# Council Decision (EU) 2019/1260 of 15 July 2019 on the position to be taken on behalf of the European Union within the Trade Committee established by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the amendment of Appendices 2-C-2 and 2-C-3 of Annex 2-C of the Agreement

## COUNCIL DECISION (EU) 2019/1260

## of 15 July 2019

## on the position to be taken on behalf of the European Union within the Trade Committee established by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the amendment of Appendices 2-C-2 and 2-C-3 of Annex 2-C of the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part[(1)] (hereinafter the 'Agreement', the parties to which are hereinafter referred to as the 'Parties'), signed on 6 October 2010, was concluded by the Union by Council Decision (EU) 2015/2169[(2)]. It has been applied as of 1 July 2011[(3)].

(2) Article 15.1 of the Agreement establishes a Trade Committee, which may, inter alia, consider amendments to the Agreement or amend provisions of the Agreement in cases specifically provided for in the Agreement. Article 15.5.2 of the Agreement establishes that the Parties may decide within the Trade Committee to amend the Annexes, Appendices, Protocols and Notes to the Agreement, subject to the Parties' respective applicable legal requirements and procedures.

(3) Under Article 3(d) of Annex 2-C of the Agreement, the Parties are to review Appendices 2-C-2 and 2-C-3 of Annex 2-C no less than every three years from the entry into force of the Agreement with a view to furthering the acceptance of products as set out in subparagraph (a) of the same Article, taking into account any regulatory developments that may have occurred internationally or within the Parties. Article 3(d) of Annex 2-C further specifies that any modifications to Appendices 2-C-2 and 2-C-3 shall be decided upon by the Trade Committee.

(4) Since the Agreement began to apply, the technical regulations mentioned in Appendices 2-C-2 and 2-C-3 of Annex 2-C of the Agreement have changed, as has some of the product coverage. In order to take into account these developments, the

**Changes to legislation:** *There are currently no known outstanding effects for the Council Decision (EU) 2019/1260. (See end of Document for details)*

Union and Korea have modified the technical regulations while maintaining the same degree of market access covered by Article 1.2 of Annex 2-C of the Agreement.

(5) It is appropriate to establish the position to be taken on the Union's behalf within the Trade Committee.

(6) The position of the Union within the Trade Committee should therefore be to support the adoption of the attached draft decision of the Trade Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union within the Trade Committee established by Article 15.1 of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, shall be to support the adoption of the draft decision of the Trade Committee attached to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 July 2019.

*For the Council*

*The President*

J. LEPPÄ

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/1260. (See end of Document for details)*

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DECISION No 3 OF THE KOREA-EU TRADE COMMITTEE

of xx April 2019

on the amendment of Appendices 2-C-2 and 2-C-3 of the Annex 2-C of the Korea-EU Free Trade Agreement

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the Republic of Korea ('Korea'), of the one part, and the European Union ('EU') and its Member States, of the other part (hereinafter the 'Agreement' and the 'Parties', respectively), and in particular Articles 15.1.4(c) and 15.5.2 thereof, and Article 3(d) of Annex 2-C thereof,

Whereas:

(1) Pursuant to Article 15.1.4(c) of the Agreement, the Trade Committee established by the Parties may consider amendments to the Agreement or amend provisions of the Agreement in cases specifically provided for in the Agreement.

(2) Article 15.5.2 of the Agreement provides that a decision of the Trade Committee to amend the Annexes, Appendices, Protocols and Notes to the Agreement may be adopted by the Parties, subject to their respective applicable legal requirements and procedures.

(3) Article 3(d) of Annex 2-C of the Agreement mandates the Parties to review Appendices 2-C-2 and 2-C-3 of Annex 2-C no less than every three years from the entry into force of the Agreement with a view to furthering the acceptance of products as set out in subparagraph (a) of the same Article, taking into account any regulatory developments that may have occurred internationally or within the Parties. It further specifies that any modifications to Appendices 2-C-2 and 2-C-3 shall be decided upon by the Trade Committee.

(4) Korea and the EU have modified the technical regulations in order to maintain the same degree of market access covered by Article 1.2 of Annex 2-C of the Agreement. Moreover, the references to 'UNECE' in Appendices 2-C-2 and 2-C-3 should now read as references to 'UN Reg.' following the Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations (Revision 3)[(4)] of 20 October 2017.

(5) Table 1 of Appendix 2-C-2 has been modified in the following way:

(a) Since UN Regulations apply on a compulsory basis in the EU, for simplicity reasons it has been decided to delete the references to EU Regulations (e.g. GSR) and Directives in the 'Corresponding EU Technical Regulation' column, and the column has been left blank.

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(b) However, where there are no applicable UN Regulations or where the scope of UN Regulations is inadequate, such as in the case of 'Permissible sound level' for example, then the EU Regulations or Directives replace or complement the UN regulations. For this reason, a reference to 'if existing' has been introduced in the 'Corresponding EU Technical Regulation' column.

(c) Concerning 'Permissible sound level' and 'Replacement silencing systems', Regulation (EU) No 540/2014 has been added under the Corresponding EU Technical Regulation because it repeals Directive 70/157/EEC and applies in a time-staggered fashion.

