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**NOTE**

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From:	Presidency/General Secretariat of the Council
To:	Delegations
No. prev. doc.:	12247/16 ENT 170 MI 577 CODEC 1268
No. Cion doc.:	5712/16 ENT 20 MI 45 CODEC 103
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles

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Delegations will find attached a document based on the discussions of the Working Party on Technical Harmonisation (Motor Vehicles) on 4 October, 25 October and 14 November 2016 and on drafting suggestions from delegations.

New text compared to the Commission's proposal is indicated in **bold/underlined** and deletions are marked with ~~strikethrough~~. Highlighted text shows changes compared to the previous document.

Text in square brackets [ ] indicates areas where further in-depth examination is needed.

It is understood that at this stage there is a general scrutiny reservation from all delegations.

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured. Internal market rules should be transparent, simple and consistent, thus providing legal certainty and clarity for the benefit of businesses and consumers.
- (2) To that end, a comprehensive EU type-approval framework for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, was established by Directive 2007/46/EC of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> OJ C , , p. .

<sup>2</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 (Framework Directive)(OJ L 263, 9.10.2007, p. 1).

- (3) An assessment of the Union legal framework for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, carried out in 2013<sup>3</sup>, showed that the framework established by Directive 2007/46/EC is appropriate for achieving the main goals of harmonisation, effective operation of the internal market and fair competition, and therefore should continue to apply.
- (4) In that assessment it was concluded, however, that there is a need to introduce market surveillance provisions to complement the type-approval requirements, a need to clarify the recall and safeguard procedures, as well as the conditions for granting extensions to approvals for existing types of vehicle, a need to improve the enforcement of the type-approval framework by harmonising and enhancing the type-approval and conformity of production procedures applied by Member States' authorities and technical services, a need to clarify the roles and responsibilities of economic operators in the supply chain, and of the authorities and parties involved in the enforcement of the framework, and a need to improve the suitability of alternative type-approval schemes (national small series and individual vehicle approvals) and of the multi-stage type-approval process to provide appropriate flexibility for niche markets and SMEs, without however distorting the level playing field.
- (5) In addition, recent problems encountered with the implementation of the type-approval framework have revealed particular weaknesses and demonstrate the need for a fundamental revision to ensure a robust, transparent, predictable and sustainable regulatory framework that provides a high level of safety and of health and environmental protection.
- (6) This Regulation sets out the harmonised rules and principles for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and the individual vehicle approval, with a view to ensuring the proper functioning of the internal market for the benefit of businesses and consumers and to offer a high level of safety and protection of health and the environment.

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<sup>3</sup> Commission Staff Working Document 'Fitness Check of the EU legal framework for the type-approval of motor vehicles' (SWD(2013) 466 final).

- (7) This Regulation lays down the substantive technical and administrative type-approval requirements for motor vehicles of categories M and N and their trailers (category O), and for the systems, components and separate technical units intended for such vehicles with a view to ensuring an adequate level of safety and environmental performance. These categories cover motor vehicles for the carriage of passengers, motor vehicles for the carriage of goods, and their trailers, respectively.
- (8) This Regulation should strengthen the current type-approval framework, in particular through the introduction of provisions on market surveillance. Market surveillance in the automotive sector should be introduced by specifying the obligations of the economic operators in the supply chain, the responsibilities of the enforcement authorities in the Member States, and the measures to be taken when automotive products are encountered on the market that represent serious safety or environmental risks or that do not comply with the type-approval requirements.
- (9) An effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

- (10) The need for control and monitoring of technical services by the designating authorities has increased since technical progress has raised the risk that technical services do not possess the necessary competence to test new technologies or devices emerging within their scope of designation. As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.
- (11) Designation and monitoring of technical services by the Member States, in accordance with detailed and strict criteria, should therefore be subject to supervisory controls at Union level, including independent audits as a condition for the renewal of their notification after five years. The position of technical services vis-à-vis manufacturers should be strengthened, including their right and duty to carry out unannounced factory inspections and to conduct physical or laboratory tests on products covered by this Regulation, in order to ensure continuous compliance by manufacturers after they have obtained a type-approval for their products.
- (12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist.
- (13) Where designation of a technical service is based on accreditation in the meaning of Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>4</sup>, accreditation bodies and designating authorities should exchange information relevant for the assessment of the competence of technical services.

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<sup>4</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

- (14) The Member States should levy fees for the designation and monitoring of technical services to ensure sustainability of the monitoring of those technical services by Member States and to establish a level playing field for technical services. In order to ensure transparency, the Member States should inform the Commission and the other Member States before they adopt the level and structure of the fees.
- (15) When, in spite of the measures taken to ensure a coherent application and follow up of the requirements by the Member States, the competence of a technical service is in doubt, the Commission should have the possibility to investigate individual cases.
- (16) In order to ensure that tests and reports provided by technical services are not influenced by non-legitimate circumstances, the organisation and operation of technical services should ensure full impartiality. To be able to carry out their tasks in a coherent and systematic manner the technical services should possess a satisfactory management system including provisions on professional secrecy. In order to allow technical services to perform their work properly, the level of knowledge and competence and independence of their personnel should be guaranteed at all times.
- (17) The independence of technical services vis-à-vis manufacturers should be ensured, including by avoiding direct or indirect payments by the manufacturers for the type-approval inspections and tests they have carried out. Therefore the Member States should establish a type-approval fee structure that should cover the costs for carrying out all type-approval tests and inspections carried out by the technical services designated by the type-approval authority, as well as the administrative costs for issuing the type-approval and the costs for carrying out ex-post compliance verification tests and inspections.
- (18) A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the type-approval and conformity of production requirements of the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is regularly verified by means of peer-reviews, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. Moreover, it is important to provide for the verification of the correctness of the type approval itself.

- (19) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental for ensuring a consistently high level of safety and health and environmental protection within the internal market. This should also lead to more efficient use of scarce resources at national level. For this purpose a Forum should be established for Member States and the Commission to exchange information on and to coordinate their activities related to the enforcement of type-approval legislation. The currently informal cooperation between Member States in this respect would benefit from a more formal framework.
- (20) The rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to motor vehicles and their trailers, and to systems, components and separate technical units intended for such vehicles without preventing Member States from choosing the competent authorities to carry out those tasks. Market surveillance may be a competence shared between different national authorities to take account of the national market surveillance systems in the Member States established under Regulation (EC) No 765/2008. Effective coordination and monitoring at Union and national levels should guarantee that approval and market surveillance authorities enforce the new type-approval and market surveillance framework.
- (21) It is necessary to include rules on market surveillance in this Regulation in order to reinforce the rights and obligations of the national competent authorities, to ensure effective coordination of their market surveillance activities and to clarify the applicable procedures.
- (22) In order to increase transparency in the approval process and facilitate the exchange of information and the independent verification by market surveillance authorities, approval authorities and the Commission, type approval documentation should be provided in electronic format and be made publicly available, subject to exemptions due to protection of commercial interests and the protection of personal data.
- (23) The obligations of national authorities concerning market surveillance provided in this Regulation are more specific than those laid down in Article 19 of Regulation (EC) No 765/2008 to take account of the specificities of the type-approval framework and the need to complement that framework with an effective market surveillance mechanism ensuring a robust ex-post verification of compliance of the products covered by this Regulation.

- (24) Those more specific obligations for national authorities provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate risk assessment which takes account of the seriousness of the possible non-compliance and the likelihood of its occurrence.
- (25) In addition, the Commission should organise and carry out or require to carry out ex-post compliance verification tests and inspections, independent from those carried out by Member States under their national market surveillance obligations. When non-compliance is established by those tests and inspections, or where it is found that a type approval has been granted on the basis of incorrect data the Commission should be entitled to initiate Union-wide remedial actions to restore the conformity of the vehicles concerned and to investigate the reasons for the incorrectness of the type approval. Appropriate funding should be ensured in the general budget of the Union to enable the execution of such compliance verification testing and inspections. In view of the budgetary constraints of the Multiannual Financial Framework 2014-2020 the implementation of the legislative proposal will have to be built on existing resources and to be designed in such a manner that they do not generate additional financial resources. The Commission should be entitled to impose administrative fines where non-compliance is established.
- (26) In order to ensure a high level of vehicle functional safety, the protection of vehicle's occupants and other road users, and environmental protection, the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units should continue to be harmonised and adapted to technical and scientific progress.
- (27) The objectives of this Regulation should not be affected by the fact that certain systems, components, separate technical units or parts and equipment can be fitted to or in a vehicle after that vehicle has been placed on the market, registered or entered into service. Appropriate measures should therefore be taken to ensure that the systems, components, separate technical units or parts and equipment that can be fitted to or in vehicles and that can significantly impair the functioning of systems that are essential for environmental protection or functional safety are controlled by an approval authority before they are placed on the market, registered or entered into service.



- (28) The EU type-approval system has to enable each Member State to confirm that every type of vehicle and every type of system, component and separate technical unit intended for such type of vehicle has undergone the tests and inspections provided for in this Regulation to verify its compliance with the type-approval requirements of this Regulation and that its manufacturer has obtained a type-approval certificate for it. The EU type-approval system obliges a manufacturer to produce his vehicles, systems, components and separate technical units in conformity with the approved type. A vehicle manufacturer has to certify this by issuing a certificate of conformity for every vehicle. Every vehicle accompanied by a valid certificate of conformity should be permitted to be made available on the market and registered for use throughout the Union.
- (29) Conformity of production is one of the cornerstones of the EU type-approval system, and therefore the arrangements set up by the manufacturer to ensure such conformity should be approved by the competent authority or by an appropriately qualified technical service designated for that purpose, and be subject to regular verification by means of independent periodic audits. In addition, approval authorities should ensure the verification of the continued conformity of the products concerned.
- (30) The continued validity of the type-approvals requires that the manufacturer informs the authority that has approved his type of vehicle about any changes to the characteristics of the type or the safety and environmental performance requirements applicable to that type. It is therefore important that the validity of issued type-approval certificates is limited in time and that those certificates can only be renewed when the approval authority has verified and is satisfied that the type of vehicle continues to comply with all the applicable requirements. Furthermore, the conditions for extending type-approvals should be clarified to ensure a uniform application of the procedures and enforcement of the type-approval requirements throughout the Union.
- (31) The assessment of reported serious risks to safety and of harm to public health and the environment should be conducted at national level, but coordination at Union level should be ensured where the reported risk or harm may exist beyond the territory of one Member State with the objective of sharing resources and ensuring consistency regarding the corrective action to be taken to mitigate the identified risk and harm.

- (32) In order to ensure that all vehicles, systems, components and separate technical units placed on the market offer a high level of safety and environmental protection, the manufacturer or any other economic operator in the supply chain should take effective corrective measures, including the recall of vehicles, where a vehicle, system, component or separate technical unit presents a serious risk for users or the environment as referred to in Article 20 of Regulation (EC) No 765/2008. Approval authorities should be empowered to assess and verify whether those measures are sufficient. The authorities of other Member States' should have the right to take safeguard measures in case they would consider that the manufacturer's corrective measures are not sufficient.
- (33) Appropriate flexibility should be provided by means of alternative type-approval schemes for manufacturers who produce vehicles in small series. They should be able to benefit from the advantages of the Union internal market provided that their vehicles comply with the specific EU type-approval requirements for vehicles produced in small series. In certain limited cases, it is appropriate to allow for national small series type-approval. In order to prevent misuse, any simplified procedure for vehicles produced in small series should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of vehicles produced in small series in terms of the number of vehicles produced, the requirements to be complied with and the conditions for placing those vehicles on the market. It is equally important to specify an alternative approval scheme for individual vehicles, in particular to provide sufficient flexibility for the approval of vehicles built in multiple stages.

- (34) The Union is a contracting party to the Agreement of the United Nations Economic Commission for Europe (UNECE) 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 ('Revised 1958 Agreement')<sup>5</sup>. The Union has accepted a significant number of regulations annexed to the Revised 1958 Agreement and has therefore the obligation to accept type-approvals issued in accordance with those regulations, as complying with the equivalent Union requirements. For the purpose of simplifying its type-approval framework and aligning it with the international framework of the UNECE, the Union in Regulation (EC) No 661/2009 of the European Parliament and of the Council<sup>6</sup> repealed its specific type-approval Directives and replaced them with the obligatory application of the relevant UNECE regulations. To reduce the administrative burden of the type-approval process, manufacturers of vehicles, systems, components and separate technical units should be allowed to seek type-approval in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE regulations referred to in the Annexes to this Regulation.
- (35) Consequently, UNECE regulations and the amendments thereto which the Union has voted in favour of or that the Union applies, in accordance with Council Decision 97/836/EC<sup>7</sup>, should be incorporated within the EU type-approval legislation. Accordingly, the power should be delegated to the Commission to amend the Annexes to this Regulation and to adopt delegated acts to ensure that the references to the UNECE regulations and their respective amendments in the list of the relevant regulatory acts are kept up-to-date.

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<sup>5</sup> 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 ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 81).

<sup>6</sup> Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1).

<sup>7</sup> Council Decision 97/836/EC of 27 November 1997 (OJ L 346, 17.12.1997, p. 78).

- (36) Unrestricted access to vehicle repair and maintenance information, via a standardised format that can be used to retrieve the technical information, and effective competition on the market for services providing such information is necessary to improve the functioning of the internal market, particularly as regards the free movement of goods, the freedom of establishment and the freedom to provide services. The requirements for the provision of repair and maintenance information have so far been laid down in Regulation (EC) No 715/2007 of the European Parliament and of the Council<sup>8</sup>, Regulation (EC) No 595/2009 of the European Parliament and of the Council<sup>9</sup>, Commission Regulation (EU) No 692/2008<sup>10</sup> and Commission Regulation (EU) No 582/2011<sup>11</sup>. Those requirements should be consolidated in this Regulation and Regulations (EC) No 715/2007, (EC) No 595/2009, (EU) No 692/2008 and (EU) No 582/2011 should be amended accordingly.
- (37) Whereas technical progress introducing new methods or techniques for vehicle diagnostics and repair, such as remote access to vehicle information and software, should not weaken the objectives of this Regulation with respect to access to repair and maintenance information for independent operators.

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<sup>8</sup> Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

<sup>9</sup> Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1).

<sup>10</sup> Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

<sup>11</sup> Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1).

- (38) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>12</sup>.
- (39) In order to supplement this Regulation with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of type-approval requirements concerning the environmental and safety performance of motor vehicles and their trailers, and of systems, components and separate technical units for such vehicles. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (40) Member States should lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive. Member States shall report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.
- (41) In the interests of clarity, rationality and simplification, Directive 2007/46/EC should be repealed and replaced by this Regulation. The adoption of a Regulation ensures that provisions are directly applicable and that they can be updated in a timely and more efficient manner to take better account of technical progress and regulatory developments in the context of the Revised 1958 Agreement.

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<sup>12</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (42) In order to properly implement the compliance verification by the Commission and to ensure a level playing field for economic operators and national authorities, the Commission should be competent to impose harmonized administrative fines upon the economic operators found to have infringed upon this regulation regardless of where the vehicle, system, component or separate technical unit was originally type-approved.
- (43) Whenever the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Directive 95/46/EC of the European Parliament and of the Council<sup>13</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>14</sup>, as well as the national implementing measures thereto.
- (44) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by the act, an application date following the entry into force should be set.
- (45) Since the objectives of this Regulation, namely to lay down harmonised rules on the administrative and technical requirements for the type-approval of vehicles of categories M, N and O, and of systems, components and separate technical units, and on market surveillance of such vehicles, systems, components and separate technical units, cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

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<sup>13</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

<sup>14</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

# CHAPTER I

## SUBJECT MATTER, SCOPE AND DEFINITIONS

### *Article 1* *Subject matter*

1. This Regulation establishes the administrative provisions and technical requirements for the type-approval and placing on the market of all new vehicles, systems, components and separate technical units intended for such vehicles referred to in Article 2(1). It also applies to individual vehicle approvals.

**This Regulation also establishes the provisions for the placing on the market and entry into service of parts and equipment that may pose a serious risk to the correct functioning of essential systems of vehicles referred to in Article 2(1).**

2. This Regulation establishes the requirements for the market surveillance of vehicles, systems, components and separate technical units that are subject to approval in accordance with this Regulation, as well as of parts and equipment for such vehicles.

### *Article 2* *Scope*

1. This Regulation shall apply to motor vehicles of categories M and N and their trailers of category O, that are intended to be used on public roads, including those designed and constructed in one or more stages, and to systems, components and separate technical units, as well as to parts and equipment, designed and constructed for such vehicles and trailers.

2. This Regulation does not apply to the following vehicles:
  - (a) agricultural or forestry vehicles, as defined in Regulation (EU) No 167/2013 of the European Parliament and of the Council<sup>15</sup>;
  - (b) two- or three-wheel vehicles and quadricycles, as defined in Regulation (EU) No 168/2013 of the European Parliament and of the Council<sup>16</sup>;
  - (c) ~~vehicles that are used on track~~ **-laying vehicles**.
  
3. For the following vehicles and machinery, the manufacturer may apply for type-approval or individual vehicle approval under this Regulation, provided that those vehicles fulfil the substantive **technical** requirements of this Regulation:
  - (a) vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities;
  - (b) vehicles designed and constructed for use by the armed services, civil defence, fire services and forces responsible for maintaining public order;
  - (c) any self-propelled vehicle designed and constructed specifically to perform work and that, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods.
  
4. For the following vehicles, the manufacturer may apply for individual vehicle approval under this Regulation:
  - (a) vehicles intended exclusively for racing on roads;
  - (b) prototypes of vehicles used on the road under the responsibility of a manufacturer to perform a specific test programme provided they have been specifically designed and constructed for that purpose.

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<sup>15</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 or forestry vehicles (OJ L 60, 2.03.2013, p. 1).

<sup>16</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.03.2013, p. 52).



