



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.7.2007
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COMMISSION OPINION

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty
on the European Parliament's amendments
to the Council Common Position regarding the
proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**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")**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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(Text with EEA relevance)

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 53 amendments adopted by Parliament.

2. BACKGROUND

Commission proposal COM(2003) 418 final was sent to the European Parliament and the Council on 14 July 2003, in accordance with the co-decision procedure laid down in Article 251 of the Treaty establishing the European Community (TEC).

The legal basis of the proposal is Article 95 of the TEC.

The European Economic and Social Committee delivered its opinion on 28 January 2004¹

The European Parliament delivered its opinion at first reading on 11 February 2004².

In accordance with the provisions of Article 251(2), third subparagraph of the TEC, the Council adopted its Common Position unanimously on 11 December 2006³. The Commission gave its opinion on the Common Position on 12 December 2006.

The European Parliament gave its opinion at second reading on 10 May 2007.

¹ OJ C 108, 30.4.2004, p. 29

² OJ C 97E, 22.4.2004, p. 370.

³ OJ C 108, 20.3.2007, p. 1.

3. AIM OF THE PROPOSAL

Since 1970, framework 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 is the main legal instrument available to the European Community for implementing the single market in the motor vehicle industry.

The proposal for a Directive constitutes an in-depth revision of Directive 70/156/EEC, intended to allow for the extension of the principles of single Community type-approval to all commercial vehicles. It also includes new provisions to facilitate access to the single market for SMEs.

Furthermore, it contains legal amendments to make the development of Community legislation more efficient as well as provisions to improve the understanding of how the technical provisions applicable to motor vehicles are upgraded in light of changes to legislation at international level.

4. OPINION OF THE COMMISSION ON THE EUROPEAN PARLIAMENT'S AMENDMENTS

At its plenary session of 10 May 2007, the European Parliament adopted 53 of the 62 amendments which were tabled. All the amendments adopted are the result of interinstitutional contacts with a view to reaching an agreement at second reading.

The first group of amendments concerns Article 31 on "critical parts"⁴. Their purpose is to ensure that better account is taken of the interests of spare parts manufacturerers supplying the after-market. A number of points in this Article have also been clarified.

The second group of amendments⁵ allows manufacturers specialised in the conversion of vehicles for disabled people to benefit from a simplified type-approval procedure.

The third group⁶ relates to the legislative aspects of the "comitology" procedure with scrutiny, due to which the text of the articles concerned needed to be brought into line with the most recent wording used by the institutions.

The fourth group of amendments⁷ concerns the references to the international regulations which were brought into line with the recommendations of the High Level Working Group in the context of 'CARS 21'.

The fifth group of amendments⁸ relates to the changes which became necessary after the accession of Bulgaria and Romania to the European Union.

⁴ Amendments No 17, 22 - 24, 32, 46 - 48, 50 and 55.

⁵ Amendments No 7, 12, 33 - 35, 42 and 43.

⁶ Amendments No 2, 8, 13 - 15, 49, 51 - 54 and 56 - 62.

⁷ Amendments No 3, 9 and 25.

⁸ Amendments No 38 - 41.

The sixth group of amendments⁹ concerns transitional provisions intended to make it possible for coach and bus manufacturers to gradually adapt to the new procedures laid down by the Directive without undermining road safety.

The other amendments¹⁰ are drafting amendments. For instance, amendment no 6 creates a link with the Euro 5 and Euro 6 legislation. Amendment no 10 makes it clear that there is no overlap between the framework Directive and the Machinery Directive. Amendment no 28 makes it clear that the technical amendments to the aspects covered by the framework Directive may be made by means of an EC regulation. The aim of amendment no 31 is to make type approval possible for any source of energy used for the propulsion of vehicles. Amendment no 36 makes it possible to better define restraint system concepts for adults and children. The purpose of amendment no 37 is to bring the wording into line with a Resolution recently adopted by working group 29 of the United Nations Economic Commission for Europe. Amendments no 11 and 16 are corrections.

The Commission accept all 53 of these amendments.

5. CONCLUSION

In accordance with Article 250(2) of the EC Treaty, the Commission amends its proposal in accordance with the above.

⁹ Amendments No 1, 30, 44 and 45.

¹⁰ Amendments No 6, 10, 11, 16, 28, 31, 36 and 37.