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EUROPEAN COMMISSION

Brussels, 23.7.2010  
COM(2010)395 final

2010/0212 (COD)

Proposal for a

**REGULATION (EU) No .../... OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL**

**on the approval of agricultural or forestry vehicles**

(Text with EEA relevance)

SEC(2010)934  
SEC(2010)933

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The objective of the proposal is to lay down harmonised rules on the manufacture of agricultural and forestry vehicles (tractors, trailers and towed equipment) with a view to ensuring the functioning of the internal market while at the same time providing for a high level of road and occupational safety and environmental protection. Existing legislation will be replaced in order to align it with the principles of Better Regulation and Simplification.

The proposal aims at enhancing the safety of vehicles by introducing requirements for all categories of agricultural and forestry vehicles.

Finally, the proposal contributes to the competitiveness of the industry by simplifying the existing vehicle type-approval legislation, improving transparency and easing administrative burden.

- **General context**

The technical requirements for the type-approval of tractors with regard to numerous safety and environmental elements have been harmonised at the level of the Union in order to avoid requirements that differ from one Member State to another, to ensure a high level of road and occupational safety and environmental protection throughout the Community and to allow for a harmonized system of EU type-approval.

New technologies like ABS (anti-lock braking systems) are now available and can be implemented in the near future, which will dramatically improve vehicle safety. Research has indicated that there would be significant benefits if such technologies were introduced as standard on new vehicles. Setting common mandatory requirements would also prevent the fragmentation of the internal market resulting from varying product standards emerging across Member States.

The Commission in its Communication on “A Competitive Automotive Regulatory Framework for the 21st Century”<sup>1</sup> welcomed the recommendation from the CARS 21 report<sup>2</sup> to simplify the current whole vehicle type-approval regulatory framework. Following this recommendation, the proposal significantly simplifies the type-approval legislation by replacing 24 base Directives (and around 35 related amending Directives) in the field of agricultural and forestry vehicle technical requirements with one Council and Parliament Regulation.

- **Existing provisions in the area of the proposal**

- The existing type-approval legislation for tractors is regulated in the following EU-

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<sup>1</sup> COM(2007) 22.

<sup>2</sup> CARS 21, *A Competitive Automotive Regulatory System for the 21st century*: ISBN 92-79-00762-9.

acts: Council Directives 74/347/EEC, 76/432/EEC, 76/763/EEC, 77/537/EEC, 78/764/EEC, 80/720/EEC, 86/297/EEC, 86/298/EEC, 86/415/EEC, 87/402/EEC; European Parliament and Council Directives 2000/25/EC, 2003/37/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009/64/EC, 2009/66/EC, 2009/68/EC, 2009/75/EC, 2009/76/EC and 2009/144/EC.

The draft proposal and its implementing and delegated acts will carry over the existing requirements laid down in the above acts. Compared to the existing acts, the regulation will lay down new requirements on one advanced safety measure, namely anti-lock braking systems, together with some further updates in the braking requirements like shorter braking distances and the introduction of hydrostatic systems. In addition, the proposal will introduce requirements on a series of technical aspects for those vehicle categories for which they are not yet defined under Directive 2003/37/EC, at a level similar to what exists today in the Directives referred to above.

- **Consistency with the other policies and objectives of the Union**

The proposal is consistent with the EU objective to make roads safer as outlined, in particular, in the White Paper on European Transport Policy<sup>3</sup>. This was adopted by the Commission in 2001 and provides an umbrella for the European Road Safety Action Programme.

Furthermore, as far as the environmental aspects of the proposal are concerned, no changes are proposed to the existing levels of protection. The only change is that the Regulation should refer to Directive 97/68/EC on emissions of Non-Road Mobile Machinery instead of having a specific one for tractors, simplifying the current implementation process while keeping the key features for future developments.

Finally, the proposal is consistent with the EU strategy for the simplification of the regulatory environment as announced in the Commission's Communication on "Updating and simplifying the Community acquis"<sup>4</sup> which identifies the type-approval system for motor vehicles as a priority area for simplification of Community legislation.

## 2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

In developing the proposal the Commission has consulted stakeholders in a number of ways:

- There was a general internet consultation, covering all aspects of the proposal. Reactions were received from Member States (ministries), tractor

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<sup>3</sup> COM(2001) 370.

<sup>4</sup> COM(2003) 71.

manufacturers (European and national representatives and individual companies) and component manufacturers, transport organisations and user representation.

- In the context of the Impact Assessment study an external consultant invited some 200 stakeholders to contribute and send in comments. In addition a meeting was held with interested parties.
- The proposal has been discussed in several meetings of the Commission's Working Group on Agricultural Tractors.

#### Summary of responses and how they have been taken into account

During the internet consultation, a number of issues were raised by stakeholders. The impact assessment that accompanies this proposal provides a full account of the substantive issues raised and discusses how they have been taken into consideration.

An open consultation was conducted over the internet from 3/07/2008 to 12/09/2008. The Commission received 19 responses. The results are available on [http://ec.europa.eu/enterprise/automotive/consultation/agricultural\\_vehicles/call.htm](http://ec.europa.eu/enterprise/automotive/consultation/agricultural_vehicles/call.htm).

#### • **Collection and use of expertise**

##### Scientific/expertise domains concerned

The proposal required the assessment of different policy options as well as the associated economic, societal and environmental impacts.

##### Methodology used

The consultant, TRL Ltd., sent an enquiry to all relevant stakeholders (public authorities, manufacturing industry and users organisations); a draft report was discussed in a meeting with those interested, which resulted in further contributions.