*Article 3*  
*Definitions*

For the purposes of this Regulation **and the regulatory acts of the EU listed in Annex IV, save as otherwise provided therein**, the following definitions shall apply:

- (1) ‘type-approval’ means the procedure whereby a type-approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements;
- (2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance authorities to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety or any other aspect of public interest protection;
- (3) ‘vehicle’ means any motor vehicle or its trailer as defined in points (10) and (11);
- (4) ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV;
- (5) ‘component’ means a device that is intended to be part of a vehicle and that may be type-approved independently of that vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV **where the regulatory act makes express provisions for so doing**;
- (6) ‘separate technical unit’ means a device intended to be part of a vehicle that may be type-approved separately, but only in relation to one or more specified types of vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV **where the regulatory act makes express provisions for so doing**;
- (7) ‘parts’ means goods used for the assembly, repair and maintenance of a vehicle as well as spare parts;
- (8) ‘equipment’ means goods other than parts that can be added to or installed on a vehicle;

- (9) ‘manufacturer’ means a natural or legal person who is responsible for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production and for market surveillance matters regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether that person is or is not directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned;
- (10) ‘motor vehicle’ means any power-driven vehicle designed and constructed to be moved by its own means, having at least four wheels, being complete, completed or incomplete, with a maximum design speed exceeding 25 km/h;
- (11) ‘trailer’ means any non-self-propelled vehicle on wheels designed and constructed to be towed by a motor vehicle **that can articulate at least around a horizontal axis perpendicular to the longitudinal median plane and a vertical axis parallel to the longitudinal median plane of the towing motor vehicle;**
- (12) ‘approval authority’ means the authority or authorities of a Member State, notified to the Commission by that Member State, with competence for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or of the individual vehicle approval, for the authorisation process for parts and equipment, for issuing and, if appropriate, withdrawing or refusing approval certificates, for acting as the contact point for the approval authorities of the other Member States, for designating the technical services, and for ensuring that the obligations regarding the conformity of production of the manufacturer are met;
- (13) ‘market surveillance authority’ means the national authority or authorities responsible for carrying out market surveillance on the territory of the Member State;
- (14) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance, border control or registration in a Member State in respect of vehicles, systems, components, separate technical units and parts or equipment;

- (15) ‘placing on the market’ means making available a vehicle, system, component, separate technical unit, part or equipment for the first time in the Union;
- (16) ‘registration’ means the ~~permanent or temporary~~ administrative authorisation for the entry into service in road traffic of a vehicle, ~~including~~ **involving** the identification of the vehicle and the issuing **to it** of a serial number, **to be known as the registration number, be it permanently, temporarily or for a short period of time;**
- (17) ‘entry into service’ means the first use, for its intended purpose, in the Union, of a vehicle, system, component, separate technical unit, part or equipment;
- (18) ‘economic operator’ means the manufacturer, the manufacturer’s representative, the importer or the distributor;
- (19) ‘whole-vehicle type-approval’ means the procedure whereby an approval authority certifies that an incomplete, complete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements;
- (20) ‘multi-stage type-approval’ means the procedure whereby one or more approval authorities certify that depending on the state of completion, an incomplete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements;
- (21) ‘incomplete vehicle’ means any vehicle that requires at least one further stage of completion in order to meet the relevant technical requirements of this Regulation and of the regulatory acts listed in Annex IV;
- (22) ‘EU type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of this Regulation and of the regulatory acts listed in Annex IV;
- (23) ‘type-approval certificate’ means the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is type-approved;

- (24) ‘manufacturer’s representative’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to represent the manufacturer before the approval authority or the market surveillance authority and to act on the manufacturer’s behalf in matters covered by this Regulation;
- (25) ‘importer’ means a natural or legal person established in the Union who places on the market a vehicle, system, component, separate technical unit, part or equipment that has been manufactured in a third country;
- (26) ‘national type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements laid down by the national law of a Member State, the validity of such approval being restricted to the territory of that Member State;
- (27) ‘certificate of conformity’ means the document ~~set out in Annex IX~~, issued by the manufacturer, which certifies that a produced vehicle conforms to the approved type of vehicle **and complies with all regulatory acts at the time of its production**;
- (28) ‘distributor’ means a dealer or any other natural or legal person in the supply chain, other than the manufacturer or the importer, who makes available on the market a vehicle, system, component, separate technical unit, part or equipment;
- (29) ‘making available on the market’ means any supply of a vehicle, system, component, separate technical unit, part or equipment for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;
- (30) ‘step-by-step type-approval’ means the procedure consisting of the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units forming part of a vehicle, and which leads, at the final stage, to the whole-vehicle type-approval;

- (31) ‘single-step type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit as a whole satisfies the relevant administrative provisions and technical requirements by means of a single operation;
- (32) ‘mixed type-approval’ means a step-by-step type-approval for which one or more system type-approvals have been obtained during the final stage of the **whole-vehicle type-approval** ~~of the whole vehicle~~, without the need to issue the EU type-approval certificates for those systems;
- (33) ‘completed vehicle’ means a vehicle resulting from the multi-stage type-approval that meets the relevant technical requirements of this Regulation and of the regulatory acts listed in Annex IV;
- (34) ‘complete vehicle’ means a vehicle that does not need to be completed in order to meet the relevant technical requirements of this Regulation and of the regulatory acts listed in Annex IV;
- (35) ‘type of vehicle’ means a particular ~~category~~ **group** of vehicles that shares at least the essential criteria specified in Part B of Annex II, and that may contain variants and versions as referred thereto;
- (36) ‘technical service’ means an organisation or body designated by the approval authority as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections;
- (37) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval **irrespective of whether it falls under definition (10)**;
- (38) ‘system type-approval’ means the procedure whereby an approval authority certifies that a type of system satisfies the relevant administrative provisions and technical requirements;
- (39) ‘separate technical unit type-approval’ means the procedure whereby an approval authority certifies that a type of separate technical unit satisfies the relevant administrative provisions and technical requirements in relation to one or more specified types of vehicles;

- (40) ‘component type-approval’ means the procedure whereby an approval authority certifies that a type of component independently of a vehicle satisfies the relevant administrative provisions and technical requirements;
- (41) ‘virtual testing method’ means computer simulations, including calculations, to demonstrate that a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of a regulatory act listed in Annex IV without requiring the use of a physical vehicle, system, component or separate technical unit;
- (42) ‘individual vehicle approval’ means the procedure whereby an approval authority certifies that a particular vehicle, whether unique or not, satisfies the relevant administrative provisions and technical requirements for EU individual vehicle approval ~~and~~ or national individual vehicle approval;
- (43) ‘end-of-series vehicle’ means a vehicle that is part of a stock and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service;
- (44) ‘alternative requirements’ means administrative provisions and technical requirements that aim to ensure a level of functional safety, environmental protection and occupational safety that to the greatest extent practicable is equivalent to the level provided for by one or more of the regulatory acts listed in Annex IV;
- (45) ‘spare parts’ means goods that are to be installed in or on a vehicle to replace original parts of that vehicle, including goods that are necessary for the use of a vehicle, with the exception of fuel;

(46) ‘vehicle repair and maintenance information’ means all information required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming or re-initialising **or the remote diagnostic support** of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is provided by the manufacturer to his authorised dealers and repairers, including all subsequent amendments and supplements to that information;

**(46a) ‘complex electronic vehicle control systems’ means those electronic control systems which are subject to a hierarchy of control in which a controlled function may be overridden by a higher level electronic control system/function.**

(47) ‘independent operator’ means a natural or legal person, other than an authorised dealer or repairer, who is directly or indirectly involved in the repair and maintenance of vehicles, including repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative fuel vehicles; it also means authorised repairers, dealers or distributors within the distribution system of a given vehicle manufacturer to the extent that they provide repair and maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer’s distribution system;

(48) ‘authorised repairer’ means a natural or legal person providing repair and maintenance services for vehicles operating within the manufacturer’s distribution system;

(49) ‘independent repairer’ means a natural or legal person providing repair and maintenance services for vehicles not operating within the manufacturer’s distribution system;

(50) ‘vehicle on-board diagnostic (OBD) information’ means the information relating to a system on board of a vehicle or that is connected to an engine and that has the capability of detecting a malfunction, and, where applicable, of indicating its occurrence by means of an alert system, of identifying the likely area of malfunction by means of information stored in a computer memory, and of communicating that information off-board;

- (51) ‘vehicle produced in small series’ means a type of vehicle of which the number of units that is made available on the market, registered or entered into service does not exceed the quantitative annual limits laid down in Annex XII;
- (52) ‘special purpose vehicle’ (SPV) means a vehicle of category M, N or O having specific technical features to perform a function that requires special arrangements or equipment;
- ~~(53) ‘Semi-trailer’ means a towed vehicle, in which the axle(s) is (are) positioned behind the centre of gravity of the vehicle (when uniformly loaded), and which is equipped with a connecting device permitting horizontal and vertical forces to be transmitted to the towing vehicle.~~
- (54) ‘national accreditation body’ means the sole body in a Member State that performs accreditation with authority derived from the State, as laid down in Article 2(11) of Regulation (EC) No 765/2008;
- (55) ‘on-site assessment’ means a verification ~~by the type-approval authority~~ in the premises of the technical service or of one of its subcontractors or subsidiaries;
- (56) ‘surveillance on-site assessment’ means a periodic routine on-site assessment which is neither the on-site assessment undertaken for the initial designation, nor the on-site assessment undertaken for the renewal of the designation;



*Article 4*  
*Vehicle categories*

1. For the purposes of this Regulation, the following vehicle categories shall apply:
  - (a) Category M comprises motor vehicles designed and constructed primarily for the carriage of persons and their luggage, namely:
    - (i) Category M<sub>1</sub>: motor vehicles comprising not more than eight seating positions in addition to the driver's seating position and without space for standing passengers. The number of seating positions may be restricted to the driver's seating position;
    - (ii) Category M<sub>2</sub>: motor vehicles comprising more than eight seating positions in addition to the driver's seating position and having a maximum mass not exceeding 5 tonnes. These motor vehicles may have space for standing passengers;
    - (iii) Category M<sub>3</sub>: motor vehicles comprising more than eight seating positions in addition to the driver's seating position and having a maximum mass exceeding 5 tonnes. These motor vehicles may have space for standing passengers.
  - (b) Category N comprises motor vehicles designed and constructed primarily for the carriage of goods, namely:
    - (i) Category N<sub>1</sub>: motor vehicles having a maximum mass not exceeding 3,5 tonnes;
    - (ii) Category N<sub>2</sub>: motor vehicles having a maximum mass exceeding 3,5 tonnes but not exceeding 12 tonnes;
    - (iii) Category N<sub>3</sub>: motor vehicles having a maximum mass exceeding 12 tonnes.

(c) Category O comprises trailers designed and constructed for the carriage of goods or of persons, as well as for the accommodation of persons, namely:

- (i) Category O<sub>1</sub>: trailers having a maximum mass not exceeding 0,75 tonnes;
- (ii) Category O<sub>2</sub>: trailers having a maximum mass exceeding 0,75 tonnes but not exceeding 3,5 tonnes;
- (iii) Category O<sub>3</sub>: trailers having a maximum mass exceeding 3,5 tonnes but not exceeding 10 tonnes;
- (iv) Category O<sub>4</sub>: trailers having a maximum mass exceeding 10 tonnes.

2. The criteria for the categorisation of vehicles, types of vehicle, variants and versions are specified in Annex II.

The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex II concerning the ~~categorisation of vehicle sub-categories~~, types of vehicle and types of bodywork in order to adapt it to technical progress.

## CHAPTER II

### GENERAL OBLIGATIONS

#### Article 5 *General substantive **Technical** requirements*

1. Vehicles, systems, components and separate technical units shall comply with the requirements of the regulatory acts listed in Annex IV.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex IV to take account of technological and regulatory developments by introducing and updating references to regulatory acts containing the requirements with which vehicles, systems, components and separate technical units have to comply.

#### Article 6 *Obligations of Member States*

1. Member States shall establish or appoint the approval authorities and the market surveillance authorities. Member States shall notify the Commission of the establishment and appointment of such authorities.

That notification shall include the name of those authorities, their address, including their electronic address, and their competences. The Commission shall publish on its website a list and details of the approval authorities and the market surveillance authorities.

- 1a. A Member State where more than one approval authority is responsible for vehicle approval including individual vehicle approval, shall designate a unique type approval authority responsible for the exchange of information with the approval authorities of the other Member States [and for the obligations laid down in Chapter XV of this Regulation].** *(moved from 7(3))*

2. Member States shall permit the placing on the market, registration or entry into service of only those vehicles, systems, components and separate technical units that comply with the requirements set out in this Regulation.

3. Member States shall not prohibit, restrict or impede the placing on the market, registration or entry into service of vehicles, systems, components or separate technical units that comply with the requirements set out in this Regulation, except in the cases provided in Article 52.

By way of derogation from that rule, Member States are not obliged to allow **the circulation on the road**, the placing on the market, registration or entry into service of vehicles that are type-approved in accordance with this Regulation, but exceed the harmonised dimensions, **weight [mass] and axle load** laid down in Annex I to Council Directive 96/53/EC<sup>17</sup>.

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008.
5. Member States shall take the necessary measures to ensure that market surveillance authorities may, where they consider it necessary and justified, be entitled to enter the premises of economic operators **on their territory** and ~~seize~~ **take** the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.
6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every four years and the results thereof shall be communicated to the other Member States, ~~and~~ the Commission **and the Forum for Exchange of Information on Enforcement**. The Member State concerned shall make a summary of the results accessible to the public [ ~~, in particular the number of type approval granted and the identity of the corresponding manufacturers~~ ].

**The Forum shall discuss the outcome of the periodical assessments and may issue recommendations.**

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<sup>17</sup> Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235 17.9.1996, p. 59).

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every four years and the results thereof shall be communicated to the other Member States and the Commission **and submit it to the Forum**. The Member State concerned shall make a summary of the results accessible to the public.

**8. The Commission may adopt implementing acts to lay down the common criteria to appoint, review and assess the approval authorities and the market surveillance authorities at national level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

#### *Article 7*

#### *Obligations of approval authorities*

1. Approval authorities shall only approve such vehicles, systems, components or separate technical units that comply with the requirements of this Regulation.
2. Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) in order to protect the interests of users in the Union.
3. ~~A Member State where more than one approval authority is responsible for vehicle approval including individual vehicle approval, shall designate a unique type approval authority responsible for the exchange of information with the approval authorities of the other Member States and for the obligations laid down in Chapter XV of this Regulation.~~ (*moved to 6(1a)*)

Approval authorities within a Member State shall cooperate with each other by sharing information relevant to their role and functions.

4. Where an approval authority is informed in accordance with Articles 8(5), 9(5), 52(4) or 54, it shall take all necessary measures to review the approval granted and, where appropriate, correct or withdraw the approval depending on the reasons and the seriousness of the deviations demonstrated.

~~5. The Commission may adopt implementing acts to lay down the common criteria to appoint, review and assess the approval authorities at national level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).~~

*Article 8*  
*Obligations of market surveillance authorities*

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation ~~as well as with the correctness of the type approvals~~. Those checks shall be performed on an adequate scale, by means of documentary checks and, **where appropriate**, real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.
2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.
3. For type-approved vehicles, systems, components and separate technical units, market surveillance authorities shall take due account of certificates of conformity, **type-approval marks or type-approval certificates** presented by economic operators.
4. Market surveillance authorities shall take appropriate measures to alert users within their territories within an adequate timeframe of hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage.

Market surveillance authorities shall cooperate with economic operators regarding actions which could prevent or reduce risks caused by vehicles, systems, components and separate technical units made available by those operators.

5. Where the market surveillance authorities of one Member State decide to withdraw a vehicle, system, component and separate technical unit from the market in accordance with Article 49(5), they shall inform the economic operator concerned and ~~where applicable~~ the relevant approval authority.
6. Market surveillance authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary in order to protect the interests of users in the European Union.
- ~~7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every four years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.~~
8. The market surveillance authorities of different Member States shall coordinate their market surveillance activities, cooperate with each other and share with each other and with the Commission the results thereof. Where appropriate, the market surveillance authorities shall agree on work-sharing and specialisation.
9. Where more than one authority in a Member State is responsible for market surveillance and external border controls, those authorities shall cooperate with each other, by sharing information relevant to their role and functions.
10. The Commission may adopt implementing acts to lay down the criteria for setting out the scale, scope and frequency with which the compliance verification checks of samples taken referred to in paragraph 1 have to be performed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Article 9*  
*Compliance verification ~~by the Commission~~ and*  
*enforcement co-ordination with Member States*

1. The Commission shall ~~organise and carry out, or~~ require **Member States** to ~~be carried out~~ **or shall carry out itself or sub-contract to third parties**, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type approvals and to applicable legislation as well as to ensure the correctness of the type approvals.

**Those tests shall be performed by the Member States under their national market surveillance obligations in accordance with Article 8. Only where those market surveillance obligations are not fulfilled by the Member States, the Commission may, at its own expense, carry out those tests. When doing so, the Commission shall take account of established principles of risk assessment, complaints and any other relevant information, in particular the information exchanged in the Forum in accordance with Article 10.**

Those tests and inspections may take place on ~~new~~ **vehicles, components and separate technical units** supplied by manufacturers or the economic operator as provided in paragraph 2 below.

~~Those tests and inspections may also take place on registered vehicles in agreement with the vehicle registration holder.~~

2. Manufacturers holding type-approvals or ~~the~~ **other** economic operators shall, upon request, supply to the Commission, a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may require.



3. For the purpose of enabling the Commission to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available to the Commission all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

For vehicles approved in accordance with the step-by-step or multistage type-approval procedure, Member States shall also provide the Commission with the type-approval certificate and its attachments referred to in Article 26(1) for the underlying type-approvals of systems, components and separate technical units.

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).
5. Where the Commission establishes that the vehicles, **components and separate technical units** tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV, **that the vehicles, components or separate technical unit do not comply with the characteristics according to the type-approval** or that the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) without delay the economic operator concerned to take all appropriate corrective measures to bring the vehicles, **components and separate technical units** in compliance with those requirements, or it shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles, **components and separate technical units** concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

Where those tests and inspections put into question the correctness of the type approval itself, the Commission shall inform the approval authority or authorities concerned as well as the Forum for Exchange of Information on Enforcement.

The Commission shall publish a report of its findings following any compliance verification testing it has carried out.