(d) 'Emissions' has been replaced with 'Emissions light vehicles' because the UN Reg. 83 requirement applies to M1 and N1 vehicle categories only. Moreover, the reference to 'Directive 70/220/EEC' has been deleted because it has been repealed and replaced by 'Regulations (EC) No 715/2007, (EC) No 692/2008, (EU) No 459/2012, (EU) 2016/427, (EU) 2016/646, (EU) 2017/1151, (EU) 2017/1154 and (EU) 2018/1832', which have been added under the Corresponding EU Technical Regulation.

(e) Concerning 'Replacement catalytic converters', the reference to 'Directive 70/220/EEC' has been deleted because it has been repealed and replaced by 'Regulations (EC) No 715/2007 and (EC) No 692/2008' which have been added under the Corresponding EU Technical Regulation.

(f) Moreover, for those subjects whose names change, such as from 'Braking' and 'Braking' which have been replaced with 'Braking heavy vehicles' and 'Braking light vehicles', these changes were done for clarity purposes.

(g) On 'Diesel smoke', 'Directive 72/306/EEC' has been deleted since it has been replaced by 'Regulation (EC) No 692/2008' which has been added in Table 1 under the Corresponding EU Technical Regulation.

(h) On '$CO_2$ emissions – Fuel consumption', 'Directive 80/1268/EEC' has been replaced by 'Regulation (EC) No 692/2008' which has been added in Table 1 under the Corresponding EU Technical Regulation, and the subject now refers to '$CO_2$ emissions - Fuel consumption passenger cars with no more than eight seats in addition to the driver's seat' in order to fully respect the scope of that regulation.

(i) On 'Engine power', 'Directive 80/1269/EEC' has been deleted since it has been replaced by 'Regulations (EC) No 692/2008 and (EU) No 582/2011' which have been added in Table 1 under the Corresponding EU Technical Regulation.

(j) On 'Emissions heavy duty vehicles', 'Directive 2005/55/EC' has been replaced by 'Regulations (EC) No 595/2009, (EU) No 582/2011 and (EU) 2016/1718', which have been added in Table 1 under the Corresponding EU Technical Regulation. The subject has also been renamed 'Emissions heavy

duty vehicles' because UN Regulation 49 applies to heavy duty vehicles (i.e. vehicles with a reference mass exceeding 2,610 kg).

(6) Table 2 of Appendix 2-C-2 remains unchanged.

(7) Table 1 of Appendix 2-C-3 has been modified in the following way:

(a) On 'Occupant crash protection''Frontal', 'KMVSS Article 102 Paragraphs 1 and 3' have replaced the reference to 'KMVSS Article 102' under the Corresponding Korean Technical Regulations due to a revision of KMVSS.

(b) On 'Occupant crash protection''Side', 'KMVSS Article 102 Paragraph 1' has replaced the reference to 'KMVSS Article 102' under the Corresponding Korean Technical Regulations due to a revision of KMVSS.

(c) The whole line on 'Towing hook' has been replaced. Specifically, 'Towing hook' has been replaced by 'Towing devices', as 'Towing devices' is the official concept referred to in Regulation (EU) No 1005/2010. Moreover, the requirements for 'Towing devices' are now 'Regulation (EU) No 1005/2010' instead of '77/389/EEC'. Finally, the Corresponding Korean Technical Regulations now read 'KMVSS Article 20 paragraph 1' which has replaced the previous reference to 'KMVSS Article 20 Items 1, 2, 4'.

(d) On 'Lighting and signalling system', KMVSS Article 106 Items 1 to 10 have been deleted from the corresponding Korean Technical Regulations on 'Head lamp', 'Front fog lamp', 'Backup lamp', 'Clearance lamp', 'Registration plate lamp', 'Tail lamp', 'Stop lamp', 'Centre high mounted stop lamp', 'Turn signal', 'Auxiliary turn signal' and 'Rear fog lamp' due to a revision of KMVSS.

(e) On 'Lighting and signalling system''Installation', the Corresponding Korean Technical Regulations now read 'KMVSS Articles 38, 38-2, 38-3, 38-4, 38-5, 39, 40, 41, 42, 43, 44, 44-2, 45, 45-2, 47 and 49' which have replaced the previous reference to 'KMVSS Articles 38, 39, 40, 41, 42, 43, 44, 45 and 47'. This is due to a revision of KMVSS.

(f) 'Lighting and signalling system', 'Daytime running lamp' and 'Cornering lamp' have been added to the table due to a revision of KMVSS and in order to reflect the updated installation requirements on 'Lighting and signalling system'.

(g) On 'Lighting and signalling system', 'Centre high mounted stop lamp', in addition to the deletion of KMVSS Article 106 Item 8, paragraph 3 of KMVSS Article 43 has also been deleted because it has been replaced by the Corresponding Korean Technical Regulations 'KMVSS Article 43 Paragraph 2'.

(h) On 'Lighting and signalling system', 'Side marker lamp' has been added to the table due to a revision of KMVSS and in order to reflect the updated installation requirements on 'Lighting and signalling system'.