

EN

EN

EN



EUROPEAN COMMISSION

Brussels, 15.6.2010
COM(2010)280 final

2010/0168 (NLE)

Proposal for a

COUNCIL DECISION

on the compulsory application of Regulation No 100 of the United Nations Economic Commission for Europe for the approval of motor vehicles with regard to electric safety

EXPLANATORY MEMORANDUM

Proposal for a Council Decision on the compulsory application of Regulation No 100 of the United Nations Economic Commission for Europe for the approval of motor vehicles with regard to electric safety

1. CONTEXT OF THE PROPOSAL

Given the importance of reducing carbon emissions from road transport, and the price and security of oil supply, electric cars (hybrid and pure electric) may well be a viable alternative to traditional internal combustion engines using fossil fuels. The adoption of the decision would be an important step forward in ensuring a high level of public safety and the proper functioning of the internal market of electric vehicles that are being introduced on the market in increasing numbers.

Pursuant to the new Framework Directive (Directive 2007/46/EC), the legislative framework for type-approval of motor vehicles has been extended to cover all road vehicles. Thus, it includes also alternative power train vehicles, such as full electric and hybrid cars. The proposal aims at ensuring that all electric vehicles marketed in Europe are constructed according to a common safety standard and thereby protecting vehicle users from getting into contact with high voltage parts of the vehicle.

UNECE Regulation No. 100 sets out safety requirements for the approval of vehicles equipped with an electric power train (full electric and hybrid vehicles). Mandating UNECE Regulation No. 100 would ensure simplification of the approval procedure through harmonised requirements on electric safety. There is a broad support for the proposal, since harmonised test requirements will simplify the approval of electric vehicles. Indeed, it will replace divergent approval practices of some Member States and hence, will result in substantial savings for manufacturers.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Not applicable

3. LEGAL ELEMENTS OF THE PROPOSAL

Mandating UNECE Regulation 100 would ensure simplification of the approval procedure through harmonised requirements on electric safety. Harmonised test requirements will simplify the approval of electric vehicles by replacing divergent approval practices of some Member States and thus, will result in substantial savings for manufacturers.

The legal basis of the proposal is Article 34(2) of 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.

The objectives of the proposal cannot be sufficiently achieved by the Member States. Action at EU level will better achieve the objectives of the proposal because it will avoid fragmentation of the internal market which would otherwise arise and will enhance the safety and environmental performance of vehicles. The proposal therefore complies with the subsidiarity principle.

The proposal complies with the proportionality principle because 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 public safety and environmental protection.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

5. ADDITIONAL INFORMATION

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

**Proposal for a
COUNCIL DECISION**

on the compulsory application of Regulation No 100 of the United Nations Economic Commission for Europe for the approval of motor vehicles with regard to electric safety

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe (“UN/ECE”) 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”)¹,

Having regard to 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)², and in particular Article 34(2) thereof,

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 therefor³, and in particular point (m) of Article 5(2) thereof,

Having regard to the proposal from the European Commission⁴,

Having regard to the opinion of the European Parliament⁵,

Whereas:

- (1) Vehicles powered by electric power train (hybrid electric vehicles and pure electric vehicles) show significant potential to reduce emissions from the vehicle and thus, are considered as an attractive option on the pathway towards sustainable mobility.

¹ OJ L 346, 17.12.1997, p. 78.

² OJ L 263, 9.10.2007, p. 1.

³ OJ L 200, 31.7.2009, p.1.

⁴ OJ C , , p. .

⁵ OJ C , , p. .

- (2) Electric power trains operate at high voltage levels. In order to ensure a high level of public safety, it is necessary to establish type-approval requirements regarding the safety of electric power trains of vehicles.
- (3) The standardised requirements of Regulation No 100 of the United Nations Economic Commission for Europe concerning the approval of vehicles with regard to specific requirements for the electric power train are intended to remove technical barriers to the trade in motor vehicles between the contracting parties of the 1958 Agreement and ensure a high level of safety.
- (4) By Council Decision 97/836/EC, the EU has acceded to UNECE Regulation No 100.
- (5) Directive 2007/46/EC provides for the possibility to apply UNECE Regulations for the purpose of EC vehicle type-approval on a compulsory basis.
- (6) According to Regulation (EC) No 661/2009 manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the requirements relating to electrical safety. Type-approval in accordance with the relevant UNECE Regulations, which have been made mandatory, shall be considered as EC type-approval in accordance with that Regulation and its implementing measures.
- (7) UNECE Regulation No 100 must be incorporated into the approval system for motor vehicles and thus be added to the legislation in force within the EU.

HAS ADOPTED THIS DECISION:

Article 1

1. Regulation No 100 series of amendments 01 of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of EC whole vehicle type-approval in accordance with Articles 6 and 9 of Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety as of 1 January 2013.
2. Regulation No 100 series of amendments 01 of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles as of 1 January 2014.
3. Without prejudice to the provisions of paragraph 1, Regulation No 100, series of amendments 00 of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of EC whole vehicle type-approval in accordance with Articles 6 and 9 of Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety as of 1 January 2011.
4. Regulation No 100 series of amendments 00 of the United Nations Economic Commission for Europe shall be applied on a compulsory basis for the purpose of registration, sale and entry into service of new vehicles as of 1 January 2012.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*