~~6. **The expenses resulting from the actions mentioned in this Article will be covered by the EU budget.**~~

#### *Article 10*

##### *Forum for Exchange of Information on Enforcement*

1. The Commission shall establish and chair a Forum for Exchange of Information on Enforcement ('the Forum').

This Forum shall be composed of members appointed by the Member States.

*(a recital should be added to clarify that the Forum members should in principle represent the national authorities responsible for the type-approval and market surveillance authorities).*

- ~~2. The Forum shall coordinate a network of advise the national authorities responsible for the type approval and market surveillance.~~

It's **The** advisory tasks **of the Forum** shall comprise inter alia the promotion of good practices, the exchange of information on enforcement problems, cooperation, development of working methods and tools, development of an electronic information exchange procedure, evaluation of harmonised enforcement projects, penalties and joint inspections.

**2a. The Forum shall discuss consider in particular:**

- (a) the results of the periodic reviews of the type-approval and surveillance activities carried out by Member States in accordance with Article 6(6) and (7);**
- (b) the reports submitted under Article 71(7) by Member States on their procedures for the assessment, designation and notification of technical services and for the monitoring of technical services;**
- (c) the questions of general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services in accordance with Article 82(4);**
- (d) the sanctions imposed by Member States in accordance with Article 89(5);**
- (e) the planning and results of market surveillance activities ;**
- (f) the results of tests and inspections carried out by the Commission in accordance with Article 9.**

**2b. ~~Based on the outcomes of the discussions according to paragraph 2a, the Forum shall recommend a plan for a review of type-approval authorities and communicate it to the Commission. The recommendation shall include a suggestion for a schedule of the review and for the composition of the personnel reviewing the type-approval authority. Notwithstanding the above, it shall be ensured that all type-approval authorities are reviewed at least once every [5] years.~~**

**Taking into account the outcome of the considerations in accordance with paragraph 2a, the Forum may recommend a procedure for a peer-review of type-approval authorities covering in particular the following elements:**

- (a) the designation of technical services;**
- (b) the rules for assigning the staff reviewing the type-approval authorities for each peer-review;**
- (c) the schedule and the periodicity of the peer-review.**

The Commission may decide on its participation on the basis of a risk assessment analysis.

2c. Following a recommendation from the Forum in accordance with paragraph 2b, the Commission may adopt implementing acts setting out a plan for the peer-reviews for all type-approval authorities of Member States covering a period of up to 5 years. This plan may lay down criteria concerning the composition of the peer-reviewing team, the methodology used for the review and other tasks related to the review. The review shall include an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the review and decide on its participation on the basis of a risk assessment analysis. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

2d. The outcome of the peer-reviews shall be communicated to all Member States and to by the Commission and a summary of the outcome shall be made publicly available. It shall be discussed examined by the Forum. Where the Forum issues recommendations in accordance with paragraph 2b, the Member State concerned shall report in accordance with Article 6(6) on how it has adressed the recommendations.

3. The Commission shall be empowered to may adopt delegated implementing acts in accordance with Article 88 to lay down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum by [PO: please insert the date [12] months after entry into force of this Regulation.]. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

4. In accordance with Article 9(5) the Forum is informed by the Commission where tests and inspections required to be carried out by the Commission put into question the correctness of the type-approval itself.

*Article 11*  
*General obligations of manufacturers*

1. The manufacturer shall ensure that the vehicles, systems, components ~~or~~ **and** separate technical units ~~that he has manufactured and that have been~~ **are** placed on the market, or entered into service have been manufactured and approved in accordance with the requirements set out ~~in this Regulation~~ **in the regulatory acts listed in Annex IV**.

2. **The manufacturer shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production.**

In the case of multi-stage type-approval, the manufacturer shall also be responsible for the approval and conformity of production of the systems, components or separate technical units that he has added at the stage of vehicle completion. Any manufacturer who modifies components, systems or separate technical units already approved at earlier stages shall be responsible for the approval and conformity of production of the modified components, systems or separate technical units. The manufacturer of the previous stage shall provide information to the manufacturer of the subsequent stage regarding any change that may affect component type-approval, system type-approval or separate technical unit type-approval or the whole-vehicle type-approval. Such information shall be provided as soon as the new extension to the whole-vehicle type-approval has been issued and at the latest on the starting date of production of the incomplete vehicle.

3. The manufacturer who modifies an incomplete vehicle in such a manner that it qualifies as a different category of vehicle, with the consequence that the requirements already assessed in a previous stage of type-approval have changed, shall also be responsible for compliance with the requirements applicable to the category of vehicles for which the modified vehicle qualifies.

4. For the purposes of EU type-approval **of vehicles, systems, components or separate technical units**, a manufacturer established outside the Union shall appoint a single representative established within the Union to represent the manufacturer before the approval authority. That manufacturer shall also appoint a single representative established within the Union for the purposes of market surveillance, who may be the same representative appointed for the purposes of EU type-approval.
- ~~5. The manufacturer shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production, whether or not he is directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.~~
6. The manufacturer shall establish procedures to ensure that series production of vehicles, systems, components and separate technical units remains in conformity with the approved type.
7. In addition to the statutory plate fixed to their vehicles and type-approval marks fixed to their components or separate technical units in accordance with Article 36, the manufacturer shall indicate his name, registered trade name or registered trade mark and his contact address in the Union on his vehicles, components or separate technical units made available on the market or, where that is not possible, on the packaging or in a document accompanying the component or separate technical unit.

#### *Article 12*

#### *Obligations of manufacturers concerning their vehicles, systems, components, separate technical units or parts and equipment that are not in conformity or that present a serious risk*

1. ~~A manufacturer who considers that~~ **Where** a vehicle, system, component, separate technical unit, or part or equipment that has been placed on the market or entered into service is not in conformity with this Regulation or that the type approval has been granted on the basis of incorrect data, **the manufacturer** shall immediately take the appropriate measures necessary to bring that vehicle, system, component, separate technical unit, part or equipment into conformity, to withdraw it from the market or to recall it, as appropriate.

The manufacturer shall immediately inform the approval authority that has granted the approval in detail of the non-conformity and of any measures taken.

2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide detailed information on the ~~non-~~**conformity risk** and on any measures taken to the approval and market surveillance authorities of the Member States ~~in which the vehicle, system, component, separate technical unit, part or equipment has been made available on the market or has entered into service to that effect.~~
3. The manufacturer shall keep the ~~information package~~ **type-approval certificate and its attachments** referred to in Article 24(4) for a period of ten years after the ~~placing on the market of a~~ **end of validity of the** vehicle **EU type-approval** and for a period of five years after the ~~placing on the market for~~ **end of validity of the EU type-approval of** a system, component or separate technical unit.

The vehicle manufacturer shall keep at the disposal of the approval authorities **for a period of ten years** a copy of the certificates of conformity referred to in Article 34.

4. The manufacturer shall, upon a reasoned request from a national authority, provide that authority, ~~through the approval authority,~~ with a copy of the EU type-approval certificate or the authorisation referred to in Article 55(1) demonstrating conformity of the vehicle, system, component or separate technical unit, **part or equipment** in a language that can be easily understood by the national authority.

The manufacturer shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

*Article 13*  
*Obligations of manufacturer's representatives ~~concerning market surveillance~~*

1. The manufacturer's representative ~~for market surveillance~~ shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall provide for that representative to do at least the following:
  - (a) have access to the ~~information folder~~ **type-approval certificate and its attachments** ~~referred to in Article 22~~ and the certificate of conformity ~~referred to in Article 34~~ in one of the official Union languages. Such documentation shall be made available to the approval authorities for a period of ten years after the placing on the market of a vehicle and for a period of five years after the placing on the market for a system, component or separate technical unit;
  - (b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;
  - (c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;
  - (d) immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents, non-compliance issues with vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;
  - (e) terminate that mandate if the manufacturer acts contrary to his obligations under this Regulation.
  
2. A manufacturer's representative who terminates the mandate on the grounds referred to in point (e) of paragraph 1 shall immediately inform the type approval authority that granted the approval and the Commission.



3. The details of a change shall address at least the following aspects:
- (a) the date of termination of the mandate with the outgoing authorised representative and date of beginning of the mandate with the incoming manufacturer's representative;
  - (b) the date until which the outgoing manufacturer's representative may be indicated in the information supplied by the manufacturer, including any promotional material;
  - (c) the transfer of documents, including confidentiality aspects and property rights;
  - (d) the obligation of the outgoing manufacturer's representative after the end of the mandate to forward to the manufacturer or incoming manufacturer's representative any complaints or reports about risks and suspected incidents related to a vehicle, system, component, separate technical unit, part or equipment for which he had been designated as manufacturer's representative.

*Article 14*  
*Obligations of importers*

1. The importer shall place on the market only vehicles, systems, components or separate technical units that ~~have either received EU type approval or national type approval, or parts or equipment that comply with the requirements of Regulation (EC) No 765/2008~~ **comply with this Regulation.**
2. Before placing on the market a type-approved vehicle, system, component or separate technical unit, the importer shall verify that ~~an information package referred to in Article 24(4) has been put together by the approval authority,~~ **it is covered by a valid type-approval certificate** and that the ~~system,~~ component or separate technical unit bears the required type-approval mark and complies with Article 11(7).

In the case of a vehicle, the importer shall ensure that the vehicle is accompanied by the required certificate of conformity.

3. Where ~~the importer considers that~~ a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular that it does not correspond to its type-approval, ~~he~~ **the importer** shall not place on the market, allow to enter into service or register the vehicle, system, component or separate technical unit, until it has been brought into conformity.
- 3a.** Where ~~he considers that~~ the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, ~~he~~ **the importer** shall inform the manufacturer and the market surveillance authorities thereof. For type-approved vehicles, systems, components and separate technical units, he shall also inform the approval authority that has granted the type-approval.
4. The importer shall indicate his name, registered trade name or registered trade mark and his contact address on the vehicle, system, component, separate technical unit, part or equipment, or, where this is not possible, on its packaging or in a document accompanying the system, component, separate technical unit, part or equipment.
5. The importer shall ensure that the vehicle, system, component or separate technical unit is accompanied by the instructions and information required by Article 63 in the official language or languages of the Member States concerned.
6. The importer shall, to protect the health and safety of consumers, ~~investigate and~~ keep a register of complaints and recalls of vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market and keep his distributors informed of such ~~monitoring~~ **complaints and recalls**.
- 7. The importer shall immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents, non-compliance issues with imported vehicles, systems, components, separate technical units, parts or equipment.**

## Article 15

### *Obligations of importers concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a serious risk*

1. Where a vehicle, system, component or separate technical unit that has been placed on the market by the importer is not in conformity with this Regulation, the importer shall immediately take the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity **under the manufacturer's control**, to withdraw it from the market, or to recall it, as appropriate. **The importer shall also inform the manufacturer and the type-approval authority that has granted the type-approval.**
2. Where a vehicle, system, component, separate technical unit, part or equipment **that has been placed on the market** presents a serious risk, the importer shall immediately provide detailed information on the serious risk to the manufacturer and the approval and market surveillance authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment has been placed on the market.

The importer shall also inform the approval and market surveillance authorities of any action taken and give details, in particular of the serious risk and of corrective measures taken by the manufacturer.

3. The importer shall, for a period of ten years after the placing on the market of the vehicle and for a period of five years as from the placing on the market for a system, component or separate technical unit, keep a copy of the **type-approval** certificate **of conformity** at the disposal of the approval and market surveillance authorities and ensure that the information package referred to in Article 24(4) can be made available to those authorities, upon request.
4. The importer shall, upon a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in a language that can be easily understood by that authority. The importer shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No **765/2008** to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market, **as well as to eliminate any non-conformity.**

*Article 16*  
*Obligations of distributors*

A distributor shall verify, before making available on the market, registering or entering into service of a vehicle, system, component or separate technical unit, that that vehicle, system, component or separate technical unit bears the required statutory plate or type-approval mark, that it is accompanied by the required documents and by instructions and safety information, required by Article 63, in the official language or languages of the relevant Member State, and that the manufacturer and the importer have complied with the requirements set out in Article 11(7) and Article 14(4) respectively.

*Article 17*  
*Obligations of distributors concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a serious risk*

1. ~~Where the distributor considers that~~ a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, ~~he~~ **the distributor** shall **inform the manufacturer, the importer and the type-approval authority thereof** and **shall** not ~~make available~~ **place** on the market, register or enter into service the vehicle, system, component or separate technical unit until it has been brought into conformity.
  
2. ~~The distributor who considers that~~ **Where** a vehicle, system, component or separate technical unit that ~~he~~ **the distributor** has made available on the market is not in conformity with this Regulation, ~~he~~ shall inform the manufacturer ~~or~~ **and** the importer ~~to ensure that the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it from the market or to recall it, as appropriate, are taken in accordance with Article 12(1) or Article 15(1).~~

3. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the distributor shall immediately provide detailed information on that serious risk to the manufacturer, the importer and the approval and market surveillance authorities of the Member States in which that vehicle, system, component, separate technical unit, part or equipment has been made available on the market.

The distributor shall also inform them of any action taken and give details, ~~in particular of the serious risk and~~ of corrective measures taken by the manufacturer.

4. The distributor shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

#### *Article 18*

#### *Cases in which obligations of manufacturers apply to importers and distributors*

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Articles 8, 11 and 12, **in the following cases:**

- a) where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark or modifies a vehicle, system, component or separate technical unit in such a way that it may no longer comply with the applicable requirements- ;
- b) where the importer or distributor makes available on the market or is responsible for the entry into service of a system, component or separate technical unit on the basis of UNECE approvals issued outside of the European Union, and no manufacturer's representative in the territory of the Union can be identified.**

*Article 19*  
*Identification of economic operators*

Upon a request of an approval authority or a market surveillance authority, for a period of ten years after the placing on the market of a vehicle and for a period of five years after the placing on the market of a system, component, separate technical unit, part or equipment, economic operators shall provide information on the following:

- (a) the identity of any economic operator who has supplied them with a vehicle, system, component, separate technical unit, part or equipment;
- (b) the identity of any economic operator to whom they have supplied a vehicle, system, component, separate technical unit, part or equipment.

## CHAPTER III

### PROCEDURES FOR EU TYPE-APPROVAL

#### *Article 20* *Procedures for EU type-approval*

1. Where applying for a whole-vehicle type-approval, the manufacturer may choose one of the following procedures:
  - (a) step-by-step type-approval;
  - (b) single-step type-approval;
  - (c) mixed type-approval.

In addition, the manufacturer may choose multi-stage type-approval for an incomplete or completed vehicle.

2. **Without prejudice to the requirements of the regulatory acts listed in Annex IV,** ~~For~~ system type-approval, component type-approval and separate technical unit type-approval only the single-step type-approval is applicable.
3. Multi-stage type-approval shall be granted in respect of an incomplete or completed type of vehicle that, having regard to the state of completion of the vehicle, conforms to the particulars in the information folder provided for in Article 22 and meets the technical requirements laid down in the relevant regulatory acts listed in Annex IV.

The multi-stage type-approval shall also apply to complete vehicles converted or modified by another manufacturer after their completion.

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements, **in accordance with prescriptions laid down in Annex XVII of this Regulation.** Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, ~~even~~ **including** where granted for a different category of vehicle.

5. The choice of type-approval referred to in paragraph 1 shall not affect the applicable substantive requirements with which the approved type of vehicle has to comply with at the time of issuing of the whole-vehicle type-approval.
6. Multi-stage type-approval may also be used by a single manufacturer, provided it is not used to circumvent the requirements applicable to vehicles built in a single stage. Vehicles built by a single manufacturer are not considered to be built in multiple stages for the purposes of Articles 39, 40 and 47 of this Regulation.
- 7. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant separate directives or regulations for the performance of the required tests.**

*Article 21*  
*Application for EU type-approval*

1. The manufacturer shall submit to the approval authority an application for EU type-approval and the information folder referred to in Article 22.
2. Only one application may be submitted in respect of a particular type of vehicle, system, component or separate technical unit and in one Member State only.
3. A separate application shall be submitted for each type of vehicle, system, component or separate technical unit to be approved.



*Article 22*  
*Information folder*

1. The information folder referred to in Article 21(1) shall include the following:
  - (a) an information document, as set out in ~~Annex I~~ **the implementing acts adopted pursuant to paragraph 3** for single-step or mixed **whole-vehicle** type-approval or in ~~Annex III~~ for step-by-step **whole-vehicle** type-approval **or in the relevant regulatory act in case of the approval of a system, component or separate technical unit;**
  - (b) all data, drawings, photographs and other relevant information;
  - (c) for vehicles, an indication of the procedure(s) chosen in accordance with Article 20(1);
  - (d) any additional information requested by the approval authority in the context of the application **type-approval** procedure.
2. The information folder shall be supplied **on paper or** in an electronic format ~~to be provided by the Commission but may also be supplied on paper~~ **that is accepted by the technical service and by the approval authority.**
3. The Commission shall ~~be empowered to adopt delegated~~ **implementing** acts in accordance with Article 88 to amend Annexes I and III to take account of technical and regulatory developments by updating **to lay down** the template for the information document **and the information folder**, including a harmonised electronic format as referred to in paragraph 2. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

*Article 23*  
*Additional information to be provided with an application*  
*for certain EU type-approvals*

1. An application for a step-by-step type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the complete set of EU **or UNECE** type-approval certificates, including the test reports **and information documents**, required pursuant to the applicable **regulatory** acts listed in Annex IV.

In case of an application for a system type-approval, component type-approval or separate technical unit type-approval, pursuant to the applicable **regulatory** acts listed in Annex IV, the approval authority shall have access to the information folder **and, if applicable, the type-approval certificates and their attachments** until the whole-vehicle type-approval is either issued or refused.

2. An application for a mixed type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the EU **or UNECE** type-approval certificates, including the test reports **and information documents**, required pursuant to the applicable **regulatory** acts listed in Annex IV.

For systems for which no EU **or UNECE** type-approval certificate has been presented, the application shall, in addition to the information folder referred to in Article 22, be accompanied by the information specified in ~~Annex I~~ **the implementing acts adopted pursuant to Article 22(3)**, required for the approval of those systems during the vehicle approval phase, and by a test report instead of the EU **or UNECE** type-approval certificate.