##### Means used to make the expert advice publicly available

The TRL report is available on the DG Enterprise and Industry website.

#### • **Impact assessment**

For each of the main aspects of the proposal, different options were considered:

1. Simplification aspects – I: Directives or Regulations
  - a) No change in policy. This would mean that the existing 24 Directives would be maintained with additional amendments when necessary.
  - b) Replace existing separate Directives by one Regulation.
  - c) Replace existing Directives by one Co-Decision Regulation and a limited

number of thematic delegated and implementing acts. This is the retained option.

2. Simplification aspect – II: all in detailed EU legislation or reference to international standards

- a) No change in policy. This would mean that the existing 24 Directives would be maintained with additional amendments when necessary. The Directives would continue to operate in parallel with the existing UNECE Regulations and OECD Codes with the technical requirements usually (but not always) being the same. This is currently the cause of much confusion for stakeholders who are not closely involved with the type-approval system, and leads to a situation of a regulatory system that is less than fully transparent.
- b) Replace existing separate Directives where possible by equivalent UNECE Regulations.
- c) Replace existing separate Directives where possible by equivalent UNECE Regulations, or OECD Codes (roll-over protection systems) or possibly CEN/CENELEC or ISO standards. This is the retained option since it would maximise the advantages of simplification at the benefit, in particular, of national authorities and industry.

3. Completion of the internal market

- a) No change in policy. This would mean that bit-by-bit the package as foreseen in Directive 2003/37/EC would be completed.
- b) Complete the EU TA requirements and make EU WVTA mandatory for all categories.
- c) Complete the EU TA requirements but leave EU WVTA optional for certain categories (T4, T5, C, R and S).

The Commission carried out an impact assessment listed in the Work Programme; the report is accessible on [CIRCA WEBPAGE]

### 3. LEGAL ELEMENTS OF THE PROPOSAL

#### • Summary of the proposed action

The proposal significantly simplifies the agricultural vehicle type-approval system with respect to the technical requirements on safety and emissions by repealing 24 Directives.

The proposal will, through the delegated acts foreseen herein, lay down in detail the new mandatory requirements on braking. In particular, the delegated acts adopted under this proposal will require amongst others:

- mandatory fitting of anti-lock braking systems on some categories (T5 fast tractors and their trailers suitable for speeds over 40 km/h);

- higher deceleration performance;
- compatibility between tractor and trailers/towed equipment.

- **Legal basis**

The legal basis of the proposal is Article 114 of the Treaty on the Functioning of the European Union.

- **Subsidiarity principle**

The subsidiarity principle applies since the proposal does not fall under the exclusive competence of the Union.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons.

In order to allow for an EU vehicle type approval system, the technical requirements for the type-approval of motor vehicles with regard to safety and environmental elements must be harmonised at Union level. Action by Member States alone would not allow for an EU whole vehicle type-approval system. European Union action is necessary because of the need to avoid the emergence of barriers to the single market.

Union action will better achieve the objectives of the proposal because it will avoid fragmentation of the internal market which would otherwise arise and will enhance the safety and environmental performance of vehicles.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reasons.

As shown in the impact assessment, the proposal complies with the proportionality principle because it does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the internal market while at the same time providing for a high level of public safety and environmental protection.

The simplification of the regulatory environment will significantly contribute to the reduction of administrative costs for national authorities and industry.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reasons.

The use of a Regulation is considered to be appropriate in providing the required assurance for compliance whilst not requiring the transposition into Member States' legislation.

The proposal uses the “split-level approach” that has originally been introduced at the

request of the European Parliament and used in other pieces of legislation in the area of EU type approval of motor vehicles. This approach foresees legislation in two steps:

- first, the fundamental provisions will be laid down by the European Parliament and the Council in a Regulation based on Article 114 of the Treaty on the Functioning of the European Union through the ordinary legislative procedure;
- secondly, the technical specifications implementing the fundamental provisions will be laid down in delegated acts adopted by the Commission in accordance with Article 290 of the Treaty on the Functioning of the European Union.

#### **4. BUDGETARY IMPLICATION**

The proposal has no implication for the Community budget.

#### **5. ADDITIONAL INFORMATION**

- **Simulation, pilot phase and transitory period**

There is a general transitory period in the proposal in order to allow sufficient lead time for vehicle and component manufacturers and administrations.

- **Simplification**

The proposal provides for simplification of legislation.

24 Directives on the type-approval of vehicles will be repealed.

The proposal provides for simplification of administrative procedures for public authorities. The proposal is included in the Commission's rolling programme for update and simplification of the 'acquis communautaire' and its Legislative Work Programme under the reference 2009/ENTR/001.

- **Repeal of existing legislation**

The adoption of the proposal will lead to the repeal of existing legislation.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

2010/0212 (COD)

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**Regulation (EU) No .../2010 of the European Parliament and of the Council for the approval of agricultural and forestry 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,

Having regard to the opinion of the European Economic and Social Committee<sup>5</sup>

After transmission of the proposal to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In order to promote the internal market, a comprehensive Community type approval system for tractors, their trailers and interchangeable towed equipment was established by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC<sup>6</sup>.
- (2) For the purposes of the establishment and operation of the internal market of the Union, it is appropriate to replace the approval systems of the Member States with a Union approval procedure based on the principle of total harmonisation, while at the same time taking due account of cost-benefit considerations, with special attention given to small and medium-sized enterprises.
- (3) Following the request of the European Parliament and with the aim of simplifying and accelerating the procedure, a new regulatory approach has been introduced in the Union

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<sup>5</sup> OJ C[...], [...], p. [...]

