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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe on proposals for modifications to UN regulation Nos 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155, on a proposal for a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres, on proposals for modifications to UN global technical regulation Nos 9, 13, 21, 22, and 24, and on a proposal for an amendment of UN mutual resolution No 1

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 agreements¹.

UNECE 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 25 to 28 June 2024, during its 193rd session, WP.29 may adopt a series of:

proposals for modifications to UN regulation Nos 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155;

a proposal for a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres;

proposals for modifications to UN global technical regulation (GTR) Nos 9, 13, 21, 22, and 24; and

a proposal for an amendment of mutual resolution No 1.

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

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 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 Council² 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 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 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155 to update provisions on:
 - heavy vehicle braking - the proposed amendments aim to adapt the regulation to allow for the approval of vehicles equipped with both an automated driving system and a manual driving mode;
 - braking of passenger cars - the proposed amendments aim to adapt the regulation to allow for the approval of vehicles equipped with both an automated driving system and a manual driving mode;
 - safety helmets - the proposed amendments aim to introduce an alternative (i.e. a rigid simulator) to the incumbent test method (i.e. a deformable simulator), facilitating the construction of the simulator, and render the verification cheaper in relation to the overall cost of the tests;
 - tyres for passenger vehicles and their trailers - the proposed amendments allow other technical measurement solutions for the tyre overall width, thus facilitating technical innovations;
 - noise emissions of motorcycles - the proposed amendments update the ISO 10844 test track reference to the latest state-of-the art;
 - emissions of compression ignition and positive ignition (LPG and CNG) engines - the proposed amendments aim at permitting the use of hydrogen as fuel for emissions type approval of heavy-duty vehicles. This amendment aims to integrate only mono-fuel hydrogen engines;
 - noise of M and N categories of vehicles - the proposed amendments introduce corrections and clarifications concerning power definition, calibration, temperature correction and reference sound assessment have been included based on experiences with the last changes of this regulation;
 - tyres for commercial vehicles and their trailers - the proposed amendments specify that the maximum overall width of tyres identified by the “tyre to rim fitment configuration” symbol “A” includes a 4 per cent tolerance. In addition, they align Annex 9 with Annex 1 allowing the type approval authorities to make the connection with the relevant reports;
 - noise emissions of mopeds - the proposed amendments update the ISO 10844 test track reference to the latest state-of-the art;
 - motorcycle brakes - the proposed amendments aim to correct an unintended misalignment between the transitional provisions for the new 06 series of

amendments to UN regulation No 78 and the General guidelines for transitional provisions in UN regulations,

- steering equipment - the proposed amendments aim to clarify the provisions for automatically commanded steering function of category A remote controlled parking for vehicle combinations. The current definition sets a maximum limit of 6m distance to the motor vehicle, which is insufficient in situations where the operation is supervised by the driver located behind the vehicle combination. In addition, the proposal aims to adapt the regulation to allow for the approval of vehicles equipped with both an automated driving system and a manual driving mode;
- emissions of M1 and N1 vehicles - the proposed amendments allow the calculation of road load values from those determined according to UN GTR No 15 (WLTP) and align UN regulation No 83 with UN regulation No 154. In addition, the proposed amendments aim to introduce corrections and clarifications so that vehicles which fall within a single “vehicle type with regard to emissions” in accordance with UN regulation No 154 would still fulfil the requirements of this regulation. Finally, the proposal provides more clarity regarding the requirements connected to the different emissions characters EA, EB and EC;
- measurement of the net power and the 30-minute power - the proposed amendments aim at clarifying and bringing up to date the requirements for fitment of auxiliaries when testing the net power or 30 minutes power of electric drive trains. It is proposed to remove the requirement that the pump and thermostat are located on the test bench in the same relative position as on the vehicle;
- uniform provisions concerning the approval of engines to be installed in agricultural and forestry tractors and in nonroad mobile machinery with regard to the emissions of pollutants by the engine - the proposed amendments aim at correcting typographic errors, as well as permitting the use of hydrogen as fuel for approval of internal combustion engines to be installed in agricultural and forestry tractors and in non-road mobile machinery;
- electric power trained vehicles - the proposed amendments introduce labelling, which will help emergency services to determine how to approach buses and trucks equipped with an electric drivetrain in case of a fire, especially the vehicle’s REESS or in case the REESS is damaged due to an accident;
- CO2 emission/fuel consumption - the proposed amendments allow an alternative process for electric energy consumption verification in conformity of production, and amend the charger requirement and the measurement method of REESS current for a hybrid electric power train. Both changes align with proceeding and procedures already included in 02 series of amendments to UN regulation No 154;
- retreaded tyres for passenger cars and their trailers - the proposed amendments move the prescriptions for snow grip performance of retreaded tyres from UN Regulation No. 108 to a new dedicated UN Regulation on type approval of retreaded tyres of classes C1, C2 and C3 with respect to