3. An application for a multi-stage type-approval shall be accompanied by the following information:
- (a) in the first stage, those parts of the information folder and the EU or UNECE type-approval certificates **and, if applicable, the test reports** that are relevant to the state of completion of the base vehicle;
  - (b) in the second and subsequent stages, those parts of the information folder and the EU or UNECE type-approval certificates that are relevant to the current stage of completion, together with a copy of the EU whole-vehicle type-approval certificate for the vehicle issued at the preceding stage of construction and full details of any changes or additions that the manufacturer has made to the vehicle.

The information specified in points (a) and (b) ~~may~~ **shall** be supplied in accordance with Article 22(2).

4. ~~The approval authority and technical services shall have access to the software and algorithms of the vehicle.~~

The approval authority **and technical services** may, by reasoned request, also require the manufacturer to supply any additional information needed, **including access to the software and algorithms of the vehicles**, to take a decision on which tests are required, or to facilitate the execution of those tests.

## CHAPTER IV

### CONDUCT OF PROCEDURES FOR EU TYPE-APPROVAL

#### *Article 24* *General provisions on conduct of procedures for EU type-approval*

1. For each type of vehicle, system, component or separate technical unit, only one EU type-approval may be issued.
2. An approval authority having received an application in accordance with Article 21 shall grant an EU type-approval only after having verified all of the following:
  - (a) the conformity of production arrangements referred to in Article 29;
  - (b) that no type-approval has been issued yet for the type of vehicle, system, component or separate technical unit concerned, **the proof of that being the declaration by the manufacturer;**
  - (c) the compliance of the type of vehicle, system, component or separate technical unit with the applicable requirements;
  - (d) in the case of whole-vehicle type-approvals according to the step-by-step, mixed and multi-stage procedures, the approval authority shall verify, in accordance with Article 20(4), that the systems, components and separate technical units are covered by separate **valid** type-approvals pursuant to the requirements applicable at the time of granting the whole-vehicle type-approval.
3. The procedures with respect to EU type-approval as set out in Annex V and with respect to multi-stage type-approval as set out in Annex XVII shall apply.

The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex V to take account of regulatory and technological developments by updating the procedures with respect to EU type-approval and Annex XVII with respect to multi-stage type-approval.

4. The approval authority shall put together an information package consisting of the information folder referred to in Article 22, accompanied by the test reports and all other documents that were added to the information folder by the technical service or by the approval authority while carrying out their tasks.

The information package **may be kept electronically and** shall contain an index indicating clearly all the pages and the format of each document and recording chronologically the management of the EU type-approval.

The approval authority shall keep the information package available for a period of ten years after the end of validity of the EU type-approval concerned.

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in compliance with the applicable requirements, presents a serious risk to safety or may seriously harm the environment or public health. In that case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.
6. In accordance with Article 20(4) and (5), in the case of step-by-step, mixed and multi-stage type-approval procedures, the approval authority shall refuse to grant EU type-approval, where it finds that systems, components or separate technical units do not comply with the requirements set out in this Regulation or in the acts listed in Annex IV.

The approval authority shall ask the approval authorities which approved the systems, components or separate technical units to act in accordance with Article 54(2).

*Article 25*  
*Notification of EU type-approvals issued, amended, refused and withdrawn*

1. The approval authority shall, ~~within one month of~~ **when** issuing or amending the EU type-approval certificate, ~~send~~ **make available** to the approval authorities of the other Member States and the Commission a copy of the EU type-approval certificate, together with the attachments, including the test reports referred to in Article 23, for each type of vehicle, system, component and technical unit that it has approved. That copy shall be ~~sent~~ **made available** by means of a common secure electronic exchange system ~~or in the form of a secure electronic file~~, **as set out in paragraph 5.**
- ~~2. The approval authority shall send, at three monthly intervals, to the approval authorities of the other Member States and the Commission a list of the EU type-approvals for systems, components or separate technical units it has issued, amended, refused to grant or withdrawn during the preceding period. That list shall contain the information specified in Annex XIV.~~
- ~~3. Where requested by an approval authority of another Member State or the Commission, the approval authority that has issued an EU type approval shall, within one month of receiving that request, send to the requesting approval authority a copy of the EU type approval certificate, together with the attachments, by means of a common secure electronic exchange system or in the form of a secure electronic file.~~
4. The approval authority shall without delay inform the approval authorities of the other Member States and the Commission of its refusal or withdrawal of any EU type-approval, stating the reasons for its decision, **by means of a common secure electronic exchange system or in the form of a secure electronic file as set out in paragraph 5.**
5. The Commission shall be empowered to adopt delegated **implementing** acts in accordance with Article 88 to amend Annex XIV by updating ~~to lay down the template for the notification of the EU type-approvals for systems, components or separate technical units that have been issued, amended, refused, or withdrawn.~~ **describing the format of the electronic documents that have to be made available, the exchange mechanism, the procedures to inform other parties on refusals and withdrawals and the relevant security measures.**

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Article 26*  
*EU type-approval certificate*

1. The EU type-approval certificate shall contain, as attachments, the following:
  - (a) the information package referred to in Article 24(4);
  - (b) the test reports required by the regulatory acts referred to in Article 28(1) in the case of a system, component or separate technical unit type-approval, or the test results sheet in the case of whole-vehicle type-approval;
  - (c) **in the case of a whole-vehicle type-approval**, the name(s) and the specimen(s) of the signature(s) of the person(s) authorised to sign the certificates of conformity and a statement of their position in the company;
  - (d) in the case of a whole-vehicle type-approval, a filled-out specimen of the certificate of conformity **of the vehicle type**.
  
2. ~~The EU type-approval certificate shall be issued in accordance with the template laid down in Annex VI and numbered in accordance with the harmonised system laid down in Annex VII. The test result sheet shall be provided using the template set out in Annex VIII. Those documents shall be available in electronic format.~~

The Commission shall ~~be empowered to adopt delegated~~ **implementing** acts in accordance with Article 88 to amend Annexes VI, VII and VIII to take account of technical and regulatory developments by updating **to lay down** the templates for the type-approval certificate, its numbering system, and the test result sheet, respectively, including providing the relevant electronic formats. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

3. In respect of each type of vehicle, system, component or separate technical unit, the approval authority shall:
  - (a) complete all the relevant sections of the EU type-approval certificate, including its attachments;
  - (b) compile the index to the information package;
  - (c) issue the completed EU type-approval certificate, together with its attachments, to the manufacturer without delay.
4. In case of an EU type-approval the validity of which has been restricted in accordance with Articles 37 and 41 and Part III of Annex IV, or in relation to which certain provisions of this Regulation or of the regulatory acts referred to in Annex IV do not apply, the EU type-approval certificate shall specify those restrictions or the non-application of the relevant provisions.
5. Where the vehicle manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information package with the references to the test reports required by the regulatory acts referred to in Article 28(1) for the systems, components or separate technical units for which no EU type-approval certificate has been issued, **and shall indicate the last regulatory act and, if applicable, the implementation stage of that regulatory act applicable for the type-approval of the vehicle.**
6. Where the vehicle manufacturer chooses the single-step type-approval procedure, the approval authority shall append to the EU type-approval certificate a list of relevant regulatory acts in accordance with the template provided in the ~~Appendix to Annex VI~~ **implementing acts adopted pursuant to paragraph 2.**



## Article 27

### *Specific provisions concerning EU type-approvals for systems, components or separate technical units*

1. An EU type-approval shall be granted in respect of a system, component or separate technical unit that conforms to the particulars in the information folder provided for in Article 22 and that meets the technical requirements laid down in the relevant acts listed in Annex IV.
2. Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit type-approval shall be required, unless provided for under the relevant acts listed in Annex IV.
3. Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance only where the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the component or the separate technical unit EU type-approval shall be restricted accordingly.

In those cases, the EU type-approval certificate shall specify any restriction on the use of the component or the separate technical unit and shall indicate the special conditions for its fitting in a vehicle.

Where that component or separate technical unit is fitted in a vehicle, the approval authority shall verify, at the time of the approval of the vehicle, compliance with any applicable restrictions on the use or conditions for fitting.

*Article 28*  
*Tests required for EU type-approval*

1. **For the purpose of EU type-approvals the approval authority shall verify** ~~€~~compliance with the technical requirements of this Regulation and of the regulatory acts listed in Annex IV ~~shall be demonstrated~~ by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed by designated technical services.

**The format of the test reports shall comply with the general requirements as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

2. The manufacturer shall provide the ~~approval authority~~ **technical services** with the vehicles, systems, components or separate technical units that are required under the relevant acts listed in Annex IV for the performance of the required tests.
3. The required tests shall be performed on those vehicles, systems, components and separate technical units that are representative of the type to be approved.
4. At the request of the manufacturer and subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 in accordance with Annex XVI.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XVI to take account of technical and regulatory developments by updating the list of regulatory acts in respect of which virtual testing methods may be used by a manufacturer or a technical service and the specific conditions under which virtual testing methods are to be used.

*Article 29*  
*Conformity of production arrangements*

1. An approval authority that has granted an EU type-approval shall take the necessary measures in accordance with Annex X to verify, where necessary in cooperation with the approval authorities of the other Member States, that the manufacturer produces the vehicles, systems, components or separate technical units in conformity with the approved type.
2. An approval authority that has granted a whole-vehicle type-approval shall verify a statistically relevant number of samples of vehicles and certificates of conformity on their compliance with Articles 34 and 35 and shall verify that the data in the certificates of conformity are correct.
3. An approval authority that has granted an EU type-approval shall take the necessary measures to verify, where necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that vehicles, systems, components or separate technical units in production continue to conform to the approved type and certificates of conformity continue to comply with Articles 34 and 35.
4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities.
5. An approval authority that has granted an EU type-approval and establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, **with the requirements of the Regulation or the requirements of the regulatory acts listed in Annex IV**, or establishes that the certificates of conformity no longer comply with Articles 34 and 35, even though production is continued, shall take the necessary measures to ensure that the ~~procedure~~ **arrangements** for conformity of production ~~is~~ **are** followed correctly or withdraw the type-approval. **The approval authority may decide to take all necessary restrictive measures in compliance with Articles 53 and 54.**

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex X to take account of technological and regulatory developments by updating the conformity of production procedures.

*Article 30*

*National fee structure for type approvals and market surveillance costs*

**Fees**

1. ~~Member States shall establish a national fee structure to cover costs for their type approval and market surveillance activities~~ **and for the assessment, designation, notification and the monitoring of the technical services.** as well as for the type approval testing and conformity of production testing and inspections carried out by the technical services they have designated.
2. ~~Those national fees shall be levied on the manufacturers who have applied for type approval in the Member State concerned.~~

**The fees for type-approval activities shall be levied on the manufacturers who have applied for type-approval in the Member State concerned.**

~~The market surveillance activities shall be financed by the Member States.~~ **The Member State shall ensure that sufficient resources are available to cover the costs for market surveillance activities.** ~~Without prejudice to national legislation, those costs may be recovered by fees that can be levied by the Member State in which the products vehicles are placed on the market.~~

- 2a. The Member States shall may levy administrative fees on technical services applying to be designated to cover wholly or partly the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.** *(moved from Art 86(1))*

~~Fees shall not be levied directly by technical services.~~

- ~~3.— The national fee structure shall also cover the costs for the compliance verification inspections and tests carried out by the Commission in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, according to Art. 21(4) of the Financial Regulation<sup>18</sup>.~~
- ~~4.— Member States shall notify the details of their national fee structure to the other Member States and the Commission. The first notification shall be effected on [date of entry into force of this Regulation + 1 year]. Subsequent updates of the national fee structures shall be notified to the other Member States and to the Commission on a yearly basis.~~
- ~~5.— The Commission may adopt implementing acts in order to define the top up referred to in paragraph 3 to be applied to the national fees referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).~~

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<sup>18</sup> — Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2015 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1–96).

## CHAPTER V

### AMENDMENTS TO AND VALIDITY OF EU TYPE-APPROVALS

*Article 31*  
*General provisions on amendments and validity of EU type-approvals*

1. The manufacturer shall inform without delay the approval authority that has granted the EU type-approval of any change in the particulars recorded in the information package.

The approval authority shall decide whether that change is to be covered by an amendment, in the form of either a revision or an extension of the EU type-approval in accordance with the procedures laid down in Article 32, or whether this change requires a new type-approval.

2. An application for that amendment shall be submitted exclusively to the approval authority that has granted the original EU type-approval.
3. Where the approval authority finds that that amendment needs the repetition of inspections or tests, it shall inform the manufacturer accordingly.
4. Where the approval authority on the basis of the inspections or tests referred to in paragraph 3 finds that the requirements for EU type-approval continue to be fulfilled, the procedures referred to in Article 32 shall apply.
5. Where the approval authority finds that the changes in the particulars recorded in the information package ~~are substantial, to the extent that they~~ cannot be covered by an extension of the existing type-approval, it shall refuse to amend the EU type-approval and shall request the manufacturer to apply for a new EU type-approval.

*Article 32*  
*Revisions and extensions of EU type-approvals*

1. The amendment shall be designated a ‘revision’ where the approval authority finds that despite the change in the particulars recorded in the information package the concerned type of vehicle, system, component or separate technical unit continues to comply with the applicable requirements for this type and that, therefore, no inspections or tests need to be repeated.

In that case, the approval authority shall issue without delay the revised pages of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of reissue, or issue a consolidated, updated version of the information package, accompanied by a detailed description of the changes.

2. The amendment shall be designated an ‘extension’ where the approval authority finds that the particulars recorded in the information package have changed and where any of the following occurs:
  - (a) further inspections or tests are required to verify continued compliance with the requirements upon which the existing type-approval has been based;
  - (b) any information on the EU type-approval certificate, except for its attachments, has changed;
  - (c) new requirements under any act listed in Annex IV become applicable to the approved type of vehicle, system, component or separate technical unit.

In the event of an extension, the approval authority shall issue without delay an updated EU type-approval certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. That approval certificate shall clearly state the reason for the extension and the date of reissue and validity.

3. Whenever amended pages or a consolidated, updated version are issued, the index to the information package shall be amended accordingly to show the date of the most recent extension or revision, or the date of the most recent consolidation of the updated version.
4. No extension to the type-approval of a type of vehicle shall be required if the new requirements referred to in point (c) of paragraph 2 are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

*Article 33*  
*Termination of validity*

1. **Without prejudice to Article 37, EU type-approvals for systems, components and separate technical units shall be issued without a limitation in time.**

**Whole-vehicle** ~~T~~ type-approvals ~~for vehicles, systems, components and separate technical units~~ shall be issued for a limited period of ~~5~~ **8** years **for the vehicle categories M1 and N1 and 10 years for all other vehicle categories** without the possibility of prolongation. The expiry date shall be ~~indicated~~ **stated** in the type-approval certificate. ~~After~~ **Before** the expiry **date** of the type-approval certificate, ~~it~~ **the whole-vehicle type approval** may be renewed **only once for another 5 years** upon application by the manufacturer and only where the ~~type-~~approval authority **that issued the whole-vehicle type-approval** has verified that the type of vehicle, ~~system, component and separate technical unit~~ complies with all the requirements of the relevant regulatory acts for new **types of** vehicles, systems, components and separate technical units of that type. **When the whole-vehicle type approval has been extended within the period of its validity in accordance with Article 32(2), it may be renewed when the type-approval authority that issued the whole-vehicle type approval has verified that the type of vehicle complies with all the requirements of the relevant regulatory acts for new vehicles.**

**The type-approval authority's verification of compliance shall be based on documentary checks unless procedures according to Chapter V are necessary on the basis of findings in the documentary checks.**

**A new expiry date shall be indicated in the renewed type-approval certificate.**



2. An EU type-approval of a vehicle shall become invalid before its expiry date in any of the following cases:
  - (a) where new requirements applicable to the approved type of vehicle become mandatory for the making available on the market, registration or entry into service of vehicles, and the type-approval cannot be extended in accordance with point (c) of Article 32(2);
  - (b) where the production of vehicles in conformity with the approved type of vehicle is ~~permanently~~ **definitely** discontinued on a voluntary basis;
  - (c) where the validity of the type-approval certificate expires due to a restriction referred to in Article 37(6);
  - (d) where the type-approval has been withdrawn in accordance with Article 29(5) or Article 53(1);
  - (e) where the type-approval was found to be based on false declarations, falsified test results or where data were withheld which would have led to the refusal to grant the type approval.
3. Where the **whole-vehicle** type-approval of only one variant within a type of vehicle or one version within a variant becomes invalid, the ~~EU~~ **whole-vehicle** type-approval of the type of vehicle in question shall become invalid only in so far as the particular variant or version is concerned.
4. Where production of a particular type of vehicle, system, component or separate technical unit is ~~permanently~~ **definitely** discontinued, the manufacturer shall notify without delay the approval authority that granted the EU type-approval for that type of vehicle, ~~system, component or separate technical unit~~ thereof.

Within one month of receiving the notification referred to in the first subparagraph, the approval authority that granted the EU type-approval for the type of vehicle, system, component or separate technical unit shall inform the approval authorities of the other Member States accordingly.

5. Where an **EU whole-vehicle** type-approval certificate ~~for a type of vehicle, system, component or separate technical unit~~ is due to become invalid, the manufacturer shall notify without delay the approval authority that granted the **EU whole-vehicle** type-approval thereof.
6. Upon reception of the notification made by the manufacturer, the approval authority that granted the **EU whole-vehicle** type-approval shall communicate without delay to the approval authorities of the other Member States and the Commission all relevant information for the making available on the market, registering or entering into service of vehicles, where appropriate.

That communication shall specify the date of production and the vehicle identification number ('VIN'), as defined in Article 2 of Commission Regulation (EU) 19/2011<sup>19</sup>, of the last vehicle produced.

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<sup>19</sup> Commission Regulation (EU) 19/2011 concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 8, 12.1.2011, p. 1).

