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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe as regards the November 2025 proposals for UN regulations

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal is for a decision establishing the position to be taken on the EU's behalf in the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe (WP.29) on the adoption of modifications to current United Nations (UN) regulations.

2. CONTEXT OF THE PROPOSAL

2.1. The Revised 1958 Agreement and the Parallel Agreement

Two agreements are in place to develop harmonised requirements to remove technical barriers to trade in motor vehicles between the United Nations Economic Commission for Europe (UNECE) contracting parties, and to ensure that motor vehicles offer a high level of safety and environmental protection. These are:

– the Agreement of the UNECE on 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 (the 'Revised 1958 Agreement'); and

– 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 (the 'Parallel Agreement').

The agreements entered into force for the EU on 24 March 1998 and 15 February 2000 respectively. Work related to these agreements is overseen by (WP.29).

2.2. The World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe

WP.29 provides a unique framework for globally harmonised regulations on vehicles. WP.29 is a permanent working party in the UN institutional framework with a specific mandate and specific rules of procedure. It works as a global forum enabling open discussions on motor vehicle regulations and on the implementation of the Revised 1958 Agreement and the Parallel Agreement. Any UN member and any regional economic integration organisation set up by UN members may fully participate in the activities of WP.29 and become a contracting party to the agreements on vehicles overseen by WP.29. The EU is a party to these agreements[1].

WP.29 meets three times a year, in March, June and November. To reflect technical progress, at each meeting, WP.29 can adopt:

new UN regulations;

new UN resolutions;

[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).
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).

new UN global technical regulations (UN GTRs);

modifications to UN regulations and resolutions under the Revised 1958 Agreement; and

modifications to UN GTRs and resolutions under the Parallel Agreement.

Before each WP.29 meeting, dedicated subsidiary bodies of WP.29 discuss these modifications at technical level.

Subsequently, WP.29 can adopt proposals:

by a qualified majority of the contracting parties present and voting for proposals under the Revised 1958 Agreement; or

by a consensus vote of the contracting parties present and voting for proposals under the Parallel Agreement.

Before each WP.29 meeting, a Council Decision under Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) establishes the position to be taken on behalf of the EU on:

new UN regulations, UN GTRs and UN resolutions; and

amendments, supplements and corrigenda to UN regulations, UN GTRs and UN resolutions.

2.3. The envisaged act of WP.29

From 11 to 14 November, during its 197th session, WP.29 may adopt:

proposals for modifications to UN regulation Nos 0, 10, 16, 35, 46, 48, 49, 62, 65, 73, 79, 83, 90, 100, 105, 107, 121, 127, 129, 131, 134, 145, 148, 149, 154, 156, 171, 173, 174, 175 and 176; and

a proposal for a new UN GTR on in-vehicle battery durability for electrified heavy-duty vehicles.

3. POSITION TO BE TAKEN ON THE EU'S BEHALF

As this is an area where the European Union has extensively legislated, it falls into the exclusive competence of the Union in accordance with Article 3(2) TFEU.

The WP.29 system strengthens international harmonisation of vehicle standards. The Revised 1958 Agreement plays a key role in achieving this objective. EU manufacturers can use a common set of type approval regulations knowing that contracting parties will recognise their products as compliant with their national legislation.

This made it possible for Regulation (EC) No 661/2009 on the general safety of motor vehicles[2] to repeal more than 50 EU directives and replace them with corresponding regulations developed under the Revised 1958 Agreement.

Regulation (EU) 2018/858 of the European Parliament and of the Council[3] follows a similar approach. It lays down administrative provisions and technical requirements for type approval and placing on the market of all new vehicles, systems, components and separate technical units. This Regulation incorporates regulations adopted under the Revised 1958 Agreement in

[2] Repealed and replaced by Regulation (EU) 2019/2144.

[3] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

the EU type approval system, either as requirements for type approval or as alternatives to EU legislation.

Once WP.29 has adopted a proposal for a new UN regulation or for modifications to an existing UN regulation, UNECE's Executive Secretary notifies the corresponding act to the contracting parties. Unless a blocking minority of contracting parties objects within 6 months, the act enters into force. Then, each contracting party can transpose the act into its applicable national rules. In the EU, the act's publication in the *Official Journal of the EU* completes the transposition process.

The EU's position needs to be established on the following acts:

proposals for modifications to UN regulation Nos 0, 10, 16, 35, 46, 48, 49, 62, 65, 73, 79, 83, 90, 100, 105, 107, 121, 127, 129, 131, 134, 145, 148, 149, 154, 156, 171, 173, 174, 175 and 176 to update provisions on:

- international whole vehicle type approval - the proposed amendments seek to update the list of type approval requirements applicable to components and systems included in the whole vehicle type approval;
- electromagnetic compatibility - the proposed amendments aim to clarify and streamline the existing requirements, including align them with latest industrial standards provisions;
- safety-belts - the proposed amendments intend to delete the references to the unique identifier;
- foot controls – the proposed amendments seek to update the references to the three-dimensional H-point (3-D "H"-point) measurement and calibration procedure;
- devices for indirect vision - the proposed amendments intend to introduce the requirements for the installation of surveillance mirrors and surveillance camera-monitor-recording devices and clarify the existing requirements;
- installation of lighting and light-signalling devices – the proposed amendments aim to delete the 2m width requirement for parking lamps, allow the installation of side-marker lamps combined with retro-reflectors on the lateral foremost position on semi-trailers, permit the installation of an optional rear mounted manoeuvring lamp, and clarify the duration of the optical indication of the answer-back signal;
- emissions of compression ignition and positive ignition (LPG and CNG) engines - the proposed amendments seek to introduce new provisions to accommodate type-approval of hydrogen Type 1A dual fuel engines and vehicles, include new measurement instruments and new provisions to accommodate monitoring on-board fuel and/or energy consumption during PEMS testing, and modify the scope of the regulation;
- protection against unauthorised use for vehicles of categories L1-L7 fitted with handlebars - the proposed amendments intend to introduce the application of the virtual key to category L vehicles;
- special warning lamps – the proposed amendments aim to correct and clarify the existing provisions the use, in particular with respect to the installation of possible colours;

– lateral protection devices – the proposed amendments seek to make extendible trailers conform to all lateral protection requirements for trailers regardless of length, in order to remove the safety risk to vulnerable road users when the trailer is in the fully extended position;

– steering equipment – the proposed amendments aim to ensure that where vehicles exhibit functionality meeting the definition of Automatically Commanded Steering Function (ACSF), they are required to comply with the corresponding requirements in UN regulation No 171;

– emissions of M1 and N1 vehicles – the proposed amendments intend to update the requirements for dynamometer preparation ahead of a Type 6 test, allow type approval of vehicles that previously where only within the scope as an extension based on their reference mass, and introduce the engine capacity within the information document;

– replacement braking parts – the proposed amendments seek to resolve inconsistency between information required on the communication form of UN regulation No 90 compared to other UN regulations and delete the references to the unique identifier;

– electric power trained vehicles – the proposed amendments aim to align the French translation with the English original;

– vehicles for the carriage of dangerous goods – the proposed amendments intend to correct inconsistencies within the requirements;

– M2 and M3 vehicles - the proposed amendments seek to improve accessibility of class I vehicles of categories M2 and M3;

– identification of controls, tell-tales and indicators – the proposed amendments aim to align the requirements with the updated version of ISO 2575;

– pedestrian safety – the proposed amendments intend to correct the inconsistency between the moments of inertia of the femur and the tibia of the flexible lower leg-form impactor;

– enhanced child restraint systems – the proposed amendments aim to extend the definition of a module;

– advanced emergency braking system (AEBS) for M2, M3, N2 and N3 vehicles – the proposed amendments intend to introduce provisions for using virtual testing as an alternative to physical tests;

– hydrogen and fuel cell vehicles – the proposed amendments seek to introduce requirements for thermally activated pressure relief devices (TPRDs) and their supply lines and to accommodate the update of ISO standard as an alternative;

– ISOFIX anchorage systems, ISOFIX top tether anchorages and i-size seating positions – the proposed amendments aim to correct typographical errors;

– light-signalling devices – the proposed amendments intend to introduce requirements for reversing projections;

- road illumination devices – the proposed amendment seek to correct the numbering within one paragraph and to clarify the conformity of production provisions in Annex 8;
- world harmonized light vehicle test procedure (WLTP) – the proposed amendments intend to accommodate a number of corrections and clarifications, streamline the text and amend the information document to have consistency between the manufacturer information document and the type-approval certificate;
- software update and software update management system – the proposed amendments aim to introduce requirements for the use of the RX software identification number;
- driver control assistance systems (DCAS) – the proposed amendments seek to remove superfluous references to system-initiated manoeuvres and to introduce a new annex containing guidance on the use of the UN secure internet database for the exchange of information on incidents related to DCAS operation between Type Approval Authorities;
- installation of occupant restraint systems – the proposed amendments intend to introduce certain clarification and correct inconsistencies;
- safety-belt reminders – the proposed amendments aim to correct editorial errors;
- acceleration control for pedal error - the proposed amendments aim to introduce the provisions on the system initialisation; and
- field of vision assistant systems - the proposed amendments seek to introduce improved requirements in case of a system reset; and

– proposals for:

- a new UN GTR on in-vehicle battery durability for electrified heavy-duty vehicles – this proposal intends to provide worldwide harmonised methods to determine in-vehicle battery durability performance of heavy-duty electric vehicles;
- a revision of the consolidated resolution on the construction of vehicles (R.E.3) - the proposed amendments intend to accommodate additional definitions for automated driving systems and introduce new vehicle categories in line with the upcoming automated driving systems UN regulation;
- an amendment of the consolidated resolution on the construction of vehicles (R.E.3) – the proposed amendments seek to introduce requirements related to the use of the RX software identification number;
- a corrigendum to mutual resolution No 1 (M.R.1) – the proposed amendment intends to correct an editorial error regarding the unit of the moment of inertia; and
- an amendment to special resolution No 1 (S.R.1) – the proposed amendment intend to accommodate additional definitions for automated driving systems and introduce new vehicle categories.

WP.29 plans to vote on these proposals at its meeting of 11 to 14 November 2025.

In addition, the EU's position needs to be established on:

– a proposal for a guidance document on the use of the database for the exchange of type approval documentation (DETA) for purpose of UN regulation No 171 (DCAS); and

– a request for authorization to develop an amendment to UN GTR No 13.

The EU should support the above acts as they are in line with its internal market policy on the automotive industry regarding safety, automation, and emissions, as well as its geopolitics, transport, climate and energy policies.

All of these acts have a very positive impact on the competitiveness of the EU automotive sector and on international trade. A vote in favour of these acts would foster technological progress, provide economies of scale, prevent fragmentation of the internal market and ensure that automotive standards are applied uniformly across the EU.

External expertise is not relevant for this proposal. However, the Technical Committee on Motor Vehicles has reviewed this proposal.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) TFEU states that the Council adopts decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'

The concept of 'acts having legal effects' includes acts that have legal effects because of the rules of international law governing the body in question. The concept of 'acts having legal effects' also includes instruments that do not have a binding effect under international law, but that are 'capable of decisively influencing the content of the legislation adopted by the EU legislature'[4].

4.1.2. Application to the present case

WP.29 is a body in which the UNECE contracting parties discuss the implementation of the Revised 1958 Agreement and the Parallel Agreement.

The acts that WP.29 is called upon to adopt are acts that have legal effects.

The UN regulations set out in the envisaged act will be binding on the EU under the international law in accordance with Articles 1 and 12 of the Revised 1958 Agreement. Together with the UN GTR and UN resolutions, they will be able to decisively influence the content of EU legislation in the field of vehicle type approval.

The envisaged acts do not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

[4] Judgment of the Court of Justice of 7 October 2014, *Germany* v *Council*, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act on which a position is taken on the EU's behalf.

An envisaged act can have two aims or components, one of which can be identified as the main one and the other as merely incidental. In this case, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely the one for the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act is the approximation of laws. Therefore, the substantive legal basis of the proposed decision is Article 114 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 114 TFEU, read in conjunction with Article 218(9) TFEU.

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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 these 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) Regulation (EU) 2018/858 of the European Parliament and of the Council[3] lays down administrative provisions and technical requirements for type approval and placing on the market of all new vehicles, systems, components and separate technical units. This Regulation incorporates 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.

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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, ELI: http://data.europa.eu/eli/dec/1997/836/oj).

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, ELI: http://data.europa.eu/eli/dec/2000/125/oj).

3 Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/858/oj).

(4) Pursuant to Article 1 of the Revised 1958 Agreement and Article 6 of the Parallel Agreement, the World Forum for Harmonization of Vehicle Regulations (WP.29) may adopt proposals for modifications to UN regulations, UN global technical regulations (UN GTRs) and UN resolutions, and proposals for new UN regulations, UN GTRs and UN resolutions on the approval of vehicles. Moreover, pursuant to those provisions, WP.29 may adopt proposals for authorisations to develop amendments to UN GTRs or to develop new UN GTRs, and may adopt proposals for the extension of mandates for UN GTRs.

(5) From 11 to 14 November 2025, during the 197th session of the World Forum for Harmonization of Vehicle Regulations, WP.29 may adopt: proposals for modifications to UN regulation Nos 0, 10, 16, 35, 46, 48, 49, 62, 65, 73, 79, 83, 90, 100, 105, 107, 121, 127, 129, 131, 134, 145, 148, 149, 154, 156, 171, 173, 174, 175 and 176; a proposal for a new UN GTR on in-vehicles battery durability for electrified heavy-duty vehicles; two proposals for an amendment of the consolidated resolution on the construction of vehicles (R.E.3); a proposal a corrigendum to mutual resolution No 1 (M.R.1); and a proposal for an amendment to special resolution No 1 (S.R.1).

(6) In order to reflect field experience and technical developments during the type-approval process, the requirements for certain aspects or features covered by UN regulation Nos 0, 10, 16, 35, 46, 48, 49, 62, 65, 73, 79, 83, 90, 100, 105, 107, 121, 127, 129, 131, 134, 145, 148, 149, 154, 156, 171, 173, 174, 175 and 176 need to be amended or supplemented.

(7) In order to allow for technological progress and to decarbonisation, a new UN GTR on in-vehicle battery durability for electrified heavy-duty vehicles needs to be adopted.

(8) The UN regulations will be binding on the Union. Together with the UN GTR and UN resolutions they will influence the content of Union legislation in the field of vehicle type approval. Therefore, it is appropriate to establish the position to be taken on the Union's behalf in WP.29 as regards the adoption of those proposals,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union’s behalf in the 197th session of the World Forum for Harmonization of Vehicle Regulations to be held from 11 to 14 November 2025 shall be to vote in favour of the UN working documents listed in the Annex to this Decision.

Minor changes to the draft decision may be agreed to by the representatives of the Union in the WP29, without further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President