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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.11.2009
COM(2009)642 final

2008/0221 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption of an amended proposal for a
Regulation of the European Parliament and of the Council on labelling of tyres with
respect to fuel efficiency and other essential parameters**

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council 13 November 2008
(COM(2008) 779 final – 2008/0221/COD):

Date of the opinion of the European Economic and Social 24 March 2009
Committee:

Date of the opinion of the European Parliament, first reading: 22 April 2009

Date of transmission of the amended proposal 1 July 2009

(COM(2009)348):

Date of adoption of the common position (unanimously): 20 November 2009

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The objective of this proposal is to promote the market transformation towards fuel-efficient tyres, together with safer and quieter tyres. This initiative is in line with the revised Commission strategy on CO₂ emissions from passenger cars and light commercial vehicles¹ (which sets CO₂ target to be achieved through reductions of car emissions, including the promotion of fuel efficient tyres).

Directed at the demand side, the proposal on tyre labelling will complement the type-approval legislation on tyres which addresses the supply side by means of minimum requirements. The minimum requirements governing rolling resistance, wet grip and external rolling noise scheduled to take effect by 1 November 2012 in Regulation (EC) No 661/2009² on the general safety of motor vehicles will guarantee a standard level of tyre quality, while further improvements beyond these levels will be driven by the tyre labelling scheme.

¹ COM(2007) 19

² OJ L 200, 31.7.2009, p. 1–24

3. COMMENTS ON THE COMMON POSITION

3.1. General comments on the Common Position

The text of the negotiated Common Position is, in substance and to a large extent, in line with the Commission's proposal and therefore can be supported.

3.2. Agreement at Common Position stage

The negotiated Common Position is the result of inter-institutional negotiations as agreed at the final trialogue of 1 October 2009.

On 14 October 2009 the chairman of the ITRE Committee, Mr Herbert Reul, confirmed Parliament's agreement to the text agreed by Coreper on 7 October 2009 and to the Commission's Statement (see below). The negotiated Common position was formally adopted at the Agriculture and Fisheries Council on 20 November 2009.

The main subjects of negotiation on which an agreement was reached are as follows (in order of appearance in the proposal):

- *Format of the proposal*: The proposal is changed from a Directive into a Regulation on request of Parliament.
- *Advertising requirements* (article 3 (4) and recital 17): The definition of technical promotional literature is reworded in order to make clear that it does not include media advertising in general.
- *Display of the label* (article 4): Flexibility is introduced with regards to the display of the label. While Commission proposed that the label is mandatorily displayed at the point of sale by means of a sticker on each tyre, the negotiated amendment of Council/Parliament foresees that the label may be either displayed by means of a sticker on each tyre as proposed by the Commission or distributed in one printed copy per each batch of one or more identical tyres delivered at the point of sale; in that case it is requested in article 5 that the distributors show the printed label to the end-users before the sale of the tyre(s) at the point of sale.
- *Responsibilities of vehicle suppliers* (article 6): The general obligation for vehicle producers to display the classification of tyres fitted on new vehicles is removed. The information requirement, under the agreement, will apply only to those tyres offered as option to end-users.
- *Market surveillance* (article 12): A reference to Regulation (EC) No 765/2008 on market surveillance is introduced in article 12 as suggested in the Commission amended proposal in response to the Parliament's request for reinforced market surveillance rules.
- *Review clause* (article 14): The review clause is shortened from 5 years in the original proposal to 40 months in order to assess the effectiveness and visibility of the labelling scheme, in particular with regards to the amended articles 4 and 5.
- *Transitional provision* (article 15): EP and Council agreed to exempt tyres produced before July 2012 from the labelling requirements.

- *Promotion of low noise tyres (annex II):* A classification of external rolling noise is added on the label in order to facilitate easy recognition of low noise tyres, in addition to the display of the external rolling noise measured value in decibels.
- *Website on tyre labelling information and harmonised fuel saving calculator:* In order to facilitate agreement between the institutions, the Commission agreed to make the following statement at the Parliament's plenary session immediately before the final adoption of the proposal for a Regulation:

"The Commission supports the use of Community instruments such as the Intelligent Energy-Europe Programme to contribute to initiatives that raise end-users' awareness of the benefits of tyre labelling.

By June 2012, the Commission will make available, in particular to consumer organisations and tyre manufacturers on its ec.europa website, information explaining each of the components of the tyre label and a harmonised fuel savings calculator."

4. CONCLUSION

The Common Position meets the aims of the Commission's initial proposal. The Commission therefore supports the text.