



Council of the  
European Union

Brussels, 30 June 2021  
(OR. en)

10317/21

MI 516  
ENT 112  
COMPET 521  
IND 183  
TRANS 441  
ENV 470  
DELECT 138

#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	29 June 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.:	C(2021) 4623 final
Subject:	COMMISSION DELEGATED DIRECTIVE (EU) .../... of 29.6.2021 amending Directive 2014/47/EU of the European Parliament and of the Council as regards modifications to the vehicle category designations stemming from amendments to the type-approval legislation

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Delegations will find attached document C(2021) 4623 final.

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Encl.: C(2021) 4623 final



Brussels, 29.6.2021  
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**COMMISSION DELEGATED DIRECTIVE (EU) .../...**

**of 29.6.2021**

**amending Directive 2014/47/EU of the European Parliament and of the Council as regards modifications to the vehicle category designations stemming from amendments to the type-approval legislation**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Directive 2014/47/EU<sup>1</sup> of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC<sup>2</sup>, establishes minimum requirements for a regime of technical roadside inspections of the roadworthiness of commercial vehicles circulating within the territory of Member States. Roadworthiness testing is a part of a wider regime designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use, and that regime covers periodic roadworthiness testing of vehicles in accordance with Directive 2014/45/EU<sup>3</sup> and technical roadside inspection of vehicles used for commercial road transport activities in accordance with Directive 2014/47/EU.

Directive 2014/47/EU shall apply to vehicles with a design speed exceeding 25km/h of the categories set out in Article 2(1) as referred to in Directive 2003/37/EC<sup>4</sup> and Directive 2007/46/EC<sup>5</sup> of the European Parliament and of the Council. Given the changes to the vehicle category designations stemming from the repeal of Directive 2003/37/EC by Regulation (EU) No 167/2013<sup>6</sup>, this delegated act aims to update the references to the relevant vehicle categories made in in order to align them with the changes to the type-approval legislation.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In May 2020, the Commission set up an Expert Group on Roadworthiness and Vehicle Registration Documents (RWEG). The mission of the RWEG is to assist DG MOVE in the preparation of non-legislative acts in the fields of roadworthiness and vehicle registration documents, including the preparation of delegated and implementing acts, to assist the Commission in the preparation of relevant guidance, and to bring about an exchange of experience and good practice in those fields. The RWEG has examined the draft text of the delegated act during its meetings on 17 September 2020 and 25 November 2020. The draft of this Directive has been subject to a public consultation through the Better Regulation Portal from 16 April 2021 to 14 May 2021, receiving in total seven responses. Six responses concerned the maximum vehicle mass for the category B driving licenses, an issue not directly linked with this act, and one response gave general support to the initiative.

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<sup>1</sup> Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.4.2014, p. 134)

<sup>2</sup> Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1)

<sup>3</sup> Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51)

<sup>4</sup> Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9.7.2003, p. 1).

<sup>5</sup> 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 (OJ L 263, 9.10.2007, p. 1).

<sup>6</sup> Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, (OJ L 60, 2.3.2013, p. 1)

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The Delegated Act is based on the first indent of Article 21 of Directive 2014/47/EU.

Specifically, the first indent of Article 21 of Directive 2014/47/EU sets out that the Commission shall be empowered to adopt delegated acts in accordance with Article 22 in order to update Article 2(1) and point 6 of Annex IV as appropriate, in order to take account of changes to the vehicle categories stemming from amendments to the legislation referred to in that Article, without affecting the scope of this Directive. For that reason, references to those designations need to be updated in accordance with the changes that resulted from the repeal of Directive 2003/37/EC by Regulation (EU) No 167/2013.

# COMMISSION DELEGATED DIRECTIVE (EU) .../...

of 29.6.2021

## amending Directive 2014/47/EU of the European Parliament and of the Council as regards modifications to the vehicle category designations stemming from amendments to the type-approval legislation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC<sup>1</sup> and in particular Article 21 thereof,

Whereas:

- (1) Directive 2014/47/EU applies to commercial vehicles with a design speed exceeding 25km/h of the categories listed in Article 2(1) of that Directive. Those categories are determined by reference to Directives 2003/37/EC<sup>2</sup> and 2007/46/EC<sup>3</sup> of the European Parliament and of the Council.
- (2) Directives 2003/37/EC and 2007/46/EC were repealed, respectively, by Regulation (EU) No 167/2013<sup>4</sup>, and Regulation (EU) 2018/858<sup>5</sup> of the European Parliament and of the Council.
- (3) Given the changes to the vehicle category designations that stemmed from the repeal of Directive 2003/37/EC by Regulation (EU) No 167/2013, the vehicle categories

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<sup>1</sup> Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1).

<sup>2</sup> Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9.7.2003, p. 1).

<sup>3</sup> 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 (OJ L 263, 9.10.2007, p. 1).

<sup>4</sup> Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1)

<sup>5</sup> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

referred to in Article 2(1) of Directive 2014/47/EU, as well as point 6 of Annex IV to that Directive, should be updated.

- (4) Directive 2014/47/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

### *Article 1*

Directive 2014/47/EU is amended as follows:

- (1) Article 2 is amended as follows:

- (a) paragraph 1 is amended as follows:

- (i) the introductory wording is replaced by the following:

“1. This Directive shall apply to vehicles with a design speed exceeding 25km/h of the following categories, as defined in Regulation (EU) No 167/2013 of the European Parliament and of the Council\*, and Regulation (EU) 2018/858 of the European Parliament and of the Council\*\*:

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\* Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

\*\* Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1)”;

- (ii) point (d) is replaced by the following:

"(d) vehicles of categories T1b, T2b, T3b, T4.1b, T4.2b and T4.3b the use of which mainly takes place on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40km/h.”;

- (2) In Annex IV, point 6 is amended as follows:

- (a) points (g) and (h) are replaced by the following:

(g) T1b;

(h) T2b;

- (b) the following points (i) to (m) are added:

(i) T3b

(j) T4.1b

(k) T4.2b

(l) T4.3b

- (m) Other vehicle category:  
(please specify)

## *Article 2*

### Transposition

1. Member States shall adopt and publish, by [*OP: please insert the date – one year after the publication date of this act*] at the latest, the laws, regulations and administrative measures necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply the measures necessary to comply with Article 1 from [*OP: please insert the date – same as transposition deadline above*].

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

## *Article 3*

### Entry into force

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

## *Article 4*

### Addressees

This Directive is addressed to the Member States.

Done at Brussels, 29.6.2021

For the Commission  
*The President*  
*Ursula VON DER LEYEN*