<sup>6</sup> OJ L 171, 9.7.2003, p. 1.

vehicle type-approval legislation according to which the legislator in the ordinary legislative procedure sets out the fundamental rules and principles only and delegates the legislation of further technical details to the Commission. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on road safety, occupational safety and environmental performance and delegate to the Commission the power to lay down the technical specifications in delegated acts.

- (4) This Regulation is without prejudice to measures regarding the use of agricultural and forestry vehicles on the road, such as specific drivers' licence requirements, limitations of the maximum speed or measures regulating the access to certain roads.
- (5) In order to ensure a high level of road safety, occupational safety and environmental protection the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units with regard to type-approval should be harmonised.
- (6) Since the Directives on non-road mobile machinery<sup>7</sup> do not provide for harmonized requirements for road safety, it is appropriate to provide the option for manufacturers of mobile machinery to have their products approved in accordance with European standards for the road safety requirements under this Regulation; therefore, mobile machinery should be included in this Regulation on an optional basis with regard to system type-approvals for road safety requirements, in particular since the requirements applicable to mobile machinery outside of this regulation do not comprise any road safety aspects.
- (7) In order to simplify the type-approval legislation in line with the recommendations of the Report CARS 21: A Competitive Automotive Regulatory System for the 21<sup>st</sup> century<sup>8</sup> ("CARS 21"), it is appropriate to repeal all separate Directives without reducing the level of protection. The requirements set out in those Directives should be carried over to this Regulation or its delegated acts and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE), as incorporated into Union law in accordance with Article 4 of Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Union 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 used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ("Revised 1958 Agreement")<sup>9</sup>. To reduce the administrative burden of the type-approval process it is appropriate to allow vehicle manufactures to type-approve in accordance with this Regulation, where appropriate, directly by means of obtaining approval to the relevant UNECE Regulation as listed in Annex I.

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<sup>7</sup> Cf. Directives 97/68/EC and 2006/42/EC.

<sup>8</sup> COM(2007)22 final.

<sup>9</sup> OJ L 346, 17.12.1997, p.78.

- (8) Consequently, UNECE Regulations to which the Union accedes, in application of Decision 97/836/EC, and amendments to UNECE Regulations to which the Union has already acceded should be incorporated within the EU type-approval procedure either as requirements for EU vehicle type-approval, or as alternatives to existing Union law. In particular, where the Union decides that a UNECE Regulation shall become part of the EU vehicle type-approval requirements and replace existing EU legislation, the power should be delegated to the Commission to adopt the necessary adaptations to this Regulation or to adopt the necessary implementing acts.
- (9) As an alternative, reference can be made in the delegated acts to Codes established by the Organisation for Economic Cooperation and Development (OECD) or to CEN/CENELEC or ISO standards which are directly available to the public.
- (10) The requirements of this regulation are in accordance with the principles enshrined in the Action plan entitled 'Simplifying and improving the regulatory environment'<sup>10</sup>.
- (11) It is of particular importance that future measures proposed on the basis of this Regulation or procedures to be implemented in application of it should comply with these principles, which have been restated by the Commission in its Report CARS 21. In particular, for the purposes of better regulation and simplification and in order to avoid constant updating of existing EU legislation on issues of technical specifications, this Regulation should make reference to existing international standards and regulations which are available to the public without reproducing them in the EU legal framework.
- (12) Directive 2003/37/EC in a first stage limited the mandatory application of the EU whole vehicle type-approval procedure to the vehicle categories T1, T2 and T3 and did not provide for all requirements necessary in order to apply for EC-whole vehicle type approval on a voluntary basis for other categories. In order to complete the internal market and to ensure that it functions properly, this Regulation should allow manufacturers to apply for EU-whole vehicle type approval for all categories covered by this Regulation on a voluntary basis, thereby enabling them to benefit from the advantages of the internal market by means of the EU type-approval.
- (13) It is appropriate to establish the principle that vehicles must be designed, constructed and assembled so as to minimise the risk of injury to the vehicle occupants and to other road users. For this purpose, it is necessary that manufacturers ensure that vehicles comply with the relevant requirements set out in this Regulation. Those provisions should include, but not be limited to, requirements relating to vehicle structural integrity, systems to aid the driver's control of the vehicle, systems to provide the driver with visibility and information on the state of the vehicle and the surrounding area, vehicle lighting systems, vehicle occupant protection systems, the vehicle exterior and accessories, vehicle masses and dimensions and vehicle tyres.

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<sup>10</sup> COM(2002)278 final, 5.6.2002.

