

# **Making United Nations Economic Commission for Europe (UN/ECE) Regulation Nos 109 and 108 on retreaded tyres compulsory**

2004/0271(AVC) - 06/12/2004 - Initial legislative proposal

**PURPOSE :** to make UN/ECE Regulations 109 and 108 on retreaded tyres compulsory in the EC and to amend Decisions 2001/507/EC and 2001/509/EC.

**CONTENT :** The purpose of this Decision is to make compulsory in the Community the provisions on the approval of the production of retreaded pneumatic tyres intended for passenger cars and commercial vehicles included respectively in United Nations Economic Commission for Europe (UN/ECE) Regulations 108 (Uniform provisions concerning the approval for the production of retreaded pneumatic tyres for motor vehicles and their trailers) and 109 (Uniform provisions concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers), as amended. As a consequence, Member States will permit retreaded tyres to be placed on the market in the Community only if they have been manufactured in accordance with the requirements laid down in the two Regulations.

The UN/ECE has adopted two Regulations in the field of retreaded tyres under the 1958 Agreement, namely Regulations 108 and 109. Both of these Regulations entered into force among the Contracting Parties on 23 June 1998. The Community acceded to both of them by virtue of Council Decisions 2001/509/EC and 2001/507/EC, respectively.

As a result of the Community's accession to the Regulations, Member States, if requested by a manufacturer, have to issue an approval for the manufacturing of retreaded tyres which complies with the relevant Regulation. At the same time, they are required to accept within their territory retreaded tyres manufactured under the conditions provided by these Regulations and coming from other Contracting Parties, inside or outside the Community. For instance, retreaded tyres manufactured by a company in Russia according to the provisions of the Regulations have to be admitted in the Community, as both Russia and the Community are Contracting Parties to the 1958 Agreement and have accepted the application of both Regulations.

However, UN/ECE Regulations 108 and 109 are not automatically compulsory in the Contracting Parties and therefore, in EC Member States. Some Member States have made compulsory at national level the compliance with the requirements of the Regulations, like France or Spain. However, Member States are free to have in place parallel national rules alternative to the provisions included in the Regulations and differing from one Member State to another. As a result of this, there are no common compulsory rules on safety and on the requirements for the manufacturing of retreaded tyres for the sale and entry into service in the Community.

In view of the limited scope of the required regulatory action, it is not appropriate to provide for the compulsory application of both Regulations by adopting a Directive as announced in Decisions 2001/507/EC and 2001/509/EC.

Decisions 2001/507/EC and 2001/509/EC should be amended accordingly, the sole Article of each providing that the EC will accede to the appropriate UN/ECE Regulation, and that the provisions of the Regulation as set out in the Annex shall apply as a compulsory condition for the placing on the market in the Community of re-treaded tyres falling under the scope of that Regulation.

