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ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union within the Trade Committee established by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the amendment of Appendices 2-C-2 and 2-C-3 of Annex 2-C of the Agreement

ATTACHMENT

DECISION No. 3 OF THE KOREA-EU TRADE COMMITTEE

of xx April 2019

on the amendment of Appendices 2-C-2 and 2-C-3 of the Annex 2-C of the Korea-EU
Free Trade Agreement

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the Republic of Korea ('Korea'), of the one part, and the European Union ('EU') and its Member States, of the other part, (hereinafter the 'Agreement' and the 'Parties', respectively), and in particular Articles 15.1.4(c) and 15.5.2 thereof, and Article 3(d) of Annex 2-C thereof,

Whereas:

- (1) Pursuant to Article 15.1.4(c) of the Agreement, the Trade Committee established by the Parties may consider amendments to the Agreement or amend provisions of the Agreement in cases specifically provided for in the Agreement.
- (2) Article 15.5.2 of the Agreement provides that a decision of the Trade Committee to amend the Annexes, Appendices, Protocols and Notes to the Agreement may be adopted by the Parties, subject to their respective applicable legal requirements and procedures.
- (3) Article 3(d) of Annex 2-C of the Agreement mandates the Parties to review Appendices 2-C-2 and 2-C-3 of Annex 2-C no less than every three years from the entry into force of the Agreement with a view to furthering the acceptance of products as set out in subparagraph (a) of the same Article, taking into account any regulatory developments that may have occurred internationally or in the Parties. It further specifies that any modifications to Appendices 2-C-2 and 2-C-3 shall be decided upon by the Trade Committee.
- (4) Korea and EU have modified the technical regulations in order to maintain the same degree of market access covered by Article 1.2 of Annex 2-C of the Agreement. Moreover, the reference to "UNECE" in Appendices 2-C-2 and 2-C-3 should now read as references to "UN Reg." following the Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations (Revision 3)¹ of 20 October 2017.
- (5) Table 1 of Appendix 2-C-2 has been modified in the following way:
 - (a) Since UN Regulations apply on a compulsory basis in the EU, for simplicity reasons it has been decided to delete the references to EU Regulations (e.g. GSR) and Directives in the "Corresponding EU Technical Regulation" column. and the column has been left blank.

¹ E/ECE/TRANS/505/Rev.3.

- (b) However, where there are no applicable UN Regulations or where the scope of UN Regulations is inadequate, such as in the case of “Permissible sound level” for example, then the EU Regulations or Directives replace or complement the UN regulations. For this reason, a reference to “if existing” has been introduced in the “Corresponding EU Technical Regulation” line.
- (c) Concerning “Permissible sound level” and “Replacement silencing systems”, Regulation (EU) No 540/2014 has been added under the Corresponding EU Technical Regulation because it repeals Directive 70/157/EEC and applies in a time-staggered fashion.
- (d) “Emissions” has been replaced with “Emissions light vehicles” because the UN Reg. 83 requirement applies to M1 and N1 vehicle categories only. Moreover, the reference to “Directive 70/220/EEC” has been deleted because it has been repealed and replaced by Regulations (EC) No 715/2007, (EC) No 692/2008, (EU) No 459/2012, Regulation (EU) 2016/427, Regulation (EU) 2016/646, Regulation (EU) 2017/1151, Regulation (EU) 2017/1154 and Regulation (EU) 2018/1832, which have been added under the Corresponding EU Technical Regulation.
- (e) Concerning “Replacement catalytic converters”, the reference to “Directive 70/220/EEC” has been deleted because it has been repealed and replaced by and Regulations (EC) No 715/2007 and (EC) No 692/2008 which have been added under the Corresponding EU Technical Regulation.
- (f) Moreover, for those subjects whose names change, such as from “Braking” and “Braking” which have been replaced with “Braking heavy vehicles” and “Braking light vehicles”, these were done for clarity purposes.
- (g) On “Diesel smoke”, “Directive 72/306/EEC” has been deleted since it has been replaced by “Regulation (EC) No 692/2008” which has been added in Table 1 under the Corresponding EU Technical Regulation.
- (h) On “CO2 emissions – Fuel consumption”, “Directive 80/1268/EEC” has been replaced by Regulation (EC) No 692/2008 which has been added in Table 1 under the Corresponding EU Technical Regulation, and the subject now refers to “CO2 emissions - Fuel consumption passenger cars with no more than eight seats in addition to the driver's seat” in order to fully respect the scope of that regulation.
- (i) On “Engine power”, “Directive 80/1269/EEC” has been deleted since it has been replaced by Regulations (EC) No 692/2008 and (EU) No 582/2011 which have been added in Table 1 under the Corresponding EU Technical Regulation.
- (j) On “Emissions heavy duty vehicles”, “Directive 2005/55/EC” has been replaced by Regulation (EC) No 595/2009, Regulation (EU) No 582/2011 and Regulation (EU) 2016/1718, which have been added in Table 1 under the Corresponding EU Technical Regulation. The subject has also been renamed “Emissions heavy duty vehicles” because UN Regulation 49