- (14) In order to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the Community type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.
- (15) In order to prevent misuse, the simplified procedure for small series vehicles should be restricted to limited numbers of vehicles; it is therefore necessary to define precisely the concept of small series in terms of the number of vehicles produced.
- (16) It is important to lay down provisions for the individual approval of vehicles, in order to allow sufficient flexibility in the multi-stage approval system.
- (17) The main objective of the legislation of the Union on the approval of vehicles is to ensure that new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection. This aim should not be impaired by the fitting of certain parts or equipment after vehicles have been placed on the market or have entered into service. Thus, appropriate measures should be taken in order to make sure that parts or equipment which can be fitted to vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of safety or environmental protection, are subject to a prior control by an approval authority before they are offered for sale. These measures should consist of technical provisions concerning the requirements that those parts or equipment have to comply with.
- (18) Those measures should only apply to a limited number of parts and equipment, the list of which should be established in a delegated act after having consulted the stakeholders. Such measures should ensure that the parts or equipment in question do not impair the safety or environmental performance of the vehicle while at the same time preserving wherever possible competition in the aftermarket.
- (19) It is important that manufacturers supply relevant information to vehicle owners in order to prevent misuse of safety devices.
- (20) In order to allow manufacturers of components or separate technical units to apply for EU type-approval for components or separate technical units or authorisation, it is also important for these manufacturers to have access to certain information that is available only from the vehicle manufacturer, such as the technical information, including drawings, required for the development of parts for the aftermarket.
- (21) Unrestricted access to vehicle repair information, via a standardised format which can be used to retrieve the technical information, and effective competition on the market for vehicle repair and maintenance information services are necessary to improve the functioning of the internal market, particularly as regards the free movement of goods, freedom of establishment and freedom to provide services. A great proportion of such information is related to on-board diagnostic (OBD) systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that the

websites of the manufacturers should follow, along with targeted measures to ensure reasonable access for small and medium-sized enterprises.

- (22) The Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.
- (23) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of road safety (including braking), occupational safety and environmental performance, testing, access to repair and maintenance information and appointment and specific authorized tasks of technical services, in order to supplement or amend certain non-essential elements of this Regulation.
- (24) Some of the subjects covered by this Regulation require uniform conditions for the implementation in the Member States, in order to ensure the proper functioning of the internal market by facilitating mutual recognition of administrative decisions taken in the different Member States and the acceptance of documents issued by vehicle manufacturers, thus allowing stakeholders to benefit from the internal market more easily. The Commission should therefore be empowered to adopt implementing acts in accordance with Article 291 of the Treaty in order to lay down uniform conditions for the implementation of this regulation with regard to the following items: list of information to be provided when applying for type-approval, type-approval procedures, templates for manufacturers' additional plates, EU type-approval certificates, list of type approvals issued, numbering system for EU type-approvals and procedures to ensure conformity of production.
- (25) According to Article 291 of the TFEU, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a Regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new Regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.
- (26) As a consequence of the application of the new regulatory system set in place by this regulation, Directive 2003/37/EC and the following Directives should be repealed: Directive 74/347/EEC of the Council<sup>11</sup> of 25 June 1974 on the approximation of the laws of the Member States relating to the field of vision and windscreen wipers for wheeled agricultural or forestry tractors, Directive 76/432/EEC of the Council<sup>12</sup> of 6 April 1976 on the approximation of the laws of the Member States relating to the braking devices of wheeled agricultural or forestry tractors, Directive 76/763/EEC of the Council<sup>13</sup> of 27 July 1976 on the approximation of the laws of the Member States relating to passenger seats

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<sup>11</sup> OJ L 191 of 15.07.1974, p. 5.

<sup>12</sup> OJ L 122 of 8.05.1976, p. 1.

<sup>13</sup> OJ L 262 of 27.09.1976, p. 135.

for wheeled agricultural or forestry tractors, Directive 77/537/EEC of the Council<sup>14</sup> of 28 June 1977 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors, Directive 78/764/EEC of the Council<sup>15</sup> of 25 July 1978 on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors, Directive 80/720/EEC of the Council<sup>16</sup> of 24 June 1980 on the approximation of the laws of the Member States relating to the operating space, access to the driving position and the doors and windows of wheeled agricultural or forestry tractors, Directive 86/297/EEC of the Council<sup>17</sup>, of 26 May 1986 on the approximation of the laws of the Member States relating to the power take-offs of wheeled agricultural and forestry tractors and their protection, Directive 86/298/EEC of the Council<sup>18</sup> of 26 May 1986 on rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors, Directive 86/415/EEC of the Council<sup>19</sup> of 24 July 1986 on the installation, location, operation and identification of the controls of wheeled agricultural or forestry tractors, Directive 87/402/EEC of the Council<sup>20</sup> of 25 June 1987 on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors, Directive 2000/25/EEC of the European Parliament and the Council<sup>21</sup> of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending 74/150/EEC, Directive 2009/57/EC of the European Parliament and the Council<sup>22</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the roll-over protection structures of wheeled agricultural or forestry tractors, Directive 2009/58/EC of the European Parliament and the Council<sup>23</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the coupling device and the reverse of wheeled agricultural or forestry tractors, Directive 2009/59/EC of the European Parliament and the Council<sup>24</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to rear-view mirrors for wheeled agricultural or forestry tractors, Directive 2009/60/EC of the European Parliament and the Council<sup>25</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the maximum design speed of and load platforms for wheeled agricultural or forestry tractors, Directive 2009/61/EC of the European Parliament and the Council<sup>26</sup> of 17 October 1978 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry

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<sup>14</sup> OJ L 220 of 29.08.1977, p. 38.

<sup>15</sup> OJ L 255 of 18.09.1978, p. 1.

<sup>16</sup> OJ L 194 of 28.07.1980, p. 1.

<sup>17</sup> OJ L 186 of 8.07.1986, p. 19.

<sup>18</sup> OJ L 186 of 8.07.1986, p. 26.

<sup>19</sup> OJ L 240 of 26.08.1986, p. 1.

<sup>20</sup> OJ L 220 of 8.08.1987, p. 1.

<sup>21</sup> OJ L 173 of 12.07.2000, p. 1.

<sup>22</sup> OJ L 261 of 3.10.2009, p. 1.

<sup>23</sup> OJ L 198 of 30.7.2009, p. 4.

