



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.12.2006
COM(2006) 809 final

2003/0153 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption of a European Parliament and Council
Directive establishing a framework for the approval of motor vehicles and their trailers
and of systems, components and separate technical units intended for such vehicles
(Framework Directive)**

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a European Parliament and Council Directive establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles (Framework Directive)

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and the Council (document COM(2003)418 final – 2003/0153 (COD):	14.7.2003.
Date of the opinion of the European Economic and Social Committee:	28.1.2004.
Date of the opinion of the European Parliament at first reading:	11.2.2004.
Date of transmission of the amended proposal:	3.11.2004.
Date of adoption of the common position:	11.12.2006.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

- a) This proposal modernises framework Directive 70/156/EEC¹ on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.
- b) Directive 70/156/EEC is the main legal instrument available to the European Community to implement the single market in the automobile sector. It harmonises the technical requirements relating to the construction of motor vehicles and their components and also replaces national type-approval procedures with a compulsory single Community type-approval procedure.

¹ Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers – *Official Journal No L 42 of 23/02/1970, p.1.*

Since the adoption of directives 92/53/EEC², 2002/24/EC³ and 2003/37/EC⁴, all categories of vehicles can enjoy the benefits of Community type-approval, apart from commercial vehicles⁵ which only enjoy some of the benefits. One of the objectives of this proposal is to extend the principles of Community type-approval to commercial vehicles.

3. COMMENTS ON THE COMMON POSITION

3.1. General comments on the common 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 Commission was involved in drawing up the new articles and the various rewordings of existing articles.

It endorses the text of the common position. It would nevertheless have preferred, as it would be in the interest of users themselves, to see earlier dates for the implementation of Community type-approval for commercial vehicles in order to complete the internal market and make the safety requirements for such vehicles compulsory as soon as possible.

² Council Directive No 92/53/EEC of 18 June 1992 amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers – *Official Journal No L 225 of 10/08/1992, p.1.*

³ Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC – *Official Journal No L 124 of 09/05/2002, p.1.*

⁴ Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC - *Official Journal No L 171 of 09/07/2003, p.1.*

⁵ Light duty vehicles (up to 3.5 tonnes), trucks, trailers, semi-trailers, buses and coaches.

3.2. Comments on the amendments adopted by the European Parliament

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.

3.3. New provisions introduced by the Council and the Commission's position

Of the new Articles, Article 10a specifies how to perform the tests required for granting type-approval. This will simplify the test methods substantially by permitting the use of virtual methods and allowing the manufacturer to submit the test reports himself.

Article 38 ('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.

The Commission fully endorses these changes.

4. CONCLUSION

With its initial proposal of 14 July 2003, the Commission proposes to extend the benefits of type-approval to all vehicles, including commercial vehicles, so as to complete the internal market in the automobile sector. Apart from the advantages in terms of economy of scale which this secures for manufacturers, this also helps to substantially improve vehicle safety by making compulsory *ipso facto* all the technical harmonisation directives drawn up since the adoption of Directive 70/156/EEC.

For European citizens, in addition to the advantages of an open and competitive single market, the major improvement in road safety is a vital factor at a time of rapid expansion in international commercial vehicle traffic.

The Council has given its backing to the amended Commission proposal. It has nonetheless made a number of changes which will have a positive impact on approval procedures. Several articles have also been introduced in response to the recommendations made in the *CARS 21* report with a view to simplifying future Community legislation.

The Council acted unanimously.

In conclusion, the Commission supports the common position adopted by the Council.