



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the draft Regulations on Lane Departure Warning Systems and on Advanced Emergency Braking Systems

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds 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.

The UNECE recently finalised a draft Regulation on uniform provisions concerning the approval of motor vehicles with regard to Lane Departure Warning Systems¹ (LDWS) and a draft Regulation on uniform provisions concerning the approval of motor vehicles with regard to Advanced Emergency Braking Systems² (AEBS). The objective of these draft Regulations is to establish a high level of safety for motor vehicles fitted with LDWS and AEBS and uniform test procedures for the type-approval of such vehicles .

At EU level, Regulation (EC) No 661/2009 on the general safety of motor vehicles³ in its Article 10 and its implementing measures mandate the installation of LDWS and AEBS on certain motor vehicles of categories M₂, N₂, M₃ and N₃.

The present proposal aims at defining the Union position with regard to those two draft UNECE Regulations on LDWS and AEBS and consequently to provide for the Union, represented by the Commission, to vote in favour of these drafts. Hence, it will enable for the draft UNECE Regulations on LDWS and AEBS to be incorporated into the Union system for the type-approval of motor vehicles.

- **General context**

Regulation (EC) No 661/2009 laid down basic requirements for the type-approval of motor vehicles of categories M₂, M₃, N₂ and N₃ with regard to the installation of LDWS. It also laid down basic requirements for the type-approval of motor vehicles of categories M₂, M₃, N₂ and N₃ with regard to the installation of AEBS. It was necessary to set out the specific procedures, tests and requirements for such type-approval at EU level. Thus, the Commission adopted in 2012 two Commission Regulations implementing Regulation (EC) No 661/2009 respectively on LDWS and AEBS⁴ whose technical provisions are largely based on the corresponding draft UNECE Regulations.

Hence it is now envisaged for the Union to vote in favour of the two draft UNECE Regulations on LDWS and AEBS in order to have common harmonised requirements at international level which will facilitate international trade. This will enable European

¹ UNECE Documents ECE/TRANS/WP.29/2011/78, ECE/TRANS/WP.29/2011/89 and ECE/TRANS/WP.29/2011/91.

² UNECE Documents ECE/TRANS/WP.29/2011/92, ECE/TRANS/WP.29/2011/92/Amend.1, ECE/TRANS/WP.29/2011/93 and ECE TRANS/WP.29/2011/93/Amend.1.

³ OJ L 200, 31.7.2009, p. 1.

⁴ OJ L 110, 24.04.2012, p.18 and OJ L 109, 21.04.2012, p.1.

companies to follow one set of requirements recognised worldwide, i.e. in the countries Contracting Parties to the Revised 1958 UNECE Agreement.

- **Existing provisions in the area of the proposal**

Regulation (EC) No 661/2009 entails requirements for the type-approval of motor vehicles of categories M₂, M₃, N₂ and N₃ with regard to the installation of LDWS and AEBS. Besides, the Commission adopted in 2012 two Commission Regulations implementing Regulation (EC) No 661/2009 respectively on LDWS and AEBS.

- **Consistency with the other policies and objectives of the Union**

The proposal is in line with the objectives of Regulation (EC) No 661/2009 on the general safety of motor vehicles and is therefore consistent with the EU objective to provide for a high level of road and occupational safety.

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

- **Consultation of interested parties**

In developing the proposal the European Commission has consulted stakeholders. There was a general consultation on the envisaged approach as regards LDWS and AEBS in the framework of CARS 21 gathering Member States, manufacturers (European and national representatives and individual companies), component manufacturers, transport organisations and user representatives. The proposed approach on LDWS and AEBS was also discussed in the Technical Committee – Motor Vehicles when a vote took place on the two Commission Regulations implementing Regulation (EC) No 661/2009 respectively on LDWS and AEBS.

- **Impact assessment**

The European Commission had an impact assessment carried out for Regulation (EC) No 661/2009 which encompassed LDWS and AEBS.

In addition, a cost/benefit study was carried out in conformity with Article 14.3(a) of Regulation No 661/2009 to consider the feasibility of exempting some vehicles or classes of vehicles from the AEBS and LDWS installation requirements.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The proposal will enable the Union, represented by the Commission, to vote in favour of these drafts UNECE Regulations on LDWS and AEBS .

- **Legal basis**

In order to adapt for the specificities of the Treaty on the Functioning of the European Union, the previously used legal basis referred to in recital 1 has been replaced by a direct reference to Article 218(9), with the need for a modified preparation process for the WP29 meetings

and resulting in a changed legal format, which is a Council Decision, rather than a Commission Decision used during the preparation process in the last 14 years.

- **Subsidiarity principle**

LDWS and AEBS requirements are already harmonised at EU level. The vote in favour of international instruments like draft UNECE 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 EU. It also offers advantages of economies of scale: products can be made for the whole European 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.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

5. OPTIONAL ELEMENTS

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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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/EC⁵ the Union has 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) The harmonised requirements of the draft Regulation of the United Nations Economic Commission for Europe (UNECE) on uniform provisions concerning the approval of motor vehicles with regard to Lane Departure Warning Systems⁶ and the draft UNECE Regulation on uniform provisions concerning the approval of motor vehicles with regard to Advanced Emergency Braking Systems⁷ are 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 protection.

⁵ OJ L 346, 17.12.1997, p.78.

⁶ UNECE Documents ECE/TRANS/WP.29/2011/78, ECE/TRANS/WP.29/2011/89 and ECE/TRANS/WP.29/2011/91.

⁷ UNECE Documents ECE/TRANS/WP.29/2011/92, ECE/TRANS/WP.29/2011/92/Amend.1, ECE/TRANS/WP.29/2011/93 and ECE TRANS/WP.29/2011/93/Amend.1.

- (3) Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor⁸ mandates the installation of Lane Departure Warning Systems and Advanced Emergency Braking Systems on certain motor vehicles of categories M₂, N₂, M₃ and N₃.
- (4) It is appropriate to establish the position to be adopted on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement concerning the adoption of the aforementioned UNECE draft Regulations .

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the Administrative Committee of the Revised 1958 Agreement 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, shall be to vote in favour of the draft UNECE Regulation on uniform provisions concerning the approval of motor vehicles with regard to Lane Departure Warning Systems, as contained in documents ECE/TRANS/WP.29/2011/78, ECE/TRANS/WP.29/2011/89 and ECE/TRANS/WP.29/2011/91.

Article 2

The position to be taken by the European Union within the Administrative Committee of the Revised 1958 Agreement 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, shall be to vote in favour of the draft UNECE Regulation on uniform provisions concerning the approval of motor vehicles with regard to Advanced Emergency Braking Systems, as contained in documents ECE/TRANS/WP.29/2011/92, ECE/TRANS/WP.29/2011/92/Amend.1, ECE/TRANS/WP.29/2011/93 and ECE/TRANS/WP.29/2011/93/Amend.1.

⁸ OJ L 200, 31.7.2009, p. 1.

Article 3

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

Done at Brussels,

*For the Council
The President*