# CHAPTER VI

## CERTIFICATE OF CONFORMITY AND MARKINGS

### *Article 34* *General provisions on the certificate of conformity*

1. The manufacturer shall issue a certificate of conformity as a paper document to accompany each vehicle, whether complete, incomplete or completed, that is manufactured in conformity with the approved type of vehicle. **For that purpose the manufacturer shall use the template set out in the implementing acts adopted pursuant to paragraph 2.**

**The certificate of conformity shall include the date of manufacture of the vehicle. It shall be designed to prevent forgery.**

The certificate of conformity shall be delivered free of charge to the buyer together with the vehicle. Its delivery may not be made dependent on an explicit request or the submission of additional information to the manufacturer.

For a period of ten years after the production date of the vehicle, the manufacturer shall, at the request of the vehicle owner, issue a duplicate of the certificate of conformity against a payment not exceeding the cost of issuing it. The word ‘duplicate’ shall be clearly visible on the face of any duplicate certificate.

2. ~~The manufacturer shall use the template for the certificate of conformity set out in Annex IX.~~

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex IX to take account of technological and regulatory developments by updating the template for the certificate of conformity.~~

**In order to create uniform conditions for implementing paragraph 1, the Commission shall adopt implementing acts concerning the certificate of conformity setting out, in particular:**

**(a) the template for the paper document of the certificate of conformity,**

**(b) the safety elements to prevent forgery of the certificate of conformity,**

**(c) the specification concerning the manner of signing of the certificate of conformity.**

**The first such implementing act shall be adopted by [date of application of this Regulation] in accordance with the examination procedure referred to in Article 87(2).**

3. The certificate of conformity shall be drawn up in at least one of the official languages of the Union.
4. The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be duly authorised to fully engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.
5. The certificate of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the vehicle other than those provided for in this Regulation or any of the regulatory acts listed in Annex IV.

**5a. In case of an incomplete or completed vehicle, the manufacturer shall fill in only those fields of the certificate of conformity that concern the additions or changes carried out at the current stage of approval and, where applicable, shall attach all certificates of conformity delivered at the previous stages.**

6. Without prejudice to paragraph 1, the manufacturer may also transmit ~~issue~~ the certificate of conformity by ~~in~~ electronic means ~~format~~. **In that case, the certificate of conformity shall be transmitted to the type-approval authority which issued the whole-vehicle type-approval and, where relevant,** to the national authorities responsible for registration.

*Article 35*  
*Specific provisions on the certificate of conformity in electronic format*

1. ~~In case of an incomplete or completed vehicle, the manufacturer shall fill in only those fields of the certificate of conformity that concern the additions or changes carried out at the current stage of approval and, where applicable, shall attach all certificates of conformity delivered at the previous stages.~~
2. ~~The certificate of conformity shall, for vehicles type approved in accordance with Article 37, display in its title: ‘For complete/completed vehicles, type approved in application of Article 37 of Regulation (EU) No .../201X of the European Parliament and of the Council of ... on the approval and market surveillance of motor vehicles (provisional approval)’ [PO: please insert the reference].~~
3. ~~The certificate of conformity shall, for vehicles type approved in accordance with Article 39, display in its title ‘For complete/completed vehicles type approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table in Annex XII, denoting, in respect of each year of production, the position of that vehicle within the production allocated for that year.~~

1. **Without prejudice to Article 34(1), in order to facilitate the registration of the vehicles and prevent the counterfeiting of the certificate of conformity the manufacturer shall make available without undue delay within 3 days after the date of manufacture of the vehicle at the latest send the certificate of conformity as structured data in a commonly used structured electronic data format free of charge to the type-approval authority that has issued the whole-vehicle type-approval.**

**The type-approval authority shall make available forward upon request the certificate of conformity as structured data in electronic format on the common secure electronic exchange system, where it can be accessed by the type-approval authorities, market surveillance authorities and registration authorities of the Member States and by the Commission for the purposes of Article 3(4)(b) of Council Directive 1999/37/EC<sup>20</sup> to the national authority responsible for registration of the vehicle.**

- 2. The manufacturer may be exempted from the obligation in paragraph 1 for types of vehicles which have national small series type approval according to Article 40 may be exempted from the obligation in paragraph 1.**
- 3. The type-approval authority receiving the certificate of conformity as structured data in electronic format shall give read-only access to the buyer holder of the vehicle, the vehicle registration authorities of the EU Member States and in the case of vehicles built in multiple stages to the manufacturer of the subsequent stage.**
- 4. In the case of vehicle built in multiple stages the vehicle manufacturer of the preceding stage shall transmit the certificate of conformity in electronic format to the manufacturer of the subsequent stage either directly by data transmission or in compliance with paragraph 3.**
- 5. All data exchange according to this Article shall be performed by means of a secure data exchange protocols.**
- 6. Member States shall establish the organisation and structure of their data network to enable data reception and exchange of the certificates of conformity as structured data in electronic format preferably by making use of existing systems for the exchange of structured data and in accordance with paragraph 7.**
- 7. In order to create uniform conditions for implementation of this Article the Commission shall adopt implementing acts concerning the certificate of conformity as structured data in electronic format setting out, in particular:**
- (a) the basic format and structure of the data elements records of the certificates of conformity in electronic format and the messages used in the exchange,**
  - (b) minimum requirements for secure data exchange including prevention of data corruption and data misuse and measures to guarantee the authenticity of the electronic data, such as the use of a digital signature,**
  - (c) the means of exchange of the data records of the certificate of conformity in electronic format,**

- (d) minimum requirements for the vehicle-specific unique identifier and the form of information for the buyer according to paragraph 3,**
- (e) access for buyers and for the manufacturer of the subsequent stage to the data records of the certificate of conformity,**
- (f) type of record of the date and the Member State of the first registration of the vehicle,**
- (g) exemptions for the manufacturers of particular vehicle categories and vehicle types produced in small series.**

**The first such implementing act shall be adopted by [date of application of this Regulation] in accordance with the examination procedure referred to in Article 87(2).**

- 8. Without prejudice to Article 34 (1), with effect from [entry into force + 5 years] manufacturers shall issue certificates of conformity in accordance with this Article on a compulsory basis with effect from [entry into force date of application + 5 years]. This obligation shall not affect the obligation of manufacturers to issue the certificate of conformity as a paper document in accordance with Article 34(1).**
- 9. Member States shall accept certificates of conformity in electronic format and shall be able to perform exchange of certificates of conformity in electronic format in accordance with this Article with the authorities of the other Member States with effect from [entry into force date of application + 2 years].**

*Article 36*  
*Statutory plate*  
*and type-approval mark of components or separate technical units*

1. The manufacturer of a vehicle shall affix to every vehicle manufactured in conformity with the approved type a [statutory plate] with the marking required by the relevant regulatory acts listed in Annex IV.
2. The manufacturer of a component or separate technical unit shall affix to every component or separate technical unit manufactured in conformity with the approved type, whether or not it is part of a system, the type-approval mark required by the relevant regulatory acts listed in Annex IV.

Where no such type-approval mark is required, the manufacturer shall affix to the component or separate technical unit at least the trade name or trade mark of the manufacturer, and the type number or an identification number.

3. The EU type-approval mark shall be in accordance with ~~Annex VII~~ **the implementing adopted by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**
4. **Economic operators shall not place on the market vehicles, components or separate technical units which are marked in a way that does not comply with this Regulation.**



## CHAPTER VII

### NEW TECHNOLOGIES OR NEW CONCEPTS

#### *Article 37* *Exemptions for new technologies or new concepts*

1. The manufacturer may apply for an EU type-approval in respect of a type of vehicle, system, component or separate technical unit that incorporates new technologies or new concepts that are incompatible with one or more regulatory acts listed in Annex IV.
2. The approval authority shall grant the EU type-approval referred to in paragraph 1 where all of the following conditions are met:
  - (a) the application for the EU type-approval states the reasons why the new technologies or new concepts make the vehicle, system, component or separate technical unit incompatible with one or more regulatory acts listed in Annex IV;
  - (b) the application for the EU type-approval describes the safety and environmental implications of the new technology or new concept and the measures taken in order to ensure at least an equivalent level of safety and environmental protection as that provided by the requirements from which exemption is sought;
  - (c) test descriptions and results are presented proving that the condition in point (b) is met.
3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).

4. Pending the decision on authorisation by the Commission, the approval authority may issue a provisional EU type-approval, valid only in the territory of the Member State of that approval authority, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform without delay the Commission and the other Member States thereof by means of a file containing the information referred to in paragraph 2.

The provisional nature and the limited territorial validity of the EU type-approval shall be apparent from the heading of the type-approval certificate and the heading of the certificate of conformity.

5. Approval authorities of other Member States may decide to accept the provisional EU type-approval referred to in paragraph 4 within their territory, provided they inform in writing the approval authority that granted the provisional EU type-approval of their acceptance.
6. Where appropriate, the authorisation of the Commission referred to in paragraph 3 shall specify whether it is subject to any restrictions, in particular with regard to the maximum number of vehicles covered. In all cases, the EU type-approval shall be valid for at least 36 months.
7. Where the Commission refuses authorisation referred to in paragraph 3, the approval authority shall immediately inform the holder of the provisional type-approval referred to in paragraph 4 that the provisional EU type-approval approval shall be revoked six months after the date of the Commission's refusal.

However, vehicles that have been manufactured in conformity with the provisional EU type-approval before it ceased to be valid may be placed on the market, registered or entered into service in any Member State that has accepted the provisional EU type-approval in accordance with paragraph 5.

*Article 38*  
*Subsequent adaptation of regulatory acts*

1. Where the Commission has authorised the granting of an EU type-approval in accordance with Article 37, it shall immediately take the necessary steps to adapt the regulatory acts concerned to the latest technological developments.

Where the exemption under Article 37 relates to a UNECE regulation, the Commission shall make proposals to amend the relevant UNECE regulation in accordance with the ~~provisions of Annex III of Council Decision 97/836/EC~~ **procedure applicable under the Revised 1958 Agreement**.

2. Once the relevant regulatory acts have been amended, any restriction in the Commission decision authorising the granting of an EU type-approval shall be lifted.
3. Where the necessary steps to adapt the regulatory acts referred to in paragraph 1 have not been taken, the Commission may authorise the extension of the **validity of the** provisional EU type-approval by means of a decision and at the request of the Member State that granted the provisional EU type-approval. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

## CHAPTER VIII

### VEHICLES PRODUCED IN SMALL SERIES

#### *Article 39*

##### *EU type-approval of vehicles produced in small series*

1. At the request of the manufacturer and within the quantitative annual limits **for vehicle categories M, N, O** set out in Section 1 of Annex XII, Member States shall grant an EU type-approval for a type of vehicle produced in small series that satisfies at least the requirements set out in Appendix 1 to Part I of Annex IV.
2. Paragraph 1 shall not apply to special purpose vehicles.
3. EU type-approval certificates for vehicles produced in small series shall be **in accordance with the template and the numbering system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2)** ~~in accordance with Annex VII.~~
4. **The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to supplement Appendix 1 of Part I of Annex IV to set out the technical requirements for vehicle categories M, N, O.**

#### *Article 40*

##### *National type-approval of vehicles produced in small series*

1. The manufacturer may apply for a national type-approval of vehicles produced in small series within the quantitative annual limits set out in Section 2 of Annex XII. Those limits shall apply to the making available on the market, registration or entry into service of vehicles of the approved type on the market of each Member State in a given year.
2. Member States may decide to exempt any type of vehicle referred to in paragraph 1 from **compliance with** one or more of the substantive **the provisions of this Regulation or with** the requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States lay down relevant alternative requirements.

3. For the national type-approval of vehicles produced in small series, the approval authority shall accept systems, components or separate technical units that are type-approved in accordance with the acts listed in Annex IV.
4. The national type-approval certificate of vehicles produced in small series shall be ~~drafted~~ in accordance with the template ~~set out in Annex VI~~, **and the harmonised numbering system laid down by the Commission by means of implementing acts.** ~~but~~ **It** shall bear the heading 'National small series vehicle type-approval certificate' and shall specify the content and the nature of the exemptions granted pursuant to paragraph 2. ~~Type-approval certificates shall be numbered in accordance with the harmonised system referred to in Annex VII.~~ **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

#### *Article 41*

#### *Validity of a national type-approval of vehicles produced in small series*

1. The validity of a national type-approval of vehicles produced in small series shall be restricted to the territory of the Member State of the approval authority that has granted that type-approval.
2. At the request of the manufacturer, the approval authority shall send to the approval authorities of the Member States designated by the manufacturer a copy of the type-approval certificate and its attachments, either by registered or electronic mail.
3. The approval authorities of the Member States designated by the manufacturer shall, within ~~three~~ **two** months of receipt of the documents referred to in paragraph 2, decide whether they accept the type-approval or not.

The approval authorities of the Member States shall accept the national type-approval, unless they have reasonable grounds to believe that the national technical requirements in accordance with which the type of vehicle has been approved are not equivalent to their own.

4. The approval authorities of Member States shall communicate within the two months period their decision to the approval authority that has granted the national type-approval. **Where no objection has been raised within this period of two months the national type-approval shall be considered as accepted.**
  
5. At the request of an applicant who wishes to place on the market, register or enter in to service in another Member State a vehicle with national type-approval of vehicles produced in small series, the approval authority that granted the national type-approval of vehicles produced in small series shall provide the national authority of the other Member State with a copy of the type-approval certificate, including ~~the information package~~ **its attachments.**

The national authority of the other Member State shall permit the placing on the market, registration or entry into service of such vehicle, unless it has reasonable grounds to believe that the national technical requirements in accordance with which the type of vehicle has been approved are not equivalent to its own.

## CHAPTER IX INDIVIDUAL VEHICLE APPROVALS

### *Article 42* *EU individual vehicle approvals*

1. Member States shall grant an EU individual vehicle approval for a vehicle that complies with the requirements set out in Appendix **2 [number of new Appendix]** to Part I of Annex IV or, for special purpose vehicles, in Part III of Annex IV. **This provision shall not apply to incomplete vehicles.**
2. An application for an EU individual vehicle approval shall be submitted ~~by the manufacturer,~~ ~~or~~ by the owner of the vehicle, **the manufacturer** or by the **manufacturer's** representative **or the importer** of the latter, ~~provided that that representative is established within the Union.~~
3. Member States shall not carry out destructive tests to establish whether the vehicle complies with the requirements set out in paragraph 1 and shall use any relevant information provided by the applicant for that purpose.
4. An EU individual vehicle approval certificate shall ~~comply~~ be **in accordance with the template and the numbering system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2)** ~~with the template set out in Annex VI.~~ EU individual vehicle approval certificates shall be numbered in accordance with Annex VII.
5. Member States shall permit the placing on the market, registration or entry into service of vehicles with a valid EU individual vehicle approval certificate.
- 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to supplement Part III of Annex IV to set out the technical requirements for new vehicles of categories M, N, O.**

*Article 43*  
*National individual vehicle approvals*

1. Member States may decide to exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Regulation or with the ~~substantive~~ requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States impose relevant alternative requirements.
2. An application for national individual vehicle approval shall be submitted ~~by the manufacturer, or~~ by the owner of the vehicle, **by the manufacturer** or by the representative of the ~~latter~~ **manufacturer**, provided that that representative is established within Union.
3. Member States shall not carry out destructive tests to establish whether the vehicle complies with the alternative requirements set out in paragraph 1 and shall use any relevant information provided by the applicant for that purpose.
4. For the purpose of a national individual vehicle approval, the approval authority shall accept systems, components or separate technical units that are type-approved in accordance with the acts listed in Annex IV.
5. A Member State shall issue without delay a national individual vehicle approval certificate where the vehicle conforms to the description appended to the application and satisfies the relevant alternative requirements.



6. ~~The format of the national individual vehicle approval certificate shall follow the template of the EU type approval certificate set out in Annex VI and shall contain at least the information necessary to apply for the registration provided for in Council Directive 1999/37/EC<sup>21</sup> included in the template of the EU individual approval certificate set out in Annex VI the relevant implementing acts.~~

**A national individual vehicle approval certificate shall be in accordance with the template and the numbering system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2)**

~~A national individual vehicle approval certificate shall bear the VIN of the vehicle concerned and shall bear the heading 'National individual vehicle approval certificate'.~~

- 7. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to supplement Appendix 2 of Part I of Annex IV to set out the technical requirements for new and used vehicles of other categories.**

#### *Article 44*

#### *Validity of national individual vehicle approvals*

1. The validity of a national individual vehicle approval shall be restricted to the territory of the Member State that granted the approval.
2. At the request of an applicant who wishes to make available on the market, register or enter into service in another Member State a vehicle with a national individual vehicle approval, the Member State that granted the approval shall provide the applicant with a statement of the technical provisions against which the vehicle has been approved.

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<sup>21</sup> ~~Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).~~

3. A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 43 to be made available on the market, registered or entered into service, unless that Member State has reasonable grounds to believe that the relevant alternative requirements against which the vehicle has been approved are not equivalent to its own **or that the vehicle does not comply with those requirements.**
4. The provisions of this Article may apply to vehicles that have been type-approved in accordance with this Regulation and that have been modified before their first registration or entry into service.

*Article 45*  
*Specific provisions*

1. The procedures set out in Articles **42 and** 43 ~~and 44~~ may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval. **For vehicles approved in multi-stage type-approval Annex XVII shall apply.**
2. The procedures set out in Articles **42 and** 43 ~~and 44~~ ~~may~~ **shall** not replace an intermediate stage within the normal sequence of a multi-stage type- approval and ~~may~~ **shall** not apply for the purposes of obtaining the first-stage approval of a vehicle.

## CHAPTER X MAKING AVAILABLE ON THE MARKET, REGISTRATION OR ENTRY INTO SERVICE

### *Article 46*

*Making available on the market, registration or entry into service of vehicles other than end-of-series vehicles*

1. Without prejudice to Articles 49 to 51, vehicles for which whole-vehicle type-approval is mandatory, or for which the manufacturer has obtained that type-approval, shall only be made available on the market, registered or enter into service if they are accompanied by a valid certificate of conformity issued in accordance with Articles 34 and 35.

Incomplete vehicles may be made available on the market ~~or entered into service~~, but the national authorities responsible for vehicle registration may refuse the registration, **the entry into service** and the use on the road of such vehicles.