<sup>24</sup> OJ L 198 of 30.7.2009, p. 9.

<sup>25</sup> OJ L 198 of 30.7.2009, p. 15.

<sup>26</sup> OJ L 203 of 5.8.2009, p. 19.

tractors, Directive 2009/63/EC of the European Parliament and the Council<sup>27</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to certain parts and characteristics of wheeled agricultural or forestry tractors, Directive 2009/64/EC of the European Parliament and the Council<sup>28</sup> of 13 July 2009 on the suppression of radio interference produced by agricultural or forestry tractors (electromagnetic compatibility), Directive 2009/66/EC of the European Parliament and the Council<sup>29</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the steering equipment of wheeled agricultural or forestry tractors, Directive 2009/68/EC of the European Parliament and the Council<sup>30</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the component type-approval of lighting and light-signalling devices on wheeled agricultural or forestry tractors, Directive 2009/75/EC of the European Parliament and the Council<sup>31</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the roll-over protection structures of wheeled agricultural or forestry tractors (static testing), Directive 2009/76/EC of the European Parliament and the Council<sup>32</sup> of 13 July 2009 on the approximation of the laws of the Member States relating to the driver-perceived noise level of wheeled agricultural or forestry tractors, Directive 2009/144/EC of the European Parliament and the Council<sup>33</sup> of 30 November 2009 on the approximation of the laws of the Member States relating to certain components and characteristics of wheeled agricultural or forestry tractors (dimensions and towable masses etc).

- (27) It is important for all stakeholders to establish a clear relation between this Regulation and Directive 2006/42/EC on the safety of machinery<sup>34</sup>, in order to clearly establish which requirements a specific product needs to fulfil.

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SUBJECT MATTER, SCOPE AND DEFINITIONS**

#### *Article 1* *Subject matter*

This Regulation establishes the administrative and technical requirements for the EU type-approval of all new vehicles referred to in Article 2.

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<sup>27</sup> OJ L 214 of 19.8.2009, p. 23.

<sup>28</sup> OJ L 216 of 20.8.2009, p. 1.

<sup>29</sup> OJ L 201 of 1.8.2009, p. 11.

<sup>30</sup> OJ L 203 of 5.8.2009, p. 52.

<sup>31</sup> OJ L 261 of 3.10.2009, p. 40.

<sup>32</sup> OJ L 201 of 1.8.2009, p. 18.

<sup>33</sup> OJ L 27 of 30.1.2010, p.33.

<sup>34</sup> OJ L 157, 9.6.2006, p.24.

This Regulation also establishes the requirements for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Regulation and of the prohibition of such sale and entry into service.

This Regulation is without prejudice to the application of the relevant legislation of the Union on road safety.

## *Article 2* *Scope*

1. This Regulation shall apply to the type-approval and individual approval of vehicles designed and constructed in one or more stages, and of systems, components and separate technical units designed and constructed for such vehicles.

This Regulation shall apply to the following vehicles:

- (a) tractors (categories T and C),
  - (b) trailers (category R),
  - (c) interchangeable towed equipment (category S) and
  - (d) mobile machinery (category U).
2. This Regulation shall not apply to interchangeable machinery that is fully raised from the ground when the vehicle to which it is attached is in use on a road.
  3. For the following vehicles, the manufacturer may choose whether to apply for type-approval under this regulation or for national type-approval:
    - (a) mobile machinery;
    - (b) trailers and towed implements, categories R and S;
    - (c) in case of individual approval, prototypes of vehicles used under the responsibility of a manufacturer to perform a specific test programme and which where specifically designed and constructed for that purpose.

## *Article 3* *Definitions*

For the purposes of this Regulation and of the acts listed in Annex I except as otherwise provided therein:

1. "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;
2. "whole vehicle type approval" means a type approval whereby an approval authority certifies that a complete vehicle satisfies the relevant administrative provisions and technical requirements;
3. "system type approval" means a type approval whereby an approval authority certifies that a system built into a vehicle of a specific type satisfies the relevant administrative provisions and technical requirements
4. "component type approval" means a type approval whereby an approval authority certifies that a component independently of a vehicle satisfies the relevant administrative provisions and technical requirements;
5. "separate technical unit type approval" means a type approval whereby an approval authority certifies that a separate technical unit in relation to one or more specified types of vehicles satisfies the relevant administrative provisions and technical requirements
6. "national type-approval" means a type-approval procedure laid down by the national law of a Member State, the validity of such approval being restricted to the territory of that Member State;
7. "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;
8. 'tractor' means any motorised, wheeled or tracked agricultural or forestry vehicle having at least two axles and a maximum design speed of not less than 6 km/h, the main function of which lies in its tractive power and which has been especially designed to pull, push, carry and actuate certain interchangeable equipment designed to perform agricultural or forestry work, or to tow agricultural or forestry trailers or equipment; it may be adapted to carry a load in the context of agricultural or forestry work and/or may be equipped with one or more passenger seats;
9. 'trailer' means any towed agricultural or forestry vehicle intended mainly to carry loads and designed to be towed by a tractor for agricultural or forestry purposes and which is not designed to process materials [and where the ratio of the technically permissible gross mass to the unladen mass of that vehicle is equal to or greater than 3,0;
10. 'interchangeable towed equipment' means any vehicle used in agriculture or forestry which is designed to be towed by a tractor, changes or adds to its functions, permanently incorporates an implement or is designed to process materials, which may include a load platform designed and constructed to receive any tools and appliances needed for those purposes and to store temporarily any materials produced or needed during work and

where the ratio of the technically permissible gross mass to the unladen mass of that vehicle is less than 3,0;