their snow grip performance and/or classification as traction tyre. This fixes the difficulties that the retreaders and the type approval authorities have been facing in practice with regards to the approval of retreading facilities producing “tyres for use in severe snow conditions” and the verification of the conformity of production of these retreaded tyres;

- retreaded tyres for commercial vehicles and their trailers - the proposed amendments move the prescriptions of snow grip performance of retreaded tyres and their classification as traction tyres from Regulation No. 109 to a new dedicated UN Regulation on type approval of retreaded tyres of classes C1, C2 and C3 with respect to their snow grip performance and/or classification as traction tyre. This fixes the difficulties that the retreaders and the type approval authorities have been facing in practice with regards to the approval of retreading facilities producing “tyres for use in severe snow conditions” and the verification of the conformity of production of these retreaded tyres;
- tyre rolling resistance, rolling noise and wet grip - the proposed amendments improve the reproducibility of the snow grip test method by replacing the current reference tyres C3 SRTTs 19.5 and 22.5 with the new reference tyres C3 SRTTs 19.5 and 22.5 siped. In addition to a number of editorial changes, the reference to ISO standards is updated in many paragraphs and a new temperature correction formula for the rolling sound emissions of tyres of classes C1 and C2 is introduced. The proposal also introduced a new methodology to measure tyre abrasion of C1 tyres;
- uniform provisions concerning the approval of internal combustion engines to be installed in agricultural and forestry tractors and in non-road mobile machinery, with regard to the measurement of the net power, net torque and specific fuel consumption - the proposed amendments aim at correcting typographic errors, as well as permitting the use of hydrogen as fuel for approval of internal combustion engines to be installed in agricultural and forestry tractors and in non-road mobile machinery, with regard to the measurement of the net power, net torque and specific fuel consumption;
- enhanced child restraint systems - the proposed amendments aim to allow installation of a dummy protective device on the bench in the dynamic frontal test with a universal booster cushion, without damaging the neck of the dummy;
- hydrogen and fuel cells vehicles - the proposed amendments correct references that were included during the transposition of GTR 13 phase 1 into the original series of amendment of UN regulation No 134 and copied into the 01 series of amendment of UN regulation No 134;
- quiet road transport vehicles - the proposed amendments reduce measurement uncertainties during the measurement of the one third octave band sound level and reduce existing grey areas in the context of issuing approvals. In addition, the behaviour of the acoustic vehicle alerting system (AVAS) above a vehicle speed of 20 km/h and when reversing is addressed thus ensuring a functioning interaction between this regulation and the requirements in other regulations in the area of the maximum permissible sound level in the speed range of AVAS and the additional sound emission provisions (ASEP) or real-driving additional sound emission provisions;