applies to heavy duty vehicles (i.e. vehicles with a reference mass exceeding 2,610 kg).

- (6) Table 2 of Appendix 2-C-2 remains unchanged.
- (7) Table 1 of Appendix 2-C-3 has been modified in the following way:
 - (a) On “Occupant crash protection” “Frontal”, “KMOVSS Article 102 Paragraphs 1,3” have replaced the reference to “KMOVSS Article 102” under the Corresponding Korean Technical Regulations due to a revision of KMOVSS.
 - (b) On “Occupant crash protection” “Side”, “KMOVSS Article 102 Paragraph 1” has replaced the reference to “KMOVSS Article 102” under the Corresponding Korean Technical Regulations due to a revision of KMOVSS.
 - (c) The whole line on “Towing hook” has been replaced. Specifically, “Towing hook” has been replaced by “Towing devices”, as “Towing devices” is the official concept referred to in Regulation (EU) No 1005/2010. Moreover, the requirements for “Towing devices” are now “Regulation (EU) No 1005/2010” instead of “77/389/EEC”. Finally, the Corresponding Korean Technical Regulations now read “KMOVSS Article 20 paragraph 1” which has replaced the previous reference to “KMOVSS Article 20 Items 1, 2, 4”.
 - (d) On “Lighting and signalling system”, KMOVSS Article 106 Items 1 to 10 have been deleted from the corresponding Korean Technical Regulations on “Head lamp”, “Front fog lamp”, Backup lamp”, “Clearance lamp”, “Registration plate lamp”, “Tail lamp”, “Stop lamp”, “Centre high mounted stop lamp”, “Turn signal”, “Auxiliary turn signal” and “Rear fog lamp” due to a revision of KMOVSS.
 - (e) On “Lighting and signalling system” “Installation”, the Corresponding Korean Technical Regulations now read “KMOVSS Articles 38, 38-2, 38-3, 38-4, 38-5, 39, 40, 41, 42, 43, 44, 44-2, 45, 45-2, 47 and 49” which have replaced the previous reference to “KMOVSS Articles 38, 39, 40, 41, 42, 43, 44, 45 and 47”. This is due to a revision of KMOVSSs.
 - (f) “Lighting and signalling system”, “Daytime running lamp” and “Cornering lamp” have been added to the table due to a revision of KMOVSS and in order to reflect the updated installation requirements on “Lighting and signalling system”.
 - (g) On “Lighting and signalling system”, “Centre high mounted stop lamp”, in addition to the deletion of KMOVSS Article 106 Item 8, paragraph 3 of KMOVSS Article 43 has also been deleted because it has been replaced by the Corresponding Korean Technical Regulations “KMOVSS Article 43 Paragraph 2”.
 - (h) On “Lighting and signalling system”, “Side marker lamp” has been added to the table due to a revision of KMOVSS and in order reflect the updated installation requirements on “Lighting and signalling system”.
 - (i) On “Lighting and signalling system”, “Retro-reflection devices”, the Corresponding Korean Technical Regulations now read “KMOVSS Article

49” which has replaced the previous reference to “KMOVSS Article 49 paragraphs 1, 2, Article 107”. This is due to a revision of KMOVSS.