11. "mobile machinery" means any self-propelled vehicle with the exclusion of machinery mounted on a motor vehicle chassis, which is designed and constructed specifically to perform work and which, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods.
12. "vehicle" means any tractor, trailer, interchangeable towed equipment or mobile machinery as defined in points 8, 9, 10 and 11;
13. "type of vehicle" means vehicles of a particular category which do not differ in at least the essential respects specified in point 41, regardless of whether they belong to different variants and versions as defined in points 42 and 43;
14. "base vehicle" means any vehicle which is used at the initial stage of a multi-stage type-approval process;
15. "incomplete vehicle" means any vehicle which must undergo at least one further stage of completion in order to meet the relevant technical requirements of this Regulation;
16. "completed vehicle" means a vehicle, resulting from the process of multi-stage type-approval, which meets the relevant technical requirements of this Regulation;
17. "complete vehicle" means any vehicle which need not be completed in order to meet the relevant technical requirements of this Regulation;
18. "end-of-series vehicle" means any vehicle that is part of a stock which cannot be registered or sold or entered into service owing to the entry into force of new technical requirements against which it has not been approved;
19. "system" means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to the requirements of any of the regulatory acts;
20. "component" means a device subject to the requirements of a regulatory act and intended to be part of a vehicle, which may be type-approved independently of a vehicle where the regulatory act makes express provisions for so doing;
21. "separate technical unit" means a device subject to the requirements of a regulatory act and intended to be part of a vehicle, which may be type-approved separately, but only in relation to one or more specified types of vehicle where the regulatory act makes express provisions for so doing;
22. "original parts or equipment" means parts or equipment which are manufactured according to the specifications and production standards provided by the vehicle manufacturer for the production of parts or equipment for the assembly of the vehicle in

question, including those parts or equipment which are manufactured on the same production line as these parts, or equipment and, based on a rebuttable presumption, parts or equipment for which the manufacturer certifies that the parts or equipment match the quality of the components used for the assembly of the vehicle in question and have been manufactured according to the specifications and production standards of the vehicle manufacturer;

23. "manufacturer" means the person or body who is responsible to the approval authority for all aspects of the type-approval or authorization process and for ensuring conformity of production, whether or not the person or body is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;
24. "manufacturer's representative" means any natural or legal person established in the Union who is duly appointed by the manufacturer to represent him before the approval authority and to act on his behalf in matters covered by this Regulation;
25. "approval authority" means the authority of a Member State established or appointed by the Member State and notified to the Commission by the Member State in accordance with Article 5 with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit or of the individual approval of a vehicle, for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production;
26. "technical service" means an organisation or body designated by the approval authority of a Member State 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, on behalf of the approval authority;
27. "self-testing" means the performance of tests in his own facilities, the registration of the test results and the submission of a report including conclusions to the approval authority by a manufacturer who has been designated as technical service in order to assess the compliance of certain requirements;
28. "virtual testing method" means computer simulations including calculations which demonstrate whether a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of a regulatory act without requiring the use of a physical vehicle, system, component or separate technical unit;
29. "type-approval certificate" means the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is approved;

30. "EU type-approval certificate" means the certificate based on the model set out in this Regulation or the communication form set out in the relevant equivalent UNECE Regulations or OECD Codes listed in Annex I;
31. "individual approval certificate" means the document whereby the approval authority officially certifies that a particular vehicle is approved;
32. "certificate of conformity" means the document, based on the model set out in this Regulation and issued by the manufacturer, which certifies that at the time of its production a vehicle belonging to the series of the type approved in accordance with this Regulation corresponded to the type approved in the type approval and complied with all regulatory requirements listed therein;
33. "on-board diagnostic system" or "OBD system" means a system for emission control which has the capability of identifying the likely area of malfunction by means of fault codes stored in a computer memory;
34. "vehicle repair and maintenance information" means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of the vehicle and which the manufacturers provide for their authorised dealers and repairers, including all subsequent amendments and supplements to such information;
35. "independent operator" means undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of motor vehicles, in particular 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;
36. "new vehicle" means a vehicle which:
  - (a) has never been registered previously, or
  - (b) has been registered for less than six months at the time of application for an individual approval.
37. "registration" means that the vehicle, upon identification, has obtained the administrative authorisation for entry into service in road traffic, be it permanently, temporarily or for a short period of time and that a registration number has been issued;
38. "placing on the market" means making available a vehicle for the first time in the Union with a view to distribution or use, whether for reward or free of charge;
39. "entry into service" means the first use, for its intended purpose, in the Union, of a vehicle covered by this Regulation;

40. "sale" means any sale, from vehicle manufacturer to retailer or the sale to the end user;
41. 'vehicle type' means vehicles of the same category that do not differ in respect of at least the following essential aspects:
- manufacturer;
  - manufacturer's type designation;
  - essential construction and design characteristics;
  - backbone chassis/chassis with side members/articulated chassis (obvious and fundamental differences);
  - for category T: axles (number) or, for category C: axles/tracks (number);

and, only for tractors:

- engine (internal combustion/electric/hybrid).
42. 'variant' means vehicles of the same type which do not differ in respect of at least the following aspects:

(a) For tractors:

- engine,
- operating principle,
- number and arrangement of cylinders,
- power difference of no more than 30 % (the highest power being no more than 1,3 times the lowest power),
- cylinder capacity difference of no more than 20 % (the highest figure being no more than 1,2 times the lowest figure);
- powered axles (number, position, interconnection);
- steered axles (number and position);
- maximum laden mass differing by no more than 10 %;
- transmission (type);
- rollover protection structure;
- braked axles (number);

(b) For trailers or towed equipment:

- steering axles (number, position, interconnection);
- maximum laden mass differing by no more than 10 %;
- braked axles (number);

43. 'version of a variant' means vehicles which consist of a combination of items shown in the information package.

