Commission Regulation (EU) No 407/2011 of 27 April 2011 amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor (Text with EEA relevance)

COMMISSION REGULATION (EU) No 407/2011

of 27 April 2011

amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(1)], and in particular Article 14(1) thereof,

Whereas:

(1) By Council Decision 97/836/EC[(2)] the Union has acceded to the Agreement of the United Nations Economic Commission for Europe 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) By Decision 97/836/EC, the Union has also acceded to UNECE Regulations Nos 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 58, 66, 73, 77, 79, 80, 87, 89, 90, 91, 93, 97, 98, 99, 100, and 102.

(3) By Council Decision of 28 February 2000, the Union has acceded to UNECE Regulation No 110 on specific components of motor vehicles using compressed natural gas (CNG) in their propulsion system and on vehicles with regard to the installation of specific components of an approved type for the use of compressed natural gas (CNG) in their propulsion system.

(4) By Council Decision 2000/710/EC[(3)], the Union has acceded to UNECE Regulation No 67 on the approval of special equipment for motor vehicles fuelled by liquefied petroleum gas.

(5) By Council Decision of 7 November 2000, the Union has acceded to UNECE No Regulation 112 on uniform provisions concerning the approval of motor vehicle

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headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with filament lamps and/or light-emitting diode (LED) modules.

(6) By Council Decision 2001/395/EC[(4)], the Union has acceded to UNECE Regulation No 13 H on the component approval of passenger cars in respect of their braking.

(7) By Council Decision 2001/505/EC[(5)], the Union has acceded to UNECE Regulation No 105 on the approval of vehicles intended for the carriage of dangerous goods with regard to their specific constructional features.

(8) By Council Decision of 29 April 2004, the Union has acceded to UNECE Regulation No 116 on uniform prescriptions concerning the protection of motor vehicles against unauthorised use and to UNECE Regulation No 118 on uniform technical prescriptions concerning the burning behaviour of materials used in the interior construction of certain categories of motor vehicles.

(9) By Council Decision of 14 March 2005, the Union has acceded to UNECE Regulation No 121 on uniform provisions concerning the approval of vehicles with regard to the location and identification of hand controls, tell-tales and indicators and to UNECE Regulation No 122 on uniform technical prescriptions concerning the approval of vehicles of categories M, N and O with regards to their heating systems.

(10) By Council Decision 2005/614/EC[(6)], the Union has acceded to UNECE Regulation No 94 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision and to UNECE Regulation No 95 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision.

(11) By Council Decision 2006/364/EC[(7)], the Union has approved UNECE Regulation No 123 concerning the approval of adaptive front-lighting systems (AFS) for motor vehicles.

(12) By Council Decision 2006/444/EC[(8)], the Union has acceded to UNECE Regulation No 55 on provisions concerning the approval of mechanical coupling components of combinations of vehicles.

(13) By Council Decision 2006/874/EC[(9)], the Union has acceded to UNECE Regulation No 107 on uniform provisions concerning the approval of categories M_2 or M_3 vehicles with regard to their general construction.

(14) By Council Decision 2007/159/EC[(10)], the Union has approved UNECE Regulation No 125 concerning the approval of motor vehicles with regard to the forward field of vision of the motor vehicle driver.

(15) By Council Decision 2009/433/EC[(11)], the Union has acceded to UNECE Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel.

(16) In accordance with 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

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intended for such vehicles (Framework Directive)[12], vehicles manufacturers seeking approval for their systems, components, or separate technical units have the choice of meeting the requirements of either the relevant Directives or the corresponding UNECE Regulations. Most of the requirements under Directives on vehicle parts are taken over from the corresponding UNECE Regulations. As technology progresses, UNECE Regulations are constantly amended and the relevant Directives have to be regularly updated to keep them in line with the content of the respective UNECE Regulations. In order to avoid this duplication, the CARS 21 High Level Group recommended the replacement of several Directives by the corresponding UNECE Regulations.