- ~~2. Vehicles exempted from the requirement concerning a certificate of conformity may also be made available on the market, registered or entered into service if they comply with the relevant technical requirements of this Regulation.~~
3. The number of vehicles produced in small series made available on the market, registered or entered into service in the course of a single year shall not exceed the quantitative annual limits laid down in Annex XII.

Article 47

*Making available on the market, registration or entry into service of end-of-series vehicles*

1. End-of-series vehicles for which the EU-type-approval has become invalid pursuant to Article 33(2)(a) **and (c)** may only be ~~made available on the market~~, registered or entered into service, provided that the requirements set out in ~~paragraph 4 and the time limits laid down in~~ paragraphs 2 and 4 are complied with.

The first subparagraph shall only apply to vehicles that were already on the territory of the Union and had not yet been made available on the market nor registered or entered into service before their EU type-approval lost its validity.

2. Paragraph 1 shall apply to complete vehicles for a period of 12 months from the date on which the EU type-approval became invalid, and to completed vehicles for a period of 18 months from that date.
- ~~3. A manufacturer wishing to make available on the market, register or enter into service end-of-series vehicles in accordance with paragraph 1 shall submit a request for that purpose to the national authority of the Member State that granted the EU type-approval. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements and shall include the VIN of the vehicles concerned.~~

~~The national authority concerned shall decide, within three months of receipt of that request, whether to permit the placing on the market, registration and entry into service of those vehicles within the territory of the Member State concerned and determine the number of vehicles in respect of which permission may be granted.~~

4. Only end-of-series vehicles with a valid certificate of conformity that has remained valid for at least three months after its date of issue, but for which the type-approval has become invalid pursuant to point (a) of Article 33(2), may be made available on the market, registered or entered into service in the Union.

- ~~5. The certificate of conformity of the vehicles made available on the market, registered or entered into service in accordance with this Article shall include a special entry indicating that those vehicles are end of series vehicles, as well as the date until which those vehicles may be made available on the market, registered or entered into service in the Union.~~
- ~~6. Member States shall keep records of the VIN of the vehicles that they permitted to be made available on the market, registered or entered into service in accordance with this Article.~~

*Article 48*  
*Making available on the market or entry into service*  
*of components and separate technical units*

1. Components or separate technical units, including those intended for the aftermarket, may only be made available on the market or entered into service where they comply with the requirements of the relevant regulatory acts listed in Annex IV and are marked in accordance with Article 36.
2. Paragraph 1 shall not apply to components or separate technical units specifically constructed or designed for new vehicles that are not covered by this Regulation.
3. Member States may permit the making available on the market or entry into service of components or separate technical units that are exempted under Article 37 or to be used on vehicles covered by approvals granted under Article 39, 40, 42 and 43 concerning the component or separate technical unit in question.
4. Member States may also permit the making available on the market or entry into service of components or separate technical units to be used on vehicles that were not required to be type-approved under this Regulation or under Directive 2007/46/EC at the time those vehicles were made available on the market, registered or entered into service.
- 5. Member States may also permit the making available on the market or entry into service of replacement components or separate technical units to be used on vehicles that were type-approved before the entry into force of the requirements of the relevant regulatory acts listed in Annex IV, in accordance with the requirements of the relevant act applicable when those approvals were originally granted.**

# CHAPTER XI

## SAFEGUARD CLAUSES

### Article 49

*Procedure for dealing with vehicles, systems, components  
or separate technical units presenting a serious risk ~~at national level~~*

1. Market surveillance authorities of one Member State that have taken action pursuant to Article 20 of Regulation (EC) No 765/2008 and Article 8 of this Regulation, or that have sufficient reason to believe that a vehicle, system, component or separate technical unit covered by this Regulation presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, shall inform without delay the approval authority that granted the approval about its findings.
2. The approval authority referred to in paragraph 1 shall carry out an evaluation in relation to the vehicle, system, component or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the approval and market surveillance authorities.

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, depending on the nature of the risk.

~~Article 21 of Regulation (EC) No 765/2008 shall apply to the restrictive measures referred to in the second subparagraph.~~

3. The relevant approval authority shall inform the Commission and the other Member States of the results of the evaluation referred to in paragraph 1 and the action required of the economic operator.
4. The economic operator shall, in accordance with the obligations referred to in Articles 11 to 19, ensure that all appropriate corrective measures are taken in respect of all non-compliant vehicles, systems, components or separate technical units that it has placed on the market, registered or has entered into service in the Union.
5. Where the economic operator does not take adequate corrective measures within the period referred to in the second subparagraph of paragraph 2, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

*Article 50*  
*Notification and objection procedures*  
*related to restrictive measures taken at national level*

1. The national authorities shall inform the Commission and the other Member States without delay of the restrictive measures taken in accordance with Article 49(1) and **49**(5).

The information provided shall include all available details, in particular the data necessary for the identification of the non-compliant vehicle, system, component or separate technical unit, its origin, the nature of the non-conformity alleged and the risk involved, the nature and duration of the national restrictive measures taken, and the arguments put forward by the relevant economic operator.

2. The approval authority referred to in Article 49(1) shall indicate whether the non-conformity is due to either of the following:
  - (a) failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, the protection of the environment or to other aspects of the protection of public interests covered by this Regulation;
  - (b) shortcomings in the relevant regulatory acts listed in Annex IV.
3. Member States other than the Member State initiating the procedure shall inform within one month of the receipt of the information referred to in paragraph 1 the Commission and the other Member States of any restrictive measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.
4. Where, within one month of the receipt of the information referred to in paragraph 1, an objection has been raised by either another Member State or the Commission in respect of a restrictive measure taken by a Member State, that measure shall be evaluated by the Commission in accordance with Article 51.
5. Where, within one month of the receipt of the information referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.



*Article 51*  
*Union safeguard procedure*

1. Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the Commission has considered that a national measure is contrary to Union legislation, the Commission shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operators. The Member States shall implement the Commission decision without delay and inform the Commission accordingly.

2. Where the Commission considers the national measure to be justified, all Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. Where the Commission considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.
3. Where the national measure is considered justified and is attributed to shortcomings in regulatory acts referred to in Annex IV, the Commission shall propose appropriate measures as follows:
  - (a) where regulatory acts **of the EU** are concerned, the Commission shall propose the necessary amendments to the act concerned;
  - (b) where UNECE regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE regulations in accordance with the **provisions of Annex III of Council Decision 97/836/EC** **procedure applicable under the revised 1958 Agreement.**

*Article 52*  
*Compliant vehicles, systems, components or separate technical units*  
*that present a serious risk to safety or serious harm to health and the environment*

1. Where, having performed an evaluation under Article 49(1), a Member State finds that vehicles, systems, components or separate technical units, although they comply with the applicable requirements or are properly marked, present a serious risk to safety or may seriously harm the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, depending on the nature of the risk.

The Member State may refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

2. The economic operator shall ensure that appropriate corrective measures are taken in respect of all vehicles, systems, components or separate technical units referred to in paragraph 1.
3. The Member State shall within one month of the request referred to in paragraph 1 provide the Commission and the other Member States with all available information, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national restrictive measures taken.

4. The Commission shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).
5. The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operator or operators.

#### *Article 53*

#### *General provisions related to non-compliant vehicles, systems, components or separate technical units*

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission may take the necessary restrictive measures ~~in accordance with Article 21 of Regulation (EC) No 765/2008~~, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.
2. For the purposes of paragraph 1, deviations from the particulars in the EU type-approval certificate or the information package shall be deemed to constitute a failure to conform to the approved type.

#### Article 54

#### *Notification and objection procedures related to non-compliant vehicles, systems, components or separate technical units*

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it may take all appropriate restrictive measures in accordance with Article 53(1).
2. The approval authority or market surveillance authority or the Commission shall also request the approval authority that granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on the market are brought back into conformity.
3. In the case of a whole-vehicle type-approval, where the non-conformity of a vehicle is due to a system, component or separate technical unit, the request referred to in paragraph 2 shall also be addressed to the approval authority that granted the EU type-approval for that system, component or separate technical unit.
4. In the case of a multi-stage type-approval, where the non-conformity of a completed vehicle is due to a system, component or separate technical unit that forms part of the incomplete vehicle or to the incomplete vehicle itself, the request referred to in paragraph 2 shall also be addressed to the approval authority that granted the EU type-approval for that system, component, separate technical unit or incomplete vehicle.
5. On receipt of the request referred to in paragraphs 1 to 4 the approval authority that granted the EU type-approval shall carry out an evaluation in relation to the vehicles, systems, components or separate technical units concerned covering all the requirements laid down in this Regulation. The approval authority shall also verify the data on the basis of which the approval was granted. The relevant economic operators shall fully cooperate with the approval authority.

6. Where non-conformity is established by the approval authority that granted the EU type-approval for a vehicle, system, component or separate technical unit, that approval authority shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance and where necessary the approval authority that granted the EU type-approval shall take the measures referred to in Article 53(1) as soon as possible and at the latest within one month of the date of the request.
7. The national authorities taking restrictive measures in accordance with Article 53(1) shall immediately inform the Commission and the other Member States.
8. Where, within one month after the notification of the restrictive measures taken by an approval authority or a market surveillance authority in accordance with Article 53(1), an objection has been raised by another Member State in respect of the notified restrictive measure or where the Commission establishes a non-compliance in accordance with Article 9(5), the Commission shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission may decide to take the necessary restrictive measures foreseen in Article 53(1) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operators. The Member States shall implement the Commission decision without delay and inform the Commission accordingly.

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the Commission in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

*Article 55*  
*Placing on the market and entry into service of parts or equipment*  
*that may pose a serious risk to the correct functioning of essential systems*

1. Parts or equipment that may pose a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall not be placed on the market or entered into service ~~and shall be prohibited~~, unless they have been authorised by an approval authority in accordance with Article 56(1) and (4).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to lay down the requirements that the parts and equipment referred to in paragraph 1 have to comply with.

Those requirements may be based on the regulatory acts listed in Annex IV or may consist of a comparison of the parts or equipment with the environmental or safety performance of the original parts or equipment, as appropriate. In either case, the requirements shall ensure that the parts or equipment do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.

3. The Commission shall ~~be empowered to adopt delegated~~ **implementing** acts ~~in accordance with Article 88 to amend Annex XIII to take account of technical and regulatory developments by updating~~ **to lay down** the list of parts or equipment on the basis of information regarding:
  - (a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with the parts or equipment in question;
  - (b) the potential effect on consumers and aftermarket manufacturers of a possible authorisation for the parts or equipment under Article 56(1).

**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

4. Paragraph 1 shall not apply to original parts or equipment and to parts or equipment belonging to a system that has been type-approved in accordance with the regulatory acts listed in Annex IV, except where the type-approval relates to aspects other than the serious risk referred to in paragraph 1.

For the purposes of this paragraph, original parts or equipment means parts or equipment that are manufactured according to the specifications and production standards provided by the vehicle manufacturer for the assembly of the vehicle in question.

5. Paragraph 1 shall not apply to parts or equipment that are exclusively produced for racing vehicles. Parts or equipment ~~listed in Annex XIII~~ that are used both in racing and on the road shall not be made available for vehicles intended for use on public roads, unless they comply with the requirements laid down in the delegated acts referred to in paragraph 2 and have been authorised by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

#### *Article 56*

#### *Related requirements for parts or equipment that may pose a serious risk to the correct functioning of essential systems*

1. A manufacturer of parts or equipment may apply for the authorisation referred to in Article 55(1) by submitting to the approval authority an application accompanied by a test report that is drafted by a designated technical service and that certifies that the parts or equipment for which authorisation is sought comply with the requirements referred to in Article 55(2). The manufacturer may submit only one application for each type of part or equipment and to one approval authority only.
2. The application for the authorisation shall include details of the manufacturer of parts or equipment, the type, the identification and part numbers of the parts or equipment, the vehicle manufacturer's name, the type of vehicle and, where appropriate, the year of construction or any other information permitting the identification of the vehicle to which the parts or equipment are to be fitted.

The approval authority shall authorise the placement on the market and the entering into service of the parts or equipment where it finds, taking into account the test report referred to in paragraph 1 and other evidence, that the parts or equipment in question comply with the requirements referred to in Article 55(2).

The approval authority shall issue to the manufacturer without delay an authorisation certificate in accordance with the template set out in ~~Appendix 1 of Annex XI, numbered in accordance with point 2 of Annex XI~~ **and the numbering system for the authorisation certificate laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XI to take account of technical and regulatory developments by updating the template and the numbering system for the authorisation certificate.~~

3. The manufacturer shall inform without delay the approval authority that gave the authorisation of any change affecting the conditions under which the authorisation has been issued. That approval authority shall decide whether the authorisation has to be reviewed or reissued and whether further tests are necessary.

The manufacturer shall ensure that the parts or equipment are produced and continue to be produced under the conditions under which the authorisation has been issued.

4. Before issuing any authorisation, the approval authority shall verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the authorisation.



5. Upon request of a national authority of another Member State, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.
6. An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, which may include, where necessary, requiring the withdrawal of the authorisation, after having consulted the relevant approval authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).
7. Until the list referred to in Article 55(3) has been established, Member States may maintain national provisions dealing with parts or equipment that may affect the correct functioning of systems essential for the safety of the vehicle or its environmental performance.

#### *Article 57*

#### *General provisions on recall of vehicles, systems, components or separate technical units*

1. A manufacturer who has been granted a whole-vehicle type-approval, **an importer or distributor who** and is obliged to recall vehicles in accordance with Article 12(1), Article 15(1), ~~Article 17(2)~~, Article 49(1), ~~Article 49(6)~~, ~~Article 51(4)~~, Article 52(1), and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the whole-vehicle type-approval thereof.
2. A manufacturer of systems, components or separate technical units, who has been granted an EU type-approval **or an importer who** and is obliged to recall systems, components or separate technical units in accordance with Article 12(1), Article 15(1), ~~Article 17(2)~~, Article 49(1), ~~Article 49(6)~~, ~~Article 51(4)~~, Article 52(1), and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the EU type-approval.

3. The manufacturer shall propose to the approval authority that granted the type-approval a set of appropriate remedies to bring the vehicles, systems, components or separate technical units in conformity and, where appropriate, to neutralise the serious risk referred to in Article 20 of Regulation (EC) No 765/2008.

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and it shall communicate the remedies that it has approved to the approval authorities of the other Member States and to the Commission without delay.

#### *Article 58*

#### *Specific provisions on recall of vehicles, systems, components or separate technical units*

1. Where an approval authority or the Commission considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the Commission without delay.

The approval authority that granted the EU type-approval shall request the manufacturer to take corrective measures to address the concerns notified. Where the manufacturer does not propose and implement effective corrective measures, the approval authority that granted the EU type-approval shall take all restrictive measures required, including the withdrawal of the EU type-approval and mandatory recall, and inform the approval authorities of the other Member States and the Commission about the restrictive measures taken. In the case of withdrawal of the EU type-approval, the approval authority shall inform without delay the manufacturer by registered letter or equivalent electronic means of that withdrawal.

2. Where an approval authority considers that the restrictive measures taken by the approval authority that granted the EU type-approval pursuant to article 58(1) are not sufficient or timely enough, it shall inform the Commission thereof and it may take appropriate restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

3. The Commission shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

The Commission shall address its decision to the Member States concerned and shall immediately communicate it to the relevant economic operators.

4. The Member States shall implement without delay the Commission decision and inform the Commission accordingly.
5. Where, within one month of receipt of the notification regarding the approved remedies referred to in Article 57(3), no objection has been raised against those remedies by either another Member State or the Commission, those remedies shall be deemed justified. The other Member States shall ensure that those remedies are applied in respect of the vehicles, systems, components or separate technical units concerned that have been made available on the market, registered, or entered into service in their territory.

*Right to be heard of economic operators, notification of decisions and remedies available*

1. Except in cases where immediate action is necessary for reasons of serious risk to human health, safety and the environment, the economic operator concerned shall be given the opportunity to make submissions to the national authority within an appropriate period of time before any measure pursuant to Articles 49 to 58 is adopted by the national authorities of the Member States.

If action has been taken without the economic operator's being heard, the economic operator shall have the opportunity to make submissions as soon as possible and the national authority shall review the measure promptly thereafter.

2. Any measure adopted by the national authorities shall state the exact grounds on which it is based.

Where the measure is addressed to a specific economic operator, it shall be notified without delay to the economic operator concerned, who shall at the same time be informed of the remedies available under the law of the Member State concerned and of the time limits to which such remedies are subject.

Where the measure is of general scope, it shall be appropriately published in the national official journal, **on the homepage of the type-approval authority, the market surveillance authority** or in an equivalent instrument.

3. Any measure adopted by the national authorities shall be immediately withdrawn or amended upon the economic operator's demonstrating that effective corrective action has been taken.

## CHAPTER XII INTERNATIONAL REGULATIONS

### *Article 60*

#### *UNECE regulations required for EU type-approval*

1. UNECE regulations or amendments thereto which the Union has voted in favour of or that the Union applies and that are listed in Annex IV shall be part of the requirements for the EU type-approval of a-vehicles, **systems, components or separate technical units.**
- ~~2. The approval authorities of the Member States shall accept approvals granted in accordance with the UNECE regulations referred to in paragraph 1 and, where applicable, the relevant approval marks, in place of the corresponding approvals and approval marks granted in accordance with this Regulation and the regulatory acts adopted pursuant to this Regulation.~~
3. Where the Union has voted in favour of a UNECE regulation or amendments thereto for the purpose of whole-vehicle type-approval, the Commission shall adopt a delegated act in accordance with Article 88 to make the UNECE regulation or amendments thereto compulsory or to amend this Regulation, as appropriate.

That delegated act shall specify the dates of mandatory application of the UNECE regulation or amendments thereto and include transitional provisions, where appropriate, **and, where applicable for the purposes of type-approval, first registration and entry into service of vehicles and making available on the market of systems, components and separate technical units.**

*Article 61*  
*Equivalence of UNECE regulations for the purpose of EU type-approval*

1. The UNECE regulations listed in Part II of Annex IV are recognised as being equivalent to the corresponding regulatory acts to the extent that they share the same scope and subject matter.
2. The approval authorities of the Member States shall accept type-approvals granted in accordance with the UNECE regulations referred to in paragraph 1 and, where applicable, the relevant approval marks, in place of the corresponding type-approvals and approval marks that have been granted in accordance with this Regulation and the regulatory acts adopted pursuant to this Regulation.