#### *Article 4* *Vehicle Categories*

For the purposes of this Regulation the following vehicle categories apply:

1. "category T" comprises all wheeled tractors;
2. "category T1" comprises wheeled tractors with a maximum design speed of not more than 40 km/h, with the closest axle to the driver having a minimum track width of not less than 1 150 mm, with an unladen mass, in running order, of more than 600 kg, and with a ground clearance of not more than 1 000 mm;
3. "category T2" comprises wheeled tractors with a minimum track width of less than 1 150 mm, with an unladen mass, in running order, of more than 600 kg, with a ground clearance of not more than 600 mm and with a maximum design speed of not more than 40 km/h, unless the height of the centre of gravity of the tractor (measured in relation to the ground) divided by the average minimum track for each axle exceeds 0,90, in which case the maximum design speed is restricted to 30 km/h;
4. "category T3" comprises wheeled tractors with a maximum design speed of not more than 40 km/h, and with an unladen mass, in running order, of not more than 600 kg;
5. "category T4" comprises special purpose wheeled tractors with a maximum design speed of not more than 40 km/h;
6. "category T4.1" (high-clearance tractors) comprises tractors designed for working with high-growing crops, such as vines. They feature a raised chassis or section of chassis, enabling them to advance in parallel with the crop with left and right wheels on either side of one or more rows of the crop. They are intended for carrying or operating tools which may be fitted at the front, between the axles, at the rear or on a platform. When the tractor is in working position the ground clearance perpendicular to the crop rows exceeds 1 000 mm. Where the height of the centre of gravity of the tractor, measured in relation to the ground, using the tyres normally fitted, divided by the average minimum track of all of the axles exceeds 0,90, the maximum design speed shall not exceed 30 km/h;

7. "category T4.2" (extra-wide tractors) comprises tractors characterised by their large dimensions, primarily intended for working large areas of farmland;
8. "category T4.3" (low-clearance tractors) comprises four-wheel drive tractors whose interchangeable equipment is intended for agricultural or forestry use and which are characterised by a supporting frame, equipped with one or more power take-offs, having a technically permissible mass no greater than 10 tonnes, for which the ratio of this mass to the maximum unladen mass in running order is less than 2,5 and having the centre of gravity,[see former footnote 38] measured in relation to the ground using the tyres normally fitted, of less than 850 mm;
9. "category T5" comprises wheeled tractors with a maximum design speed of more than 40 km/h;
10. "category C" comprises track – laying tractors propelled by endless tracks or by a combination of wheels and endless tracks, with subcategories defined by analogy with category T;
11. "category R" comprises trailers; each trailer category described in points 12 to 15 also includes an 'a' or 'b' index, according to its design speed:
  - (a) 'a' for trailers with a maximum design speed below or equal to 40 km/h,
  - (b) 'b' for trailers with a maximum design speed above 40 km/h;
12. "category R1" comprises trailers, the sum of the technically permissible masses per axle of which does not exceed 1 500 kg;
13. "category R2" comprises trailers, the sum of the technically permissible masses per axle of which exceeds 1 500 kg but does not exceed 3 500 kg;
14. "category R3" comprises trailers, the sum of the technically permissible masses per axle of which exceeds 3 500 kg but does not exceed 21 000 kg;
15. "category R4" comprises trailers, the sum of the technically permissible masses per axle of which exceeds 21 000 kg;
16. "category S" comprises interchangeable towed equipment.

Each category of interchangeable towed equipment includes an 'a' or 'b' index, according to its design speed:

- 'a' for interchangeable towed equipment with a maximum design speed below or equal to 40 km/h,
- 'b' for interchangeable towed equipment with a maximum design speed above 40 km/h;

17. "category S1" comprises interchangeable towed equipment, the sum of the technically permissible masses per axle of which does not exceed 3 500 kg;
18. "category S2" comprises interchangeable towed equipment, the sum of the technically permissible masses per axle of which exceeds 3 500 kg;
19. "category U" comprises machinery as defined in Directive 2006/42/EC, which is self-propelled and intended for use in agriculture or forestry.

4.

## **CHAPTER II GENERAL OBLIGATIONS**

### *Article 5 National authorities*

1. Member States shall establish and appoint the national authorities competent in matters concerning approval, and notify to the Commission such establishment and appointment in accordance with Article 53.

The notification act of the approval authorities shall include their name, address, including electronic address, and area of responsibility.

2. Approval authorities shall ensure that manufacturers applying for approval comply with their obligations under this Regulation.
3. Approval authorities shall approve only such vehicles, systems, components or separate technical units as satisfy the requirements of this Regulation.
4. Approval authorities shall register or permit the sale or entry into service only of such vehicles, components and separate technical units as satisfy the requirements of this Regulation. They shall not prohibit, restrict or impede the registration, sale, entry into service or circulation on the road of vehicles, components or separate technical units, on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.

### *Article 6 General obligations of manufacturers*

1. The manufacturer is responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not the manufacturer is directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.
2. In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. The manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of those components and systems.