(17) The possibility to apply UNECE Regulations for the purpose of EC vehicle type-approval on a compulsory basis and to replace Union legislation by those UNECE Regulations is provided for in Directive 2007/46/EC. According to Regulation (EC) No 661/2009 type-approval in accordance with UNECE Regulations which apply on a compulsory basis is to be considered as EC type-approval in accordance with that Regulation and its implementing measures.

(18) Replacing Union legislation by UNECE Regulations helps to avoid duplication not only of technical requirements but also of certification and administrative procedures. In addition, type-approval that is directly based on internationally agreed standards should improve market access in third countries, in particular in those which are contracting parties to the Revised 1958 Agreement, thus enhancing Union industry's competitiveness.

(19) Therefore, Regulation (EC) No 661/2009 provides for the repeal of several Directives concerning the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefore, which, for the purposes of EC type-approval in accordance with that Regulation should be replaced by corresponding UNECE Regulations.

(20) For that reason, it is appropriate to include UNECE Regulations Nos 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 100, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 into Annex IV to Regulation (EC) No 661/2009, which lists the UNECE Regulations that apply on a compulsory basis.

(21) Regulation (EC) No 661/2009 should therefore be amended accordingly.

(22) The UNECE Regulations listed in the Annex to this Regulation should apply following the implementation dates set out in Article 13 of Regulation (EC) No 661/2009.

(23) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 661/2009 is replaced by the Annex to this Regulation.

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Article 2

1 Subject to paragraphs 2, 3 and 4 and Article 4, the UNECE Regulations with the series of amendments and supplements as indicated in the Annex shall apply for the purpose of EC type-approval of new types of vehicles, their trailers and systems, components and separate technical units intended therefor from 1 November 2012.

2 With effect from 1 November 2011, UNECE Regulation No 13 H, supplement 9[(13)] shall apply for the purpose of EC type-approval of new types of vehicles of category M_1.

3 With effect from 1 November 2011, UNECE Regulation No 13, supplement 3 to the 11 series of amendments[(14)] or UNECE Regulation No 13 H, supplement 9, shall apply for the purpose of EC type-approval of new types of vehicles of category N_1.

4 With effect from the implementation dates set out in Table 1 of Annex V to Regulation (EC) No 661/2009, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, shall apply for the purpose of EC type-approval of new types of vehicles of categories M_2, M_3, N_2, N_3, O_3 and O_4 regarding electronic stability control systems.

Article 3

1 Subject to paragraphs 2 and 3 and Article 4, the UNECE Regulations with the series of amendments and supplements as indicated in the Annex shall apply for the purpose of registration, sale and entry into service of new vehicles and their trailers and sale and entry into service of new systems, components and separate technical units intended therefor from 1 November 2014.

2 With effect from 1 November 2014, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, or UNECE Regulation No 13 H, supplement 9, shall apply for the purpose of registration, sale and entry into service of new vehicles of category N_1.

3 With effect from the implementation dates set out in Table 2 of Annex V to Regulation (EC) No 661/2009, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, shall apply for the purpose of registration, sale and entry into service of new vehicles of categories M_2, M_3, N_2, N_3, O_3 and O_4 regarding electronic stability control systems.

Article 4

1 Without prejudice to the provisions of paragraph 2, UNECE Regulation No 100, series of amendments 00[(15)], shall apply for the purpose of EC whole vehicle type-approval in accordance with Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety as of 1 May 2011 referred to in Article 5 of the present Regulation.

2 With effect from 1 January 2012, UNECE Regulation No 100, series of amendments 00, shall apply for the purpose of registration, sale and entry into service of new vehicles.

3 With effect from 4 December 2012, UNECE Regulation No 100, series of amendments 01[(16)], shall apply for the purpose of EC whole vehicle type-approval in accordance with Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety.

Article 5

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels, 27 April 2011.

For the Commission

The President

José Manuel BARROSO