

Approval of motor vehicles and their trailers.

Framework Directive

2003/0153(COD) - 11/12/2006 - Council position

The Council welcomed the Commission's proposal to recast framework Directive 70/156/EEC. It also welcomed the additions and improvements made to Directive 92/53/EEC which was, historically, the first recasting of Directive 70/156/EEC. The Council nevertheless found it necessary to reword several Articles in order to clarify their scope, or provide a clearer definition of their application conditions.

Several new articles have been introduced by the Council with a view to the future development of new initiatives in the context of the policy of simplifying Community legislation for the automobile sector. The inclusion of these new Articles is entirely in line with the recommendations made by the CARS 21 High Level Group.

Given the complexity of type-approval systems already in place since 1996 and the legal aspects concerned, the discussions within the Council managed to preserve the delicate balance between the requirements of road safety, environmental protection and the needs of the industry. The common position is therefore first and foremost a compromise text compiled with a view to winning the backing of all Member States.

The Council was in full accordance with the Commission's opinion on the amendments adopted by the European Parliament at first reading.

All the amendments which would have introduced provisions into the framework directive which are incompatible with the objectives of the proposal have therefore been rejected, as have the amendments dealing with areas already covered by other Community legislation, in order to avoid creating legal uncertainty.

The Council approved the amendments by the European Parliament, which had been re-worded by the Commission, on type-approval itself as these extend the scope of the provisions originally presented. The amendments dealing with individual approval were accepted.

The Council agreed to reconsider the limits for small series to take account of the enlargement of the European Union in May 2004.

With regard to the dates for implementing Community type-approval, the **Council completely rejected the Parliament's proposal to defer all the dates proposed by the Commission**, on the grounds that such a significant delay would damage the interests of manufacturers who are the primary beneficiaries of the harmonisation of technical and administrative provisions for the approval of motor vehicles.

The following new provisions have been introduced by the Council:

A new article specifies how to perform the tests required for granting type-approval which aims to simplify the test methods substantially by permitting the use of virtual methods and allowing the manufacturer to submit the test reports himself. Another article on the notification and appointment of technical services has been completely rewritten. It has been explained under which conditions the administrative authorities responsible for type-approval could replace the technical services appointed for this purpose and supervise themselves the tests carried out at the manufacturers' plants. The Council has also determined the conditions pour assessing the competence of the various actors involved in the type-

approval procedure from conducting the tests required to conformity of production inspections and sample checks on vehicles or components on the market.

Particular attention has been paid to parts and equipment available on the after-sales market so that those which could interfere with the operation of the vehicle can only be marketed with the approval of the type-approval authorities. A new article ('parts and equipment which pose a serious risk') has been inserted in order to introduce a simplified approval procedure modelled on type-approval.

The Council has completely revised the timetable proposed by the Commission for the implementation of Community type-approval for commercial vehicles in order to give small and medium-sized enterprises more time to adapt to the new provisions.

The **new timetable** takes account of the fact that the deadline for transposition of the directive by the Member States has been **extended from 12 to 18 months**.

The Annexes to the Directive have been updated to take account of the changes arising from the introduction of the new Articles and the recent entry into force of new specific directives.

To conclude, the Council considers that its common position, which is the result of extensive preparatory work and negotiations since 2003, is well in line with the objectives of the proposed Directive. It intends to make the administrative provisions and regulations in force clearer for all partners in order to make Community type-approval operational for the various categories of vehicles and their components. The replacement of EC directives or regulations by UNECE Regulations, the introduction of self - or virtual testing will contribute to the simplification of Community legislation, aiming to enhance the automotive industry's global competitiveness.

It will also establish provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with the above provisions and regulations. It will thus contribute measurably to the completion of the internal market in a dynamic growing sector.

Lastly, it will contribute significantly to the improvement of road safety by making compulsory the EC type-approval system for all commercial vehicles including trailers within relatively short period of time.