3. The manufacturer who modifies the incomplete vehicle in a manner which leads to a qualification as a different category of vehicle with the consequence that legal requirements already assessed in a previous stage of approval have changed, is also responsible for compliance with those requirements.
4. For the purposes of this Regulation, a manufacturer established outside the Community shall appoint a single representative established in the Community to represent him before the approval authority.

References to the manufacturer shall be understood as indicating either the manufacturer or this representative.

## **CHAPTER III**

### **SUBSTANTIVE REQUIREMENTS**

#### *Article 7*

#### *Requirements on road safety*

1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the risk of injury to the vehicle occupants and to other road users.
2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in this Regulation including the requirements relating to:
  - (a) vehicle structure integrity;
  - (b) systems to aid the control of the vehicle by the driver, including steering, braking including anti-lock braking systems and electronic stability control systems;
  - (c) systems to provide the driver with visibility and information on the state of the vehicle and the surrounding area, including glazing, mirrors and driver information systems;
  - (d) vehicle lighting systems;
  - (e) vehicle occupant protection, including interior fittings, head restraint, seat belts, vehicle doors;
  - (f) vehicle exterior and accessories;

- (g) electromagnetic compatibility;
  - (h) audible warning devices;
  - (i) heating systems;
  - (j) devices to prevent unauthorised use;
  - (k) vehicle identification systems;
  - (l) masses and dimensions;
  - (m) electrical safety;
  - (n) rear protective structures;
  - (o) lateral protection;
  - (p) load platforms;
  - (q) couplings and reversing devices;
  - (r) controls;
  - (s) tyres;
  - (t) spray-suppression systems.
3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units intended therefore, insofar as they are declared applicable to the relevant vehicle category set out in Article 4.
4. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the detailed technical requirements including test procedures and limit values, where applicable, for the subjects listed in paragraph 2 in order to ensure that a high level of road safety will be obtained.

*Article 8*  
*Requirements on occupational safety*

1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the risk of injury to persons working on or with the vehicle.

2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in this Regulation including the requirements relating to:
  - (a) roll-over protection systems (hereinafter ROPS);
  - (b) falling objects protection systems (hereinafter FOPS);
  - (c) passenger seats;
  - (d) internal sound levels;
  - (e) driving seat;
  - (f) operating space and access to the driving position;
  - (g) power take-offs;
  - (h) protection of drive components;
  - (i) seat-belt anchorage points;
  - (j) safety belts;
  - (k) protection of driver against penetrating objects (hereinafter OPS);
  - (l) protection of driver against hazardous substances;
  - (m) operators manual.
3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units intended therefor, insofar as they are declared applicable to the relevant vehicle category by this Regulation.
4. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the detailed technical requirements including test procedures and limit values, where applicable, for the subjects listed in paragraph 2 in order to ensure that a high level of occupational safety will be obtained.

#### *Article 9*

#### *Requirements on environmental performance*

1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the impact to the environment.

2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in this Regulation, including the requirements relating to:
  - (a) pollutant emissions;
  - (b) external sound level.
3. The specific limit values, procedures and test requirements for pollutant emissions laid down for mobile machinery in Directive 97/68/EC<sup>35</sup> shall apply.
4. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units intended therefor, insofar as they are declared applicable to the relevant vehicle category by this Regulation.
5. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the detailed technical requirements including test procedures and limit values, where applicable, on the external sound level as described in paragraph 2(b) and the installation of approved engines in a vehicle and the related provisions for flexibility as described in paragraphs 2(a) and 3 in order to ensure that a high level of environmental performance will be obtained.

## **CHAPTER IV**

### **EU TYPE-APPROVAL PROCEDURES**

#### *Article 10*

#### *Procedures for the EU whole vehicle type-approval*

1. The manufacturer may choose one of the following procedures:
  - (a) step-by-step type-approval;
  - (b) single-step type-approval;
  - (c) mixed type-approval;
  - (d) multi-stage approval.
2. The step-by-step type-approval procedure is a vehicle approval procedure consisting in the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units relating to the vehicle, and which leads, at the final stage, to the approval of the whole vehicle.

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<sup>35</sup> OJ L 59 of 27.2.1998, p.1.

The single-step type-approval is a procedure consisting in the approval of a vehicle as a whole by means of a single operation.

The mixed type-approval is a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.

The multi-stage type-approval procedure is an approval procedure in which 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 of this Regulation.

3. Multi-stage type-approval shall be granted in respect of a type of incomplete or completed vehicle which conforms to the particulars in the information folder and which meets the technical requirements specified by the relevant acts listed in Annex I, having regard to the state of completion of the vehicle.
4. The type-approval for the final stage of completion shall only be granted after the approval authority has verified that the type approval(s) issued for the incomplete vehicle certify that the vehicle type approved at the final stage meets all technical requirements applicable at the time when and for the category of vehicle for which the type-approval for the completed vehicle is granted.
5. The choice of the approval procedure shall not affect the applicable regulatory requirements with which the approved vehicle type has to comply at the time of the issuing of the whole vehicle type-approval.
6. Implementing powers are conferred on the Commission in order to lay down templates for the details of the arrangements with regard to type-approval procedures in Article 54.

#### *Article 11*

##### *Application for type-approval*

1. The manufacturer shall submit the application for type-approval to the approval authority
2. Only one application may be submitted in respect of a particular type of vehicle and it may be submitted in only one Member State.
3. A separate application shall be submitted for each type to be approved.

## *Article 12*

### *Information to be provided in the application for type-approval*

1. An information document, as specