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Session document

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A5-0158/2001

2 May 2001* RECOMMENDATION**

on the proposal for a Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 104 on the approval of retroreflecting markings for heavy and long vehicles and their trailers

(10145/2000 – COM(2000) 161 – C5-0671/2000 – 2000/0061(AVC))
Committee on Industry, External Trade, Research and Energy

Rapporteur: Malcolm Harbour

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 30 November 2000 the Council requested Parliament's assent pursuant to Article 300(3), second subparagraph, in conjunction with Article 310 of the EC Treaty on the proposal for a Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 104 on the approval of retroreflecting markings for heavy and long vehicles and their trailers (10145/2000 – COM(2000) 161 – 2000/0061(AVC)).

At the sitting of 11 December 2000 the President of Parliament announced that she had referred the proposal to the Committee on Industry, External Trade, Research and Energy as the committee responsible and the Committee on Regional Policy, Transport and Tourism for its opinion (C5-0671/2000).

The Committee on Industry, External Trade, Research and Energy had appointed Malcolm Harbour rapporteur at its meeting of 5 December 2000.

It considered the proposal for a Council decision and the draft recommendation at its meetings of 27 February, 24 and 25 April 2001.

At the latter meeting it adopted the draft legislative resolution by unanimously and decided to apply the procedure without debate under Rule 114(1).

The following were present for the vote: Carlos Westendorp y Cabeza, chairman; Renato Brunetta and Peter Michael Mombaur, vice-chairman; Malcolm Harbour, rapporteur; Ward Beysen (for Elly Plooij-van Gorsel), Guido Bodrato, Gérard Caudron, Giles Bryan Chichester, Nicholas Clegg, Willy C.E.H. De Clercq, Harlem Désir, Concepció Ferrer, Francesco Fiori (for Umberto Scapagnini), Colette Flesch, Christos Folias, Glyn Ford, Per Gahrton (for Caroline Lucas), Lisbeth Grönfeldt Bergman (for Anders Wijkman), Michel Hansenne, Roger Helmer, Eryl Margaret McNally, Nelly Maes, Elizabeth Montfort, Hervé Novelli (for Paul Rübig), Reino Paasilinna, Samuli Pohjamo (for Astrid Thors), John Purvis, Godelieve Quisthoudt-Rowohl, Alexander Radwan (for Werner Langen), Bernhard Rapkay (for Norbert Glante), Daniela Raschhofer, Mechtild Rothe, Ilka Schröder, Konrad K. Schwaiger, Esko Olavi Seppänen, Jaime Valdivielso de Cué, W.G. van Velzen, Alejo Vidal-Quadras Roca, Dominique Vlasto.

On 19 April 2000 the Committee on Regional Policy, Transport and Tourism decided not to deliver an opinion.

The recommendation was tabled on 2 May 2001.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 104 on the approval of retroreflecting markings for heavy and long vehicles and their trailers. (10145/2000 – COM(2000) 161 – C5-0671/2000 – 2000/0061(AVC))

(Assent procedure)

The European Parliament,

- having regard to the proposal for a Council Decision (COM(2000) 161¹),
 - having regard to the Draft Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 104 on the approval of retroreflecting markings for heavy and long vehicles and their trailers (10145/2000),
 - having regard to the Council's request for Parliament's assent pursuant to Article 300(3), second subparagraph, in conjunction with Article 310 of the EC Treaty (C5-0671/2000),
 - having regard to Rules 86 and 97(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Industry, External Trade, Research and Energy (A5-0158/2001),
1. Gives its assent to the accession of the European Community to the Regulation ;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States.

¹ OJ C 0/Not yet published in OJ.

EXPLANATORY STATEMENT

1. The European Community became a Contracting Party to the 1958 Revised Agreement of the United Nations Economic Commission for Europe (UN/ECE) on 24 March 1998 and acceded to 78 existing regulations, not including Regulation 104. Through its accession to the Agreement, the Community wished to ensure harmonisation of technical standards for motor vehicles throughout Europe and reciprocal recognition of type-approvals by the Contracting Parties, thus making it possible to prevent the plethora of technical standards for motor vehicles from constituting technical barriers to trade, whilst ensuring a high level of safety and environmental protection.
2. Regulation 104 concerns the approval of retroreflecting markings for heavy and long vehicles and their trailers. It is intended that these standards, which are set out in detail in the Commission proposal, will be incorporated in the EU type-approval system after they have been adopted by the ECE and will thus supplement the Community legislation in force.
3. The content of the Regulation was established by the ECE Working party on Vehicle Construction before the EC's accession to the 1958 Revised Agreement. The Commission is now convinced that incorporation of this Regulation in the Annex to the Revised Agreement would usefully supplement Community legislation. The Commission is currently examining whether its incorporation also necessitates the adoption of a separate EC Directive with the same content as the ECE Regulation. It would appear sufficient, for the purposes of ensuring legal certainty, merely to amend the EC type-approval directive to include a reference to the ECE Regulation.
4. This issue is significant in terms of Parliament's participation in the drafting of Community legislation on vehicle standards, for, prior to accession to the ECE Agreement, Community Directives in this area were adopted as single market legislation under the codecision procedure, on the basis of Article 95 (ex 100a) of the EC Treaty. Under that procedure, Parliament could table amendments to proposed standards at two readings. However, as part of the process of determining how the Commission is to cast its vote in ECE Working Parties, proposals are submitted to Parliament under the assent procedure, which does not provide any opportunity for tabling amendments. In order to compensate for this limitation in Parliament's influence, the Commission undertook to inform Parliament in good time, via its competent standing committees, of plans to draw up new Regulations and, possibly, to incorporate Parliament's suggestions.
5. Regardless of these procedural issues, your rapporteur after having consulted with representatives from the European car industry proposes that the European Community's accession to Regulation 104 of the United Nations Economic Commission for Europe concerning the approval of retroreflecting markings for heavy and long vehicles and their trailers should be approved, and places his trust in the Commission's observations on the technical aspects of the ECE Regulation.