 to the 05 series of amendments to Regulation No. 107 (M2 and M3 vehicles),	ECE/TRANS/WP.29/2013/99
Proposal for the 06 series of amendments to Regulation No. 107 (M2 and M3 vehicles),	ECE/TRANS/WP.29/2013/100
Proposal for Corrigendum 2 to Revision 3 to Regulation No. 107 (M2 and M3 vehicles),	ECE/TRANS/WP.29/2013/117
Proposal for Supplement 1 to the 01 series of amendments to Regulation No. 110 (CNG vehicles),	ECE/TRANS/WP.29/2013/101
Proposal for Supplement 5 to the 01 series of amendments to Regulation No. 112 (Headlamps emitting an asymmetrical passing-beam)	ECE/TRANS/WP.29/2013/92
Proposal for Supplement 3 to the 01 series of amendments to Regulation No. 113 (Headlamps emitting a symmetrical passing-beam)	ECE/TRANS/WP.29/2013/93
Proposal for Supplement 6 to Regulation No. 115 (LPG and CNG retrofit systems)	ECE/TRANS/WP.29/2013/115
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.29/2013/59
Proposal for Supplement 4 to the 01 series of amendments to Regulation No. 119 (Cornering lamps)	ECE/TRANS/WP.29/2013/94
Proposal for Corrigendum 1 to Supplement 7 to Regulation No. 121 (Identification of controls, tell-tales and indicators),	ECE/TRANS/WP.29/2013/118
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 5 to the 01 series of amendments to Regulation No. 123 (Adaptive Front lighting Systems (AFS))	ECE/TRANS/WP.29/2013/95



Proposal for Supplement 2 to Regulation No. 128 (Light Emitting Diode (LED) light sources)	ECE/TRANS/WP.29/2013/96
Proposal for Supplement 2 to Regulation No. 129 (Enhanced Child Restraint Systems (ECRS))	ECE/TRANS/WP.29/2013/110
Proposal for amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3)	ECE/TRANS/WP.29/2013/126

Draft Global Technical Regulation on Pole Side Impact	ECE/TRANS/WP.29/2013/120
	ECE/TRANS/WP.29/2013/121
	ECE/TRANS/WP.29/2012/59
	ECE/TRANS/WP.29/2011/87
	ECE/TRANS/WP.29/AC.3/28