- (j) On “Engine power”, the Corresponding Korean Technical Regulations now read “KMOVSS Article 111” which has replaced the previous reference to “KMOVSS Article 11 Paragraph 1 Item 2, Article 111”. This is due to a revision of KMOVSS.
 - (k) On “Device for securing driver’s visibility”, the references under “Requirements” to “78/318/EEC” and “78/317/EEC” have been deleted since they have been repealed and replaced by “Regulation (EU) No 1008/2010” or “Regulation (EU) No 672/2010”. The Corresponding Korean Technical Regulations remain unchanged.
 - (l) On “Seat belt assembly anchorages”, the Corresponding Korean Technical Regulations now read “KMOVSS Article 27 Paragraphs 1, 2, 3, 4; Article 103” which have replaced the previous references to “KMOVSS Article 27 Paragraphs 1, 2, 3, 4, 5; Article 103 Paragraphs 1, 2, 3”. This is due to a revision of KMOVSS.
 - (m) On “Emission and noise (except the passer-by noise of 3 or 4 wheels) for motor cycles”, the references under “Requirements” to, inter alia, “Directives 2002/51/EC, 2003/77/EC, 97/24/EC Chapters 5 and 9” have been deleted, since they have been repealed and replaced by, inter alia, “Regulations (EU) No 168/2013, (EU) No 134/2014”. The Corresponding Korean Technical Regulations remain unchanged.
 - (n) On “Emission Diesel (incl. OBD)” “Below 3.5t vehicle”, the following references under “Requirements” have been added: “Regulations (EC) No 715/2007” and “(EU) No 459/2012” because these are the applicable Regulations that correspond to KMOVSS. The Corresponding Korean Technical Regulations remain unchanged.
 - (o) On “Emission Diesel (incl. OBD)” “Over 3.5t vehicle”, the reference under “Requirements” to, inter alia, “Regulation (EC) No 692/2008” has been deleted and replaced with, inter alia, “Regulations (EC) No 595/2009, (EU) No 582/2011” because “Regulation (EC) No 692/2008” does not deal with heavy duty vehicles. The Corresponding Korean Technical Regulations remain unchanged.
 - (p) On “Tyres” the Corresponding Korean Technical Regulations now read “Electrical Appliances and Consumer Products Safety Control Act Articles 15, 18 and 19; Enforcement Rules of Electrical Appliances and Consumer Products Safety Control Act Article 3, paragraph 4, Article 26; KMOVSS Article 12 Paragraph 1” which have replaced the previous reference to “Quality Management Safety and Control of Industrial Products Act (QMSCIPA) (Articles 19, 20, 21); Enforcement Rules of QMSCIPA Article 2 paragraph 2, Article 19.” This is because QMSCIPA has been replaced by the “Electrical Appliances and Consumer Products Safety Control Act”.
- (8) Table 2 of Appendix 2-C-3 remains unchanged.
 - (9) Pursuant to Article 12.2 in the Annex of of Decision No. 1 of the Korea-EU Trade Committee of 23 December 2011 on the adoption of the rules of

procedure of the Trade Committee, in the period between the meetings of the Trade Committee, it can adopt decisions by written procedure if both Parties agree. The written procedure would consist of an exchange of notes between the Chairpersons of the Trade Committee,

HAS ADOPTED THIS DECISION:

Article 1

Table 1 of Appendix 2-C-2 of Annex 2-C of the Agreement shall be replaced by Table 1 of Annex 1 to this Decision.

Article 2

Table 1 of Appendix 2-C-3 of Annex 2-C of the Agreement shall be replaced by Table 1 of Annex 2 to this Decision.

Article 3

This Decision shall enter into force on the first day of the month following the date on which the Parties exchange written notifications through diplomatic channels certifying that they have completed their respective applicable legal requirements and procedures necessary for its entry into force.

For the Trade Committee

Yoo Myung-hee

Minister for Trade

Ministry of Trade, Industry and Energy of
the Republic of Korea

Cecilia MALMSTRÖM

Member of the European Commission
responsible for Trade

Appendix 2-C-2

Table 1

List referred to in Article 3(a)(i) of Annex 2-C

Subject	Requirements	Corresponding EU Technical Regulation (if existing) ²
Permissible sound level	UN Reg ³ . 51	Directive 70/157/EEC, Regulation (EU) No 540/2014
Replacement silencing systems	UN Reg. 59	Directive 70/157/EEC, Regulation (EU) No 540/2014
Emissions light vehicles	UN Reg. 83	Regulations (EC) No 715/2007, (EC) No 692/2008, (EU) No 459/2012 Regulations (EU) 2016/427, (EU) 2016/646, (EU) 2017/1151, (EU) 2017/1154 and (EU) 2018/1832
Replacement catalytic converters	UN Reg. 103	Regulations (EC) No 715/2007, (EC) No 692/2008
Fuel tanks	UN Reg. 34	
LPG tanks	UN Reg. 67	
CNG tanks	UN Reg. 110	
Rear protective device	UN Reg. 58	
Steering effort	UN Reg. 79	
Door latches and hinges	UN Reg. 11	
Audible warning	UN Reg. 28	
Indirect vision devices	UN Reg. 46	

² Blank in the third column (Corresponding EU Technical Regulation) means the corresponding Regulation is the same as the UN Regulation in the second column (Requirements).

³ Abbreviation of "UN Regulation", formerly known as "UNECE".

Subject	Requirements	Corresponding EU Technical Regulation (if existing) ²
Braking heavy vehicles	UN Reg. 13	
Braking light vehicles	UN Reg. 13H	
Brake linings	UN Reg. 90	
Radio interference (electromagnetic compatibility)	UN Reg. 10	
Diesel smoke	UN Reg. 24	Regulation (EC) No 692/2008
Interior fittings	UN Reg. 21	
Anti-theft	UN Reg. 18	
Anti-theft and immobiliser	UN Reg. 116	
Vehicle Alarm Systems	UN Reg. 97 UN Reg. 116	
Behaviour of steering device under impact	UN Reg. 12	
Seat strength	UN Reg. 17	
Seat strength (buses and coaches)	UN Reg. 80	
Exterior projections	UN Reg. 26	
Speedometer	UN Reg. 39	
Seat belt anchorages	UN Reg. 14	
Installation of lighting and light signalling devices	UN Reg. 48	
Retro reflectors	UN Reg. 3	
End-outline/front-position (side)/rear- position (side)/stop lamps	UN Reg. 7	
Daytime running lamps	UN Reg. 87	

Subject	Requirements	Corresponding EU Technical Regulation (if existing) ²
Side marker lamps	UN Reg. 91	
Direction indicators	UN Reg. 6	
Rear registration plate lamp	UN Reg. 4	
Headlamps (R2 and HS1)	UN Reg. 1	
Headlamps (sealed beam)	UN Reg. 5	
Headlamps (H1, H2, H3, HB3, HB4, H7, and/or H8. H9 ,HIR1, HIR2 and/or H11)	UN Reg. 8	
Headlamps (H4)	UN Reg. 20	
Headlamps (halogen sealed beam)	UN Reg. 31	
Filament lamps for use in approved lamp units	UN Reg. 37	
Headlamps with gas-discharge light sources	UN Reg. 98	
Gas-discharge light sources for use in approved gas-discharge lamp units	UN Reg. 99	
Headlamps (asymmetrical passing beam)	UN Reg. 112	
Adaptative front-lighting systems	UN Reg. 123	
Front fog lamps	UN Reg. 19	
Rear fog lamps	UN Reg. 38	
Reversing lamps	UN Reg. 23	
Parking lamps	UN Reg. 77	
Seat belts and restraint systems	UN Reg. 16	

Subject	Requirements	Corresponding EU Technical Regulation (if existing) ²
Child restraints	UN Reg. 44	
Front forward field of vision	UN Reg. 125	
Identification of controls, tell-tales and indicators	UN Reg. 121	
Heating systems	UN Reg. 122	
Head restraints (combined with seats)	UN Reg. 17	
Head restraints	UN Reg. 25	
CO2 emissions - Fuel consumption passenger cars with no more than eight seats in addition to the driver's seat	UN Reg. 101	Regulation (EC) No 692/2008
Engine power	UN Reg. 85	Regulations (EC) No 692/2008, (EU) No 582/2011
Emissions heavy duty vehicles	UN Reg. 49	Regulation (EC) No 595/2009, Regulation (EU) No 582/2011 Regulation (EU) 2016/1718
Lateral protection	UN Reg. 73	
Safety glazing	UN Reg. 43	
Tyres, motor vehicles and their trailers	UN Reg. 30	
Tyres, commercial vehicles and their trailers	UN Reg. 54	
Temporary-use spare wheels/tyres	UN Reg. 64	
Rolling sound	UN Reg. 117	
Speed limitation devices	UN Reg. 89	

Subject	Requirements	Corresponding EU Technical Regulation (if existing) ²
Couplings	UN Reg. 55	
Close-coupling device	UN Reg. 102	
Flammability	UN Reg. 118	
Buses and coaches	UN Reg. 107	
Strength of superstructure (buses and coaches)	UN Reg. 66	
Frontal impact	UN Reg. 94	
Side impact	UN Reg. 95	
Vehicles intended for the transport of dangerous goods	UN Reg. 105	
Front underrun protection	UN Reg. 93	

Appendix 2-C-3

Table 1

List referred to in Article 3(a)(ii) of Annex 2-C

Subject		Requirements	Corresponding Korean Technical Regulations
Occupant crash protection	Frontal	UN Reg. 94	KMVSS ⁴ Article 102 Paragraphs 1, 3
	Side	UN Reg. 95	KMVSS Article 102 Paragraph 1
Steering control rearward displacement		UN Reg. 12	KMVSS Article 89 paragraph 1 Item 2
Impact protection for the driver from the steering control system		UN Reg. 12	KMVSS Article 89 paragraph 1 Item 1
Seating systems		UN Reg. 17	KMVSS Article 97
Head restraints		UN Reg. 17, UN Reg. 25, GTR 7	KMVSS Articles 26, 99
Door locks and door retention components		UN Reg. 11, GTR 1	KMVSS Article 104 Paragraph 2
Instrument panel impact		UN Reg. 21	KMVSS Article 88
Seat back impact		UN Reg. 21	KMVSS Article 98
Armrest impact		UN Reg. 21	KMVSS Article 100
Sun visor impact		UN Reg. 21	KMVSS Article 101
Inside rear view mirror impact		UN Reg. 46	KMVSS Article 108
Towing devices		Regulation (EU) No 1005/2010	KMVSS Article 20 paragraph 1

⁴ Formerly known as Korea Motor Vehicle Safety Standards, renamed "Rules on the Performances and Standards of Korean Motor Vehicles and Parts" as of 1 July 2014

Subject	Requirements	Corresponding Korean Technical Regulations
Rear under-run protection	UN Reg. 58	KMOVSS Article 19 Paragraph 4 and Article 96

Subject		Requirements	Corresponding Korean Technical Regulations
Lighting and signalling system	Installation	UN Reg. 48	KMVSS Articles 38, 38-2, 38-3, 38-4, 38-5, 39, 40, 41, 42, 43, 44, 44-2, 45, 45-2, 47 and 49
	Head lamp	UN Reg. 1, 2, 5, 8, 20, 31, 37, UN Reg. 98, 99, 112, 113, 123	KMVSS Article 38, Article 48 Paragraph 3
	Front fog lamp	UN Reg. 19	KMVSS Article 38-2 Paragraph 1
	Daytime running lamp	UN Reg. 87	KMVSS Article 38-4
	Cornering lamp	UN Reg. 119	KMVSS Article 38-5
	Backup lamp	UN Reg. 23	KMVSS Article 39
	Clearance lamp	UN Reg. 7	KMVSS Article 40
	Registration plate lamp	UN Reg. 4	KMVSS Article 41
	Tail lamp	UN Reg. 7	KMVSS Article 42
	Stop lamp	UN Reg. 7	KMVSS Article 43 Paragraph 1
	Centre high mounted stop lamp	UN Reg. 7	KMVSS Article 43 Paragraph 2
	Turn signal	UN Reg. 6	KMVSS Article 44
	Auxiliary turn signal	UN Reg. 7	KMVSS Article 44
	Side marker lamp	UN Reg. 91	KMVSS Article 44-2
	Rear fog lamp	UN Reg. 38	KMVSS Article 38-2 Paragraph 2
	Retro-reflection	UN Reg. 70,	KMVSS Article 49

Subject		Requirements	Corresponding Korean Technical Regulations
	devices	UN Reg. 3	

Subject		Requirements	Corresponding Korean Technical Regulations
Driver's visibility		UN Reg. 46	KMVSS Article 50 Article 94
Engine power		UN Reg. 85	KMVSS Article 111
Device for securing driver's visibility	Windshield wiping system	Regulation (EU) No 1008/2010	KMVSS Article 51 Paragraph 2, Article 109 Item 1
	Defrosting system	Regulation (EU) No 672/2010	KMVSS Article 109 Item 2
	Defogging system	Regulation (EU) No 672/2010	KMVSS Article 109 Item 3
	Windshield washing system	Regulation (EU) No 1008/2010	KMVSS Article 109 Item 4
Passenger car brake		UN Reg. 13H	KMVSS Article 15, Article 90 Item 1
Brake system except passenger car and trailer		UN Reg. 13	KMVSS Article 15, Article 90 Item 2
Trailer brake system		UN Reg. 13	KMVSS Article 15, Article 90 Item 3
Anti-lock brake system, except trailer		UN Reg. 13	KMVSS Article 15, Article 90 Item 4
Trailer anti-lock brake system		UN Reg. 13	KMVSS Article 15, Article 90 Item 5
Steering effort		UN Reg. 79	KMVSS Article 14, Article 89 paragraph 2
Speed limiter		UN Reg. 89	KMVSS Article 110-2
Speedometer		UN Reg. 39	KMVSS Article 110
Electro-magnetic compatibility		UN Reg. 10	KMVSS Article 111-2
Fuel leakage in collision		UN Reg. 34,	KMVSS Article 91

Subject	Requirements	Corresponding Korean Technical Regulations
	UN Reg. 94, UN Reg. 95	

Subject		Requirements	Corresponding Korean Technical Regulations
Bumper impact		UN Reg. 42	KMVSS Article 93
Seat belt assembly anchorages		UN Reg. 14, UN Reg. 16	KMVSS Article 27 Paragraphs 1, 2, 3, 4; Article 103
Child seat anchorage		UN Reg. 14	KMVSS Article 27-2, Article 103-2
Horn noise, stationary noise and pass-by noise for vehicles (4 wheels)		UN Reg. 28, UN Reg. 51	KMVSS Articles 35, 53, NVCA Article 30 and its Ordinance of MOE ⁵ Article 29
Emission and noise (except the passer-by noise of 3 or 4 wheels) for motor cycles		UN Reg. 40 UN Reg. 41 UN Reg. 47 Regulations (EU) No 168/2013, (EU) No 134/2014	CACA ⁶ Article 46 and its Ordinance of MOE Article 62, NVCA Article 30 and its Ordinance of MOE Article 29
Emission Diesel (incl. OBD)	Below 3.5t vehicle	UN Reg. 83, UN Reg. 24 Regulations (EC) No 715/2007, (EC) No 692/2008, (EC) No. 459/2012	CACA Article 46 and its Ordinance of MOE Article 62
	Over 3.5t vehicle	UN Reg. 49 Regulations (EC) No 595/2009, (EU) No 582/2011	
Tyres		UN Reg. 30, 54, 75, 106, 117, 108, 109	Electrical Appliances and Consumer Products Safety Control Act Articles 15, 18 and 19;

⁵ Ministry of Environment of Korea.

⁶ Clean Air Conservation Act of Korea.

Subject	Requirements	Corresponding Korean Technical Regulations
		<p>Enforcement Rules of Electrical Appliances and Consumer Products Safety Control Act Article 3 paragraph 4, Article 26;</p> <p>KMVSS Article 12 Paragraph 1</p>