*Article 62*  
*Equivalence with other regulations*

The Council may, acting by qualified majority on a proposal from the Commission, recognise the equivalence between the conditions or provisions for EU type-approval of systems, components and separate technical units laid down by this Regulation and the conditions or provisions laid down by international regulations or regulations of third countries in the framework of multilateral or bilateral agreements between the Union and third countries.

## CHAPTER XIII PROVISION OF TECHNICAL INFORMATION

### *Article 63* *Information intended for users*

1. The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component or separate technical unit **or of a part or equipment** provided for in this Regulation, ~~or~~ in the delegated or implementing acts adopted pursuant to this Regulation, **or in the regulatory acts listed in Annex IV**, that diverges from the particulars of the type-approved by the approval authority.
2. The manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions linked to the use of a vehicle, a system, a component or a separate technical unit **or of a part or equipment**.
3. The information referred to in paragraph 2 shall be supplied in the official language or languages of the Member State where the vehicle, system, component or separate technical unit **or part or equipment** is to be placed on the market, registered or is to be entered into service. It shall be provided in the owner's manual ~~after acceptance by the approval authority~~.

*Article 64*  
*Information intended for manufacturers*

1. The vehicle manufacturer shall make available to the manufacturers of systems, components or separate technical units **or of parts and equipment** all particulars that are necessary for EU type-approval of systems, components or separate technical units or to obtain the authorisation referred to in Article 55(1).

The vehicle manufacturer may impose a binding agreement on the manufacturers of systems, components or separate technical units **or of parts and equipment** to protect the confidentiality of any information that is not in the public domain, including information related to intellectual property rights.

2. The manufacturer of systems, components or separate technical units **or of parts and equipment** shall provide the vehicle manufacturer with all detailed information on the restrictions that apply to his type-approvals and that are either referred to in Article 27(3) or imposed by a regulatory act listed in Annex IV.



## CHAPTER XIV ACCESS TO REPAIR AND MAINTENANCE INFORMATION

### Article 65

#### *Manufacturers' obligations to provide vehicle repair and maintenance information*

1. Manufacturers shall provide to independent operators unrestricted and standardised access to vehicle OBD information, diagnostic and other equipment, tools including any relevant software and vehicle repair and maintenance information.

Manufacturers shall provide a standardised, secure and remote facility to enable independent repairers to complete operations that involve access to the vehicle security system.

2. Until the Commission has adopted the relevant standard through the work of the European Committee for Standardization (CEN) or comparable standardisation bodies, the vehicle OBD and vehicle repair and maintenance information shall be presented in an easily accessible manner that can be processed by independent operators with reasonable effort.

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. In particular, this access shall be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.

**2a. In the following cases, it is sufficient that the manufacturer provides the required information in a readily accessible and prompt manner when an independent operator so requests:**

**(a) for vehicles types covered by a national type-approval of vehicles produced in small series according to Article 40;**

**(b) for vehicle types of categories O1 and O2 that do not use diagnostic tools or a physical or wireless communication with the on-board electronic control unit(s) for the purpose of diagnostics or reprogramming of their vehicles;**

**c) for the final stage of type-approval in a multi-stage type-approval procedure when the final stage only covers bodywork which does not contain complex electronic vehicle control systems and all electronic vehicle control systems of the base vehicle remain unchanged.**

3. The Commission shall establish and update the appropriate technical specifications on how vehicle OBD and vehicle repair and maintenance information shall be provided. The Commission shall take into account current information technology, foreseeable vehicle technology developments, existing ISO standards and the possibility of a worldwide ISO standard.
4. The details of the requirements with regard to access to vehicle repair and maintenance information, in particular technical specifications on how vehicle repair and maintenance information shall be provided, are laid down in Annex XVIII.
5. Manufacturers shall also make training material available to independent operators and authorised dealers and repairers.
6. The manufacturer shall ensure that the vehicle repair and maintenance information shall always be accessible, except as required for maintenance purposes of the information system.  
  
The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers.
7. For the purposes of manufacturing and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant vehicle OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer or repairer of component, diagnostic tool or test equipment.
8. For the purposes of the design, manufacturing and the repair of automotive equipment for alternative-fuel vehicles, manufacturers shall provide the relevant vehicle OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.

9. Independent repairers shall have access free of charge to repair and maintenance records of a vehicle that are kept in a central database of the vehicle manufacturer or in a database on its behalf.

~~Those independent repairers shall be able to enter into the relevant database information on the repair and maintenance they have carried out.~~

**Where repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall have access to such records free of charge and shall be able to enter information on repair and maintenance which they have performed. (as in Reg. 168/2013)**

**(9a) This chapter shall not apply to individual approval of vehicles.**

**Articles 65 to 70 are not applicable to**

**(a) types of trailers of categories O1, O2 built on the base of commonly available standard parts and containing no complex electronic control systems;**

**(b) types of vehicles having national small series type-approval according to Article 40; and**

**(c) manufacturers of bodyworks for vehicles based on incomplete vehicles having EU whole vehicle type-approval where the bodywork manufactured by them contains no electronic complex control system and the electronic control systems of the base vehicle are unchanged by them,**

**provided that the manufacturers provide access for independent operators to repair and maintenance information in a readily accessible and prompt manner.**

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII **and paragraph 9a** to take account of technical and regulatory developments or prevent misuse by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3.

*Article 66*  
*Obligations with regard to several type-approval holders*

1. The manufacturer responsible for the respective type-approval of a system, component or separate technical unit or for a particular stage of a vehicle shall be responsible, in the event of a mixed type-approval, a step-by-step type-approval or a multi-stage type-approval, for communicating to both the final manufacturer and the independent operators the repair and maintenance information relating to the particular system, component or separate technical unit or to the particular stage.
- ~~2. The final manufacturer shall be responsible for providing to independent operators information about the whole vehicle.~~

**In the case of multi-stage type-approval, the final manufacturer shall be responsible for providing access to vehicle OBD and vehicle repair and maintenance information regarding its own manufacturing stage(s) and the link to the previous stage(s).**

*(as in Reg. 582/2011)*

*Article 67*  
*Fees for access to vehicle repair and maintenance information*

1. The manufacturer may charge reasonable and proportionate fees for access to vehicle repair and maintenance information other than the records referred to in Article 65(~~69~~). Those fees shall not discourage access to that information by failing to take into account the extent to which the independent operator uses it.
2. The manufacturer shall make available vehicle repair and maintenance information, including transactional services, such as reprogramming, or technical assistance, on an hourly, daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted.

In addition to time-based access, manufacturers may offer transaction-based access, for which fees are charged per transaction and not based on the duration for which access is granted.

Where both access systems are offered by the manufacturer, independent repairers shall choose an access system, either time-based or transaction-based.

*Article 68*  
*Proof of compliance with repair and maintenance information obligations*

1. The manufacturer that has applied for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with Articles 65 to 70 within six months from the date of the respective type-approval.
2. Where that proof of compliance is not provided within the period referred to in paragraph 1, the approval authority shall take appropriate measures in accordance with Article 69.

*Article 69*  
*Compliance with the obligations regarding access to vehicle OBD and vehicle repair and maintenance information*

1. An approval authority may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check the compliance of a manufacturer with Articles 65 to 70, and with the terms of the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information laid down in Appendix 1 of Annex XVIII.
2. Where an approval authority finds that the manufacturer has failed to comply with his obligations regarding access to vehicle OBD and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

Those measures may include withdrawal or suspension of the type-approval, fines, or other measures adopted pursuant to Article 89.

3. Where an independent operator or a trade association representing independent operators files a complaint to the approval authority on the failure of the manufacturer to comply with Articles 65 to 70, the approval authority shall carry out an audit in order to verify compliance by the manufacturer.
4. When carrying out the audit, the approval authority may ask a technical service or any other independent expert to carry out an assessment to verify whether the obligations concerning access to vehicle OBD and vehicle repair and maintenance information have been met.

*Article 70*  
*Forum on Access to Vehicle Information*

1. The Forum on Access to Vehicle Information established in accordance with Article 13(9) of Regulation (EC) No 692/2008 shall carry out its activities in accordance with the provisions laid down in Annex XVIII.
  
2. The Forum referred to in paragraph 1 shall advise the Commission on measures to prevent misuse of vehicle OBD and vehicle repair and maintenance information. **shall consider whether access to information affects the advances made in reducing vehicle theft and shall make recommendations for improving the requirements relating to access to information. In particular, the Forum shall advise the Commission on the introduction of a process for approving and authorising independent operators by accredited organisations to access information on vehicle security.**  
  
**The Commission may decide to keep the discussions and findings of the Forum confidential.**

## CHAPTER XV ASSESSMENT, DESIGNATION, NOTIFICATION AND MONITORING OF TECHNICAL SERVICES

### *Article 71*

#### *Type approval authority responsible for technical services*

1. The type-approval authority designated by the Member State in accordance with Article 7(3) **6(1a)** hereafter referred to as the 'type approval authority', shall be responsible for the assessment, designation, notification and the monitoring of technical services, including, where appropriate, the subcontractors or subsidiaries of those technical services. **Member States may assign decide that the assessment and monitoring of technical services and, where appropriate, of the subcontractors or subsidiaries of those technical services, shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.**
2. The type-approval authority **or the national accreditation body (either hereafter referred to as "the competent authority")** shall be established, organised and operated so as to safeguard its objectivity and impartiality and to avoid any conflicts of interests with the technical services.
3. The type approval authority shall be organised so that the notification of a technical service is not be done by personnel who carried out the assessment of the technical service.
4. The type approval **personnel of the competent type approval authority who is responsible for the assessment, designation, notification and monitoring of the technical service** shall not perform any activities that technical services perform and shall not provide consultancy services on a commercial or competitive basis.
5. The type-approval-**competent** authority **and the national accreditation body** shall safeguard the confidentiality of the information it obtains.
6. The type approval authority shall have a sufficient number of competent personnel at its disposal for the proper performance of the tasks foreseen by this Regulation.



7. Member States shall provide the Commission, **the Forum established by Article 10** and the other Member States with information on their procedures for the assessment, designation and notification of technical services and for the monitoring of technical services, and of any changes thereto.

~~8. The type approval authority shall be peer reviewed by two type approval authorities of other Member States every two years.~~

~~The Member States shall draw up the annual plan for the peer review, ensuring an appropriate rotation in respect of reviewing and reviewed type approval authorities, and submit it to the Commission.~~

~~The peer review shall include an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the review and decide on its participation on the basis of a risk assessment analysis.~~

~~9. The outcome of the peer review shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.~~

~~10. The Member States shall provide information to the Commission and the other Member States on how it has addressed the recommendations in the peer review report.~~

*(The content of paragraphs 8 to 10 has been integrated into Article 10)*

**11. The Commission may adopt implementing acts to lay down the model for the provision of information on the procedures of the Member States referred to in paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

*Article 72*  
*Designation of technical services*

1. The type-approval authorities shall designate technical services for one or more of the following categories of activities, depending on their field of competence:
  - (a) category A: tests referred to in this Regulation and in the acts listed in Annex IV that those technical services carry out in their own facilities;
  - (b) category B: supervision of the tests referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the manufacturer's facilities or in the facilities of a third party; **test supervision shall involve implies a supervisor from the technical service, including test preparation;**
  - (c) category C: assessment and monitoring on a regular basis of the procedures of the manufacturer for controlling conformity of production;
  - (d) category D: supervision or performance of tests or inspections for the surveillance of conformity of production.
2. A Member State may designate an approval authority as a technical service for one or more of the categories of activities referred to in paragraph 1. Where an approval authority is designated as a technical service and is financed by a Member State, or is subject to managerial and financial control by that Member State, Articles 72 to 85 and Appendices 1 and 2 to Annex V shall apply.
3. A technical service shall be established under the national law of a Member State and have legal personality, except for **a technical service belonging to a type-approval authority and for** an accredited in-house technical service of a manufacturer, as referred to in Article 76.
4. A technical service shall take out liability insurance for its activities unless that liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.

5. Technical services of a third country, other than those designated in accordance with Article 76, may be notified for the purposes of Article 78 only where a bilateral agreement between the Union and the third country concerned provides for the possibility of designating those technical services. This shall not prevent a technical service established under the national law of a Member State in accordance with paragraph 3 from establishing subsidiaries in third countries, provided that the subsidiaries are directly managed and controlled by the designated technical service.

*Article 73*  
*Independence of the technical services*

1. A technical service, including its personnel, shall be independent and shall carry out the activities for which it has been designated with the highest degree of professional integrity and the requisite technical competence in the specific field in which it operates and shall be free from all pressures and inducements, particularly financial, that might influence its judgment or the results of its assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.
2. A technical service shall be a third-party organisation or body that is not involved in the process of design, manufacturing, supply or maintenance of the vehicle, system, component or separate technical unit it assesses, tests or inspects.

An organisation or body belonging to a business association or professional federation representing undertakings that are involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the ~~designating~~ **type-**approval authority of the relevant Member State.

3. A technical service, its top-level management and the personnel responsible for carrying out the activities for which they are designated in accordance with Article 72(1) shall not design, manufacture, supply, or maintain the vehicles, systems, components or separate technical units that they assess, nor represent parties engaged in those activities. This shall not preclude the use of those vehicles, systems, components or separate technical units that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.
4. A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of the categories of activities for which it has been designated.
5. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation, except in relation to the approval authority or where required by Union or national law.

*Article 74*  
*Competence of the technical services*

1. A technical service shall be capable of carrying out all the activities for which it is applying to be designated in accordance with Article 72(1). It shall demonstrate to the type approval authority **or the national accreditation body** that it has all of the following:
  - (a) its personnel has the appropriate skills, the specific technical knowledge, the vocational training and sufficient and appropriate experience to perform the activities for which it is seeking to be designated;
  - (b) it possesses the descriptions of the procedures relevant for the performance of the activities for which it is seeking to be designated, taking due account of the degree of complexity of the technology of the relevant vehicle, system, component or separate technical unit in question, as well as the mass or serial nature of the production process. The technical service shall demonstrate the transparency and reproducibility of those procedures;

- (c) it has the necessary means to perform the tasks connected with the categories of activities for which it is seeking to be designated and that it has access to all necessary equipment or facilities.
2. A technical service shall also demonstrate that it has the appropriate skills, the specific technical knowledge and proven experience to carry out tests and inspections for assessing the conformity of the vehicles, systems, components and separate technical units with this Regulation, with the regulatory acts listed in Annex IV and its compliance with the standards listed in Appendix 1 to Annex V.

*Article 75*  
*Subsidiaries of and subcontracting by technical services*

1. Technical services may subcontract, with the agreement of their designating type-approval authority, some of the categories of activities for which they have been designated in accordance with Article 72(1), or have those activities carried out by a subsidiary.
2. Where a technical service subcontracts specific tasks from the categories of activities for which it has been designated or has recourse to a subsidiary to perform those tasks, it shall ensure that the subcontractor or the subsidiary complies with the requirements set out in Articles 73 and 74 and it shall inform the type-approval authority thereof.
3. Technical services shall take full responsibility for the tasks performed by their subcontractors or subsidiaries, regardless of their place of establishment.
4. Technical services shall keep at the disposal of the type-approval authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.
- 5. Subcontractors of the technical services shall be notified to the type-approval authority and published by the Commission.**

*Article 76*  
*In-house technical services of the manufacturer*

1. An in-house technical service of a manufacturer may be designated for category A activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses.
2. An in-house technical service shall comply with the following requirements:
  - (a) it has been accredited by a national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 and in accordance with Appendices 1 and 2 to Annex V to this Regulation;
  - (b) the in-house technical service, including its personnel, is organisationally identifiable and has reporting methods within the manufacturer's company of which they form part that ensures its impartiality and demonstrates that impartiality to the relevant ~~national accreditation body~~ **competent type-approval authority and the national accreditation body**;
  - (c) neither the in-house technical service nor its personnel is engaged in any activity that might conflict with its independence or its integrity to perform the activities for which it has been designated;
  - (d) it supplies its services exclusively to the manufacturer's company of which it forms part.
- ~~3. An in house technical service does not need to be notified to the Commission for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type approval authority at the request of that authority.~~

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XV to take account of technical and regulatory developments by updating the list of regulatory acts and restrictions contained therein.

*Article 77*  
*Assessment and designation of technical services*

0. **The applicant technical service shall submit a formal application to the type-approval authority of the Member State in which it requests to be designated according to part 4, Appendix 2 of Annex V. The activities for which the applicant technical service is applying to be designated shall be specified in the application request in accordance with Article 72(1).**

1. Before **a type-approval authority** designating a technical service, the type-approval **competent or the national accreditation body** authority shall assess it in accordance with an assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

**1a. In cases where the assessment is carried out by a national accreditation body in accordance with Article 71(1), the applicant technical service shall deliver to the type-approval authority a valid accreditation certificate and the corresponding evaluation report that proves the fulfilment of the requirements set out in Appendix 2 of Annex V for the activities for which the applicant technical service is applying to be designated.**

**1b. In cases where the assessment is performed by the type-approval authority, the type-approval authority of the Member State in which the applicant technical service has requested to be designated shall formally appoint a joint assessment team that includes also representatives of the type-approval authorities of at least two other Member States, In cases where the assessment is not performed by the type-approval authority** ~~Representatives of the type-approval authorities of at least two other Member States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service **has requested to be designated** is established, and, **where relevant,** together with a representative of the Commission, ~~form a joint assessment team and~~ **to** participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.~~

**1c. If applicable, the technical services that apply to perform tests exclusively for national small series type approvals in accordance with Article 40 and national individual vehicle approvals in accordance with Article 43 shall be exempted from the obligation in subparagraph 2.**

**1d. If the technical service has requested to be designated by several type-approval authorities in accordance with Article 78(3), the assessment shall be carried out only once, provided that the scope of the technical service's designation has been covered in that assessment.**

2. The joint assessment team shall raise findings regarding non-compliance of the applicant technical service with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V during the assessment process. ~~These findings shall be discussed between the designating approval authority and the joint assessment team with a view to finding common agreement with respect to the assessment of the application.~~



3. The joint assessment team shall produce ~~within 45 days~~ after the on-site assessment a report setting out the extent to which the applicant complies with the requirements set out in in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.
- ~~4. This report shall contain a summary of identified non-compliances. Divergent opinions between members of the joint assessment team shall be reflected in the report, together with a recommendation whether the applicant could be designated as technical service.~~
5. The Member States shall notify to the Commission the names of the representatives of the type-approval authority to call upon for each joint assessment **and the scope of the technical services designated by its type-approval authority.**
- ~~6. The competence of a technical service shall be assessed in accordance with the provisions of Appendix 2 to Annex V.~~
7. **Following the procedures set out in Appendix 2 of Annex V,** the type-approval authority shall notify the assessment report to the Commission and, **upon request,** to **the designating type-approval** authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.  
  
