



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.01.2000  
COM(1999) 727 final

2000/0003 (AVC)

Proposal for a

**COUNCIL DECISION**

**on the accession of the European Community to Regulation 109 of the United Nations  
Economic Commission for Europe concerning the approval for the production of  
retreaded pneumatic tyres for commercial vehicles and their trailers**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

### **1. Background**

Following Council Decision 97/836/EC of 27 November 1997, the EC 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 regulations annexed to this Agreement.

Article 3(3) of this Decision stipulates that the Community may decide to apply a regulation to which it has not acceded at the time of its accession to the Revised Agreement where the Council, upon receiving the assent of the European Parliament, has approved this regulation by a qualified majority.

Regulation 109 concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers seeks in particular to remove the technical obstacles to the trade in motor vehicles between the contracting parties while at the same time ensuring a high degree of safety and environmental protection. Even though this regulation is not mentioned in the list of regulations recognised by the EC included in Annex II to Decision 97/836/EC, the representatives of the Member States have indicated that it would be useful for the EC to examine the possibility of acceding to it, without however incorporating it in the motor vehicle type-approval procedure.

It will be recalled that the EC will take its decision regarding accession to this regulation on the basis of the document available in the official languages of the UN-ECE (French, English and Russian). The text of Regulation 109 is therefore annexed in French and English only.

In accordance with Article 4(5) of Decision 97/836/EC, Regulation 109 will, however, be published in the Official Journal in all the official languages of the Community before entering into force.

### **2. Contents of the proposal for a decision**

The proposal for a decision is designed to enable the Community to accede to Regulation 109 of the UN-ECE concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers.

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Proposal for a

**COUNCIL DECISION**

**on the accession of the European Community to Regulation 109 of the United Nations Economic Commission for Europe concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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 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<sup>1</sup> (“revised 1958 Agreement”), and in particular Article 3(3) and the second indent of Article 4(2) thereof,

Having regard to the proposal by the Commission<sup>2</sup>,

Having regard to the assent of the European Parliament<sup>3</sup>,

Whereas:

- (1) The aim of the uniform provisions of Regulation 109 of the United Nations Economic Commission for Europe concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers is to abolish the technical barriers to trade in motor vehicles between the contracting parties with regard to retreaded pneumatic tyres while ensuring a high level of safety and environmental protection.
- (2) Regulation 109 has been notified to the contracting parties and entered into force in respect of all the contracting parties who did not serve notice of their disagreement by the date or dates specified in the regulation annexed to the revised agreement of 1958.

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<sup>1</sup> OJ L 346, 17.12.1997, p. 78.

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ C , , p. .

- (3) In order to enable the economic operators to take appropriate measures to abide in time by the provisions of Regulation 109 so as not to disrupt the market in retreaded pneumatic tyres, in particular by dates of entry into force that could differ from one Member State to another, the uniform application of this regulation throughout the Community will be regulated later through a Community directive. However, Regulation 109 will not be integrated in the system for type-approval of motor vehicles and their trailers,

HAS DECIDED AS FOLLOWS:

*Sole article*

The European Community accedes to Regulation 109 of the United Nations Economic Commission for Europe concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers<sup>4</sup>.

Done at Brussels,

*For the Council  
The President*

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<sup>4</sup> Cf. document E/ECE/324-E/ECE/TRANS/505/Rev.2/Add.108.