



10 June 2016

(16-3164)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/ Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): L-category vehicles (family name of light vehicles such as powered cycles, two- and three-wheeled mopeds, two-wheeled motorcycles, motorcycles with a side-car, tricycles and quadricycles)
5.	Title, number of pages and language(s) of the notified document: Draft Commission Delegated Regulation amending Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 with regard, respectively, to vehicle functional safety requirements, to vehicle construction and general requirements and to environmental and propulsion unit performance requirements (8 pages + Annex 49 pages, in English)
6.	Description of content: The enclosed draft delegated act contains amendments for the three delegated acts to Regulation (EU) No 168/2013. These proposed amendments are laid down in three annexes: <ul style="list-style-type: none">Annex I of this amending act contains amendments of Regulation (EU) No 3/2014, which supplements Regulation (EU) No 168/2013 with technical requirements and test procedures in the area of vehicle functional safety. Among others the list set out in Annex I of Regulation (EU) No 3/2014 containing the applicable UNECE Regulations was updated and its Annex XV on tyre installation was further clarified by adding the provisions on the manufacturer declaration with respect to the permissibility of the 'category of use' with checks performed accordingly. Further clarifications were added on Annex XVII to Regulation (EU) 3/2014 regarding interior fittings, on its Annex XVIII with regard to maximum power limitation and on its Annex XIX with respect to structural integrity requirements, in particular those for powered cycles in the scope of Regulation (EU) No 168/2013.Annex II contains the amendments of Regulation (EU) No 44/2014, which supplements Regulation (EU) No 168/2013 with technical requirements and test procedures with respect to vehicle construction. Also Annex I of Regulation (EU) No 44/2014 contains a list of applicable UNECE Regulations and this amending

act seeks to update that list. Annex II of Regulation (EU) No 44/2014 is supplemented with marking requirements of parts, equipment and components for identification and tampering prevention and its Annex III should be amended to provide clarifications on conversion requirements of subcategories L3e/L4e-A2 into A3 motorcycles and vice versa. With respect to Annex XII of Regulation (EU) No 44/2014 amendments were introduced on the standardized on-board diagnostics connection interface. This amending act also introduces amendments in Annex XI to Regulation (EU) 44/2014 on masses and dimensions and in particular on the ground clearance definition of subcategories L3e-AxE (Enduro motorcycle) and L3e-AxT (Trial motorcycle) as well as introducing clarifications in its Annex XVI on stands for these motorcycle subcategories.

- Annex III contains amendments of Regulation (EU) No 134/2014, which supplements Regulation (EU) No 168/2013 with technical requirements and test procedure in the area of environmental and propulsion unit performance requirements. In Annexes II and V of Regulation (EU) No 134/2014 some formulae required correction and in its Annex VI regarding the durability of pollution control devices the classification criteria of the SRC-LeCV distance accumulation cycle had to be adapted for technical progress. Finally Annex IX to Regulation (EU) No 134/2014 should be amended to take into account some of the anti-tampering provisions set out in UNECE Regulation Nos 9, 41, 63 and 92 in the area of sound approval, in particular for multi-mode sound systems.

Some clerical and numbering errors in the three delegated acts to Regulation (EU) No 168/2013 have been corrected.

- 7. Objective and rationale, including the nature of urgent problems where applicable:** The Commission has kept track of flaws in Regulation (EU) No 168/2013 and its four delegated and implementing acts during the period March 2013 to 31 January 2015 in dedicated tracking lists that are regularly updated and communicated to approval authorities and stakeholders in the Motorcycle Working Group (MCWG) meetings. Also questions on interpretation of the text, which were raised by stakeholders and authorities during this period and associated replies from the Commission, have been collected and are regularly communicated since March 2013. As L-category vehicles could already be approved as of 22 September 2014 on a voluntary basis in accordance with Regulation (EU) No 168/2013, any change of the wording deemed necessary to improve clarity of the text in the three delegated acts has been included in this amending act.

In addition Contracting parties of the UNECE 1958 and 1998 Agreements have been informed and consulted on these amendments. The EU has initiated a working group EPPR (<https://www2.unece.org/wiki/pages/viewpage.action?pageId=5800520>) that works under the umbrella of the UNECE GRPE. The objective of this working group is to develop and update international legislation in the area of environmental and propulsion unit performance requirements of L-category vehicles. The 10 basic proposals for review of the group have been submitted by the Commission and these proposals are largely identical to Regulation (EU) No 168/2013 and Regulation (EU) No 134/2014. As much as possible the amendments included in the proposal have also been proposed to revise the base EPPR proposals in parallel to the EU amendment process.

In order to ensure continuous improvement and adaptation to technical progress of the legal package based on Regulation (EU) No 168/2013 to approve L-category vehicles, which is applicable on a mandatory basis as of 1 January 2016 in the EU, as well as to address some flaws in the three delegated acts supplementing Regulation (EU) No 168/2013, this amending act is proposed for adoption.

8.	Relevant documents: <ul style="list-style-type: none"> • Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L60, 2.3.2013, p. 52): http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1465395228102&uri=CELEX:32013R0168 • Regulation (EU) No 3/2014 on vehicle functional safety (OJ L7, 2.1.2014, p. 1): http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1465395286218&uri=CELEX:32014R0003 • Regulation (EU) No 44/2014 on vehicle construction (OJ L25, 28.1.2014, p. 1): http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1465395321799&uri=CELEX:32014R0044 • Regulation (EU) No 134/2014 on environmental and propulsion unit performance requirements (OJ L53, 21.2.2014, p.1): http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1465395370523&uri=CELEX:32014R0134
9.	Proposed date of adoption: July 2016 Proposed date of entry into force: 31 September 2016
10.	Final date for comments: 60 days from notification
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: <p>European Commission EU-TBT Enquiry Point Fax: + (32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu</p> <p>The text is available on the Website: http://ec.europa.eu/growth/tools-databases/tbt/ http://members.wto.org/crnattachments/2016/TBT/EEC/16_2250_00_e.pdf http://members.wto.org/crnattachments/2016/TBT/EEC/16_2250_01_e.pdf</p>