COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.12.2005
COM(2005) 632 final

2005/0250 (AVC)

Proposal for a

COUNCIL DECISION

on the accession of the Community to United Nations Economic Commission for Europe Regulation No. 107 on provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. GENERAL

By Council Decision 97/836/EC of 27 November 1997, the EC became a contracting party to the United Nations Economic Commission for Europe's (UN/ECE's) Revised 1958 Agreement on 24 March 1998 and acceded to 78 regulations appended to that Agreement. That Decision took effect on 24 March 1998.

Article 3(3) of that Decision foresees that the Community may decide to implement a regulation to which it had not acceded when it acceded to the revised Agreement if the Council approves that regulation by a qualified majority after receiving the assent of the EP.

UN/ECE Regulation No. 107[1] on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction is aimed, in particular, at removing technical barriers to the trade in motor vehicles between the contracting parties while ensuring a high level of safety in the operation of vehicles. The Commission therefore considers that it would be desirable for the EC to accede thereto.

It is also provided that the Regulation concerned shall become part of the type-approval system for motor vehicles because the scope of Directive 2001/85/EC is similar to Regulation No. 107.

It should be stressed that the EC will take its decision regarding accession to this Regulation on the basis of the documents that are available in the official languages of the UN/ECE (English, French and Russian). As the EC has become party to the 1958 UN/ECE agreement, it is required to observe the procedures provided for in that agreement. Therefore only the French and English versions of Regulation No. 107 have been appended. Translations of this Regulation will be published before entering into force.

2. CONTENTS OF THE PROPOSAL FOR A DECISION

The purpose of the proposal for a decision is to enable the Community to accede to UN/ECE Regulation No. 107 on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction.

[1] UN Document E/ECE/TRANS/505/Rev.2/Add.106/Rev.1, as amended by Document E/ECE/TRANS/505/Rev.2/Add.106/Rev.1/Corr.1.

2005/0250 (AVC)

Proposal for a

COUNCIL DECISION

on the accession of the Community to United Nations Economic Commission for Europe Regulation No. 107 on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction[2]

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to 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")[3], and in particular Article 3(3) and the second indent of Article 4(2), thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament[4],

Whereas:

(1) The standardised requirements of Regulation No. 107[5] on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction are intended to remove technical barriers to the trade in motor vehicles between the Contracting Parties and to ensure a high level of safety and protection in the operation of vehicles.

(2) The Commission therefore considers that Regulation No. 107 should become part of the Community system for the type approval of motor vehicles.

---

2 Taking account of all amendments up to and including Corrigendum 1 to Revision 1, entered into force on 19 October 2004.

3 OJ L 346 of 17.12.1997, p. 78.

4 OJ C , , p. .

5 UN Document E/ECE/TRANS/505/Rev.2/Add.106/Rev.1, as amended by Document E/ECE/TRANS/505/Rev.2/Add.106/Rev.1/Corr.1.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall apply Regulation No. 107 of the United Nations Economic Commission for Europe on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction

2. The text of the Regulation is attached to this Decision.

Article 2

Regulation No. 107 of the United Nations Economic Commission for Europe on provisions concerning the approval of category M_2 or M_3 vehicles with regard to their general construction shall become part of the Community type-approval system for motor vehicles.

Article 3

The Commission shall notify the Secretary-General of the United Nations of this Decision.

Done at Brussels,

For the Council
The President