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2013/0336 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the position to be taken by the Union in the Administrative Committee of the United Nations Economic Commission for Europe regarding the draft Regulation on uniform provisions concerning the recyclability of motor vehicles**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

At international level, the United Nations Economic Commission for Europe (UNECE) develops harmonised requirements, intended to remove technical barriers to the trade in motor vehicles and systems used for such motor vehicles between the Contracting Parties to the Revised 1958 Agreement and to ensure that such vehicles and systems offer a high level of safety and environmental protection.

The UNECE recently finalised a draft Regulation on uniform provisions concerning the recyclability of motor vehicles. The objective of this draft regulation is to establish a set of requirements for recyclability, reuse and recovery of end-of-life motor vehicles and their parts and equipment, which ensures efficient use of resources and increased environmental protection.

The present proposal aims at defining the Union position with regard to the draft UNECE regulation on uniform provisions concerning the the recyclability of motor vehicles and consequently to provide for the Union, represented by the Commission, to vote in favour of this draft.

- **General context**

Technical requirements on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability of parts, equipment and resources are currently set-out in Directive 2005/64/EC<sup>1</sup> with respect to vehicles of categories M1 and N1. In accordance with Directive 2000/53/EC<sup>2</sup>, appropriate provisions have been laid down to ensure that type-approved vehicles belonging to category M1, and those belonging to category N1, may be put on the market only if they are reusable and/or recyclable to a minimum of 85 % by mass and are reusable and/or recoverable to a minimum of 95 % by mass.

With the adoption of the draft UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles, an important step forward will be taken in terms of technical and market harmonisation and the removal of possible trade barriers regarding the recyclability, reusability and recovery of parts, equipment and resources from end-of-life vehicles as Members States within the EU may take the text over as reference when setting up their national legislations.

Hence it is now envisaged for the Union to vote in favour of the related draft UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles in order to have common harmonised requirements at international level which will facilitate international trade. This will enable European companies to follow one set of requirements

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<sup>1</sup> Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10).

<sup>2</sup> Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21.10.2000, p. 34).

recognised worldwide, i.e. in the countries Contracting Parties to the Revised 1958 UNECE Agreement.

- **Existing provisions in the area of the proposal**

The requirements for the type approval of motor vehicles with regard to their reusability, recyclability and recoverability are currently addressed at the EU level by Directive 2005/64/EC. Directive 2005/64/EC is based on Directive 2000/53/EC, which sets-out the technical requirements for end-of-life vehicles. Both EU directives provide the legislative basis for the harmonisation of requirements for end-of-life vehicles at the EU level. There is currently no UNECE legislation providing harmonisation at the international level.

- **Consistency with the other policies and objectives of the Union**

The proposal is in line with the objectives of Directives 2005/64/EC and 2000/53/EC and is therefore consistent with the EU health, safety and environmental objectives and with the EU objective of providing for a high level of environmental protection throughout the territory of the Union. Additionally, the proposal is in line with Framework Directive 2007/46/EC<sup>3</sup> and the objective to make progress towards the international harmonisation of the legislation for the type approval of motor vehicles.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

- **Consultation of interested parties**

In developing the proposal, the European Commission has participated in the UNECE Working Group on Pollution and Energy (GRPE), where representatives of stakeholders as well as MS have met and has bilaterally consulted stakeholders and stakeholder organisations. In the course of the drafting of the new regulation, key aspects of the text were discussed in the 63<sup>rd</sup>, 64<sup>th</sup> and 65<sup>th</sup> sessions of GRPE.

- **Impact assessment**

The provisions of the UNECE regulation on uniform provisions concerning the recyclability of motor vehicles have been entirely based on the requirements and provisions of Directives 2005/64/EC and 2000/53/EC and can be considered as complementary to the Framework Directive 2007/46/EC on the type-approval of motor vehicles.

## **3. LEGAL ELEMENTS OF THE PROPOSAL**

- **Summary of the proposed action**

The proposal will enable the Union, represented by the Commission, to vote in favour of the draft UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles.

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<sup>3</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 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) (OJ L 263, 9.10.2007, p. 1).

- **Legal basis**

Taking into consideration the object and content of the Council Decision, the legal bases are Articles 114 and 218(9) TFEU. The procedure to be followed for the adoption of the Council Decision is the one laid down in Article 4(2) of Council Decision 97/836/EC.

- **Subsidiarity principle**

Directive 2000/53/EC sets out the technical requirements for the recyclability, reusability and recoverability for end-of-life vehicles. Additionally, Directive 2005/64/EC sets out the requirements for the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and leaves to the judgement of MS the decision on the precise measures to be taken in order to comply with the abovementioned requirements. In this respect, the recyclability of motor vehicles and the treatment of end-of-life vehicles may play a fundamental role in strengthening EU objectives related to health, safety and environmental protection, thus realising the EU objective of providing for a high level of environmental protection throughout the territory of the Union.

Given the background above, and according to the subsidiarity principle, it is appropriate for the EU to vote in favour to the UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles, while respecting the capacity of MS to decide whether the Regulation should be applied, at their respective national levels for the mandatory type-approval of motor-vehicles with respect to their recyclability, or for other purposes. However, and without prejudice of the faculty of MS to decide within the scope of their competences, the basic rules of the 1958 Agreement shall apply to the whole of the EU and in the same manner to all MS.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle as it does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the Internal Market while at the same time providing for a high level of environmental protection.

- **Choice of instruments**

Proposed instrument: Council Decision.

The use of a Council Decision is considered to be appropriate as in line with the requirements of Article 218(9) TFEU.

#### **4. BUDGETARY IMPLICATION**

The proposal has no implication for the Union budget.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission, Whereas:

- (1) By Council Decision 97/836/EC<sup>1</sup>, 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').
- (2) The standardised requirements of the draft UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles<sup>2</sup> are designed to remove technical barriers to the trade of end-of-life vehicles intended for recycling, reuse and recovery of their equipment and parts, between the Contracting Parties to the Revised 1958 Agreement and to ensure that such systems offer a high level of performance and environmental protection.
- (3) It is appropriate to establish the position to be taken on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement concerning the adoption of that draft UNECE Regulation,

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<sup>1</sup> OJ L 346, 17.12.1997, p. 78.

<sup>2</sup> UNECE Document ECE TRANS/WP.29/2013/125.

HAS DECIDED AS FOLLOWS:

*Sole Article*

The position to be taken by the Union, represented by the Commission, in the Administrative Committee of the Revised 1958 Agreement shall be to vote in favour of the draft UNECE Regulation on uniform provisions concerning the recyclability of motor vehicles, as contained in document ECE/TRANS/WP.29/2013/125.

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Done at Brussels,

*For the Council*