~~The notifying type-approval authority shall furthermore submit evidence of the availability of competent personnel for monitoring the technical service in accordance with Article 71(6).~~
8. The type-approval authorities of the other Member States and the Commission may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence.
9. The type-approval authority of the Member State where the applicant technical service is ~~established~~ **has requested to be designated** shall respond to the questions, concerns and requests for further documentary evidence within four weeks following their receipt.

10. The type-approval authorities of the other Member States or the Commission may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service is ~~established~~ **has requested to be designated** within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.
11. The validity of the designation of technical services shall be limited **in time** ~~to a maximum of five years~~.
12. The approval authority that intends to be designated as a technical service in accordance with Article 72(2) shall document compliance with the requirements of this Regulation through an assessment conducted by independent auditors. Those auditors **may be from within the same organisation provided that they are managed autonomously from the personnel undertaking the assessed activity** ~~shall not belong to the same approval authority~~ and shall comply with the requirements laid down in Appendix 2 of Annex V.

#### *Article 78*

#### *Notification to the Commission concerning technical services*

1. ~~Member States~~ **The type-approval authorities** shall notify to the Commission the name, the address, including the electronic address, the responsible persons and the category of activities of every technical service that they have designated. The notification shall clearly specify the scope of the designation, the conformity assessment activities and procedures, the type of products and the subjects listed in Annex IV for which the technical services have been designated, and subsequent modifications to any of those details.

That notification shall be made prior to the conduct of any activity referred to in Article 72(1) by the designated technical services.

2. ~~Within 28 days **one month** of a notification, a Member State or the Commission may raise written objections, setting out its arguments, with regard either to the technical service or to its monitoring by the type approval authority. When a Member State or the Commission raises objections, the effect of the notification shall be suspended. In this case, the Commission shall consult the parties involved and shall decide by means of an implementing act whether the suspension of the notification can be lifted or not. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).~~

~~Where no objection is raised or where the Commission is of the opinion that the notification may be accepted fully or partially, the Commission shall publish the notification in accordance with paragraph 5.~~

3. The same technical service may be designated by several type-approval authorities and notified to the Commission by the Member States of those type-approval authorities, irrespective of the category or categories of activities that that technical service shall carry out in accordance with Article 72(1).
4. Where a regulatory act listed in Annex IV requires a type-approval authority to designate a specific organisation or competent body to carry out an activity not included in the categories of activities referred to in Article 72(1), the Member State shall make the notification referred to in paragraph 1.
5. The Commission shall publish on its website an updated list and details of the technical services and the specific organisations and competent bodies that have been notified to it in accordance with this Article.

*Article 79*  
*Changes to and renewal of designations of technical services*

1. Where the type-approval authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this Regulation, that authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

The type-approval authority shall immediately inform the Commission and the other Member States of any suspension, restriction or withdrawal of a notification.

The Commission shall update the information published referred to in Article 78(4) accordingly.

2. In the event of a restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the ~~designating~~ **type-approval** authority shall ~~transfer the files of that technical service to another technical service for further processing or keep them~~ **the files of that technical service** available for the approval authorities or for the market surveillance authorities.
3. The type-approval authority shall inform the other type-approval authorities and the Commission when non-compliance of the technical service has an impact on type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in notification.

Within two months after having notified the changes to the notification, the type-approval authority shall submit a report on its findings regarding the non-compliance to the Commission and the other type-approval authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the ~~designating type-approval~~ authority shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

4. **Where the designation of technical services has been suspended, restricted or withdrawn, the type-approval certificates which were issued on the basis of inspection and test reports issued by those technical services shall remain valid unless those type-approvals become invalid in accordance with Article 33(2e).**

~~The other type-approval certificates which were issued on the basis of inspection and test reports issued by the technical service for which the notification designation has been suspended, restricted or withdrawn shall remain valid in the following circumstances:~~

~~(a) in the case of suspension of a notification **designation**, on condition that, within three months after the suspension, the type-approval authority that issued the type-approval certificate confirms in writing to the type-approval authorities of the other Member States and the Commission that it is assuming the functions of the technical service during the period of suspension;~~

~~(b) in the case of restriction or withdrawal of a notification **designation**, for a period of three months after the restriction or withdrawal. The type-approval authority that issued the certificates may extend the validity of the certificates for further periods of three months, for a maximum period altogether, of twelve months, provided it is assuming during that period the functions of the technical service whose notification has been restricted or withdrawn.~~

~~The type-approval authority assuming the functions of the technical service shall immediately inform the other type-approval authorities, the other technical services and the Commission thereof.~~

5. An extension of the scope of the technical service's designation may be ~~granted~~ **carried out** in accordance with **the provisions set out in Appendix 2 of Annex V** ~~procedure set out in Article 77~~ and subject to the notification referred to in Article 78.
6. A designation as technical service can only be renewed after the type-approval authority has verified whether the technical service continues to comply with the requirements of this Regulation. That assessment shall be carried out in accordance with the procedure set out in Article 77.

*Article 80*  
*Monitoring of technical services*

1. The type-approval **competent** authority **or the national accreditation body** shall continuously monitor the technical services to ensure compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V.

Technical services shall, on request, supply all relevant information and documents, required to enable that type-approval **competent** authority **or the national accreditation body** to verify compliance with those requirements.

Technical services shall, without delay, inform the type-approval **competent** authority **and the national accreditation body** of any changes, in particular regarding their personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

2. Technical services shall respond without delay to requests by a type-approval authority or by the Commission in relation to the conformity assessments they have carried out.

3. The type-approval **competent** authority **and the national accreditation body** of the Member State in which the technical service is established shall ensure that the technical service carries out its obligation laid down in paragraph 2, unless there is a legitimate reason for not doing so.

When the type-approval **competent** authority **and the national accreditation body** of the Member State in which the technical service is established invokes **acknowledges** a legitimate reason, it shall inform the Commission thereof.

The Commission shall consult without delay the Member States. On the basis of that evaluation, the Commission shall decide by means of an implementing act whether the legitimate reason is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

The technical service ~~or~~ the type-approval **competent** authority **or the national accreditation body** may request that any information transmitted to the authorities of another Member State or to the Commission shall be treated confidentially.

- 3a. At least every [30 months], the type-approval **competent** authority **or the national accreditation body** shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. This assessment shall include an on-site visit to each technical service under its responsibility.

Within two months after finalising this assessment of the technical service, the Member States shall report to the Commission and to the other Member States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

- ~~4. Five years after the notification of a technical service, and every fifth years thereafter, the assessment to determine whether the technical service still complies with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V shall be carried out by the type approval authority of the Member State in which the technical service is established and a joint assessment team designated in accordance with the procedure described in Article 77(1) to (4).~~

*Article 81*  
*Challenge to the competence of technical services*

1. The Commission shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

The Commission shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

2. The Commission shall consult the type-approval authority of the Member State ~~where~~ **which** **designated** the technical service ~~is established~~ as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the Commission, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.
3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.
4. Where the Commission ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

The Commission shall request that Member State to take restrictive measures, including the suspension, restriction or withdrawal of the designation, where necessary.



Where the Member State fails to take the necessary restrictive measures, the Commission may, by means of implementing acts, suspend, restrict or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). The Commission shall notify the Member State concerned of its decision and shall update the information published referred to in Article 78(4) accordingly.

#### *Article 82*

#### *Exchange of information on assessment, designation and monitoring of technical services*

1. Type-approval authorities shall consult each other and the Commission on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.
2. Type-approval authorities shall communicate to each other and the Commission not later than two years after the entry into force of this Regulation the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).
3. When the assessment reports referred to in Article 77(3) indicate discrepancies in the general practice of type-approval authorities, Member States or the Commission may request an exchange of information.
4. The exchange of information shall be co-ordinated by the Forum referred to in Article 10.

*Article 83*  
*Cooperation with national accreditation bodies*

1. Where designation of a technical service is **also** based on accreditation within the meaning of Regulation (EC) No 765/2008, **the national accreditation body and the designating type-approval authority shall maintain full cooperation and shall exchange relevant information.**

Member States shall ensure that the national accreditation body that has accredited a particular technical service is kept informed by the type-approval authority on incident reports and other information that relate to matters under the control of the technical service when that information is relevant for the assessment of the performance of the technical service.

2. Member States shall ensure that the national accreditation body in charge of the accreditation of a particular technical service is kept informed by the type-approval authority of the Member State where the technical service is established on findings relevant for the accreditation. The national accreditation body shall inform the type-approval authority of the Member State where the technical service is established on its findings.

*Article 84*  
*Operational obligations of technical services*

1. Technical services shall carry out the activities for which they have been designated in accordance with Article 72(1).
2. Technical services shall comply at all times with all of the following:
  - (a) allow their approval authority to witness the performance of the technical service during ~~the conformity assessment~~ **testing for type-approval;**
  - (b) provide their approval authority, upon request, with information on the categories of activities for which they have been designated.

3. Where a technical service finds that a manufacturer does not comply with the requirements laid down in this Regulation, it shall report this to the approval authority in order for the approval authority to require the manufacturer to take appropriate corrective measures. The approval authority shall refuse to issue a type-approval certificate where those appropriate corrective measures have not been taken.

*Article 85*  
*Information obligations of technical services*

1. Technical services shall inform their approval authority of the following:
  - (a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;
  - (b) any circumstances affecting the scope of and conditions for their designation;
  - (c) any request for information which they have received from market surveillance authorities regarding their activities.
2. Upon request from their approval authority, technical services shall provide information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.

*Article 86*

*National fees for costs relating to the activities exercised by the type approval authorities*

1. ~~The Member States shall levy fees on technical services applying to be designated established in their territory to cover wholly or partly, the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.  
(moved to Art 30(2a))~~
  
2. ~~The Commission may adopt implementing acts in order to set out the structure and the level of the fees referred to in paragraph 1, taking into account the objectives of safety and the protection of human health and the environment, support of innovation and cost effectiveness. When fixing the appropriate level of the fees, particular attention shall be paid to technical services that submitted a valid certificate delivered by the national accreditation body as referred to in Article 83 and to technical services that are small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC<sup>22</sup>. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).~~

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<sup>22</sup> ~~Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).~~

## CHAPTER XVI IMPLEMENTING AND DELEGATED POWERS

### *Article 87 Committee procedure*

1. The Commission shall be assisted by the Technical Committee — Motor Vehicles. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**

### *Article 88 Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), ~~Article 25(5), Article 26(2),~~ Article 28(5), Article 29(6), ~~Article 34(2),~~ **Article 39(4), Article 42(6), Article 43(7)**, Article 55(2) ~~and (3), Article 56(2),~~ Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for ~~an indeterminate~~ period of **five years** ~~time~~ from the date of entry into force of this Regulation.

**The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), ~~Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 39(4), Article 42(6), Article 43(7), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2)~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

**3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.**

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), ~~Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

## CHAPTER XVII FINAL PROVISIONS

### *Article 89* *Penalties*

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, ~~in particular Articles 11 to 19 and 72 to 76, 84 and 85~~ and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.
2. The types of infringements by economic operators and technical services subject to penalties shall be at least the following:
  - (a) making false declarations during approval procedures or procedures leading to a recall;
  - (b) falsifying test results for type-approval;
  - (c) withholding data or technical specifications that could lead to the recall of vehicles, systems, components and separate technical units, or to the refusal or withdrawal of type-approval certificate;
  - (d) inadequate fulfillment by the technical services of the requirements for their designation.**
3. In addition to the types of infringements set out in paragraph 2, the types of infringements by economic operators that are also subject to penalties shall be at least the following:
  - (a) refusing to provide access to information;
  - (b) making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents, ~~or markings~~ **certificates of conformity, statutory plates or approval marks** with that intention.

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the Commission by dd/mm/yyyy [*PO: please insert the date [12] months after entry into force of this Regulation.*] and shall notify the Commission without delay of any subsequent amendment affecting those provisions.
5. Member States shall report to the Commission every year on the penalties they have imposed. **In case no penalties were imposed in a given year Member States shall report this to the Commission.**
- 6. The Commission shall elaborate a summary report on the sanctions imposed by Member States. The report may include recommendations for Member States and it shall be submitted to the Forum established according to Article 10.**

[ *Article 90*  
*Administrative fines*

1. Where the compliance verification by the Commission referred to in Article 9(1) and (4), or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the Commission may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

The administrative fines imposed by the Commission shall not be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement and shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

2. The Commission may adopt delegated acts in accordance with Article 88 to lay down the methods for the calculation and collection of the administrative fines referred to in paragraph 1.
3. The amounts of administrative fines shall be considered as revenue for the general budget of the European Union. ]



*Article 91*  
*Amendments to Regulation (EC) No 715/2007*

1. Regulation (EC) No 715/2007 is amended as follows:

(1) The title of the Regulation is replaced by the following:

‘Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)’;

(2) in Article 1, paragraph 2 is replaced by the following:

‘2. In addition, this Regulation lays down rules for in-service conformity, durability of pollution control devices, vehicle OBD systems and measurement of fuel consumption.’;

(3) in Article 3, points 14 and 15 are deleted;

(4) Articles 6 to 9 are deleted;

(5) in Article 13(2), point (e) is deleted.

[(6) The following Article 11a shall be inserted:

*Article 11a*

1. On the basis of appropriate and representative samples, **subject to the adoption and entry into force of the procedures referred to in paragraph 2, those type-approval authorities that granted type-approval** shall verify that

(a) vehicles that have entered into service conform to the CO<sub>2</sub> emission and fuel consumption values recorded in the type approval certificates and certificates of conformity;

(b) CO<sub>2</sub> emissions and fuel consumption values determined through the applicable test procedure are representative of emissions measured [under real driving conditions].

2. The Commission may adopt ~~implementing~~ **delegated** acts **in accordance with Article 88** in order to determine the verification procedures referred to in points (a) and (b) and any action necessary to take into account the result of those verifications. ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [...].~~
2. References to the deleted provisions of Regulation (EC) No 715/2007 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 1 of Annex XVIII to this Regulation.

*Article 92*  
*Amendments to Regulation (EC) No 595/2009*

1. Regulation (EC) No 595/2009 is amended as follows:
  - (1) in Article 1, paragraph 2 is replaced by the following:

‘2. This Regulation also lays down rules for in-service conformity of vehicles and engines, durability of pollution control devices, vehicle OBD systems, measurement of fuel consumption and CO2 emissions and accessibility of vehicle OBD.’
  - (2) in Article 3, points 11 and 13 are deleted;
  - (3) Article 6 is deleted;
  - (4) in Article 11(2), point (e) is deleted.
2. References to the deleted provisions of Regulation (EC) No 595/2009 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 2 of Annex XVIII to this Regulation.

*Article 93*  
*Amendment to Regulation (EC) No 692/2008*

1. ~~Annex XIV to Regulation (EC) No 692/2008 is deleted.~~
2. ~~References to the deleted provisions of Regulation (EC) No 692/2008 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 3 of Annex XVIII to this Regulation.~~

*Article 94*  
*Amendments to Regulation (EU) No 582/2011*

1. ~~Regulation (EU) No 582/2011 is amended as follows:~~
  - (1) ~~Articles 2a to 2h are deleted;~~
  - (2) ~~Annex XVII is deleted.~~
2. ~~References to the deleted provisions of Regulation (EU) No 582/2011 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 4 of Annex XVIII to this Regulation.~~

*Article 95*  
*Repeal of Directive 2007/46/EC*

Directive 2007/46/EC is repealed with effect from 1 January 201X.

References to Directive 2007/46/EC shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 5 of Annex XVIII to this Regulation.

*Article 96*  
*Transitional provisions*

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units before [*PO: please insert the date of application as mentioned in Article 98*].
2. Approval authorities shall grant extensions and revisions of whole-vehicle type-approvals and EU type-approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 in accordance with Articles 31 and 32 of this Regulation.
3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on [*PO: please insert the date, which should be the date of application as mentioned in Article 98 + 5 years*] and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33 of this Regulation.
4. Technical services already designated before the entry into force of this Regulation shall be subject to the assessment referred to in Article 77.

The designation of technical services already designated before the entry into force of this Regulation shall be renewed within two years of the entry into force of this Regulation where those technical services comply with the relevant requirements set out in this Regulation.

The validity of the designation of technical services made before the entry into force of this Regulation shall terminate at the latest two years after the date of entry into force of this Regulation.

*Article 97*  
*Reporting*

1. By 31 December 20xx [*PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5 years*] Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

2. On the basis of the information supplied under paragraph 1, the Commission shall present an evaluation report to the European Parliament and the Council on the application of this Regulation, including on the functioning of the compliance verification in accordance with Article 9 by 31 December 20yy. [PO: please insert the year, which should be the year 20xx as mentioned in paragraph 1 + 1 year]

*Article 98*  
*Entry into force and application*

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

It shall apply from 1 January 201X.

However, from [...] [PO: please insert the date [12] months after entry into force of this Regulation.], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the ~~delegated and implementing acts adopted pursuant to this Regulation~~ **regulatory acts of the EU listed in Annex IV**, if a manufacturer so requests.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*For the Council*

The President

The President

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