- retro-reflective devices - the proposed amendments align the procedure to follow in case of a surface reflection on the retroreflector for both coefficient of luminous intensity measurement and colour measurement. Currently, the measuring procedure is different and this may result in different measured colour coordinates in different laboratories; and
- cyber security and cyber security management system - the proposal aims to extend the scope of UN regulation No 155 to include all vehicles of category L;
- a proposal for a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres - this new UN regulation is proposed in order to address the difficulties that the retreaders and the type approval authorities have been facing in practice with the existing requirements regarding the approval of retreading facilities producing “tyres for use in severe snow conditions” and the verification of the conformity of production of these retreaded tyres. This proposal goes in parallel with the proposals removing the prescriptions of snow grip performance of retreaded tyres from UN regulations Nos 108 and 109.; and
- proposals for modifications to UN GTR Nos 9, 13, 21, 22, and 24 to update provisions on:
 - pedestrian safety - the proposed amendments relate to the development of test provisions for vehicles equipped with deployable pedestrian protection systems, including prerequisites, without changing the headform impactors and their corresponding parameters for tests to the bonnet top;
 - hydrogen and fuel cell vehicles - the proposed amendments correct editorial errors to the text of amendment 1 to UN GTR No 13;
 - determination of electrified vehicle power (DEVP) - the proposed amendments improve definitions, specifications and introduce a family concept and in order to accommodate highly integrated powertrains, provide an additional ISO test procedure (TP1) method, which employs distribution ratio of power between two branches of powertrain as reported by onboard signal;
 - in-vehicle battery durability for electrified light-duty vehicles - the proposed amendments introduce requirements for verification of the reported virtual distance by the manufacturer; and
 - laboratory measurement of brake emissions for light-duty vehicles - the proposed amendments introduce the procedure to determine vehicle-specific friction braking share coefficients for use with the GTR on the measurement of brake wear particulate matter and particle number emissions from brakes used on light-duty vehicles up to 3.5 tonnes.

WP.29 plans to vote on these proposals at its meeting of 25 to 28 June 2024.

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

- a proposal for amendment 4 to Mutual Resolution No 1 - the proposed amendments introduce specifications for the qualification of human body models for pedestrian head Impact time determination as a deployable pedestrian protection systems prerequisite in line with the requirements of UN GTR No 9;

- a proposal for an amendment to the interpretation document for UN regulation No 155 - the proposal aims to align the interpretation document with the concurrent amendment proposal for UN regulation No 155, extending the scope of the regulation to include all vehicles of category L;
- a proposal for guidelines and recommendations for automated driving systems (ADS) safety requirements, assessments and test methods to inform regulatory development; and
- a proposal for an amendment to the general guidelines for United Nations regulatory procedures and transitional provisions in UN regulations - the proposal further clarifies the application of transition provisions in UN regulations.

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 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 equally 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’³.

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. Together with the UN resolution and UN GTRs, 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.

³ 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.

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

4.2. Substantive legal basis

4.2.1. Principles

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.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe on proposals for modifications to UN regulation Nos 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155, on a proposal for a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres, on proposals for modifications to UN global technical regulation Nos 9, 13, 21, 22, and 24, and on a proposal for an amendment of UN mutual resolution No 1

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, read in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 97/836/EC¹, 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/EC², 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 Council³ 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

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).

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).

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.

- (4) Pursuant to Article 1 of the Revised 1958 Agreement and Article 6 of the Parallel Agreement, the UNECE World Forum for Harmonization of Vehicle Regulations (WP.29) may adopt proposals for modifications to UN 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, UNECE 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 25 to 28 June 2024, during the 193rd session of the UNECE World Forum for Harmonization of Vehicle Regulations, WP.29 may adopt: proposals for modifications to UN regulation Nos 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155; a proposal for a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres; proposals for modifications to UN GTR Nos 9, 13, 21, 22, and 24; and a proposal for an amendment of mutual resolution No 1.
- (6) The UN regulations will be binding on the Union. Together with the UN resolution and UN GTRs, they will be able to decisively influence the content of EU 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 on the adoption of those proposals.
- (7) To reflect field experience and technical developments, the requirements for certain aspects or features covered by UN regulation Nos 13, 13-H, 22, 30, 41, 49, 51, 54, 63, 78, 79, 83, 85, 96, 100, 101, 108, 109, 117, 120, 129, 134, 138, 150, and 155, UN mutual resolution No 1 and UN GTR Nos 9, 13, 21, 22 and 24 need to be amended or supplemented.
- (8) In order to allow for technical progress and in order to improve safety and reduce environmental footprint, a new UN regulation on snow grip performance and traction tyre classification for retreaded tyres needs to be adopted.
- (9) These proposals are in line with the EU internal market policy on the automotive industry regarding safety, automation, and emissions, as well as its transport, climate and energy policies and have a very positive impact on the competitiveness of the EU automotive sector and on international trade.
- (10) In light of the benefits mentioned it is suggested to vote in favour of these proposals.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 193rd session of the UNECE World Forum for Harmonization of Vehicle Regulations to be held from 25 to 28 June 2024 shall be to vote in favour of the proposals listed in the Annex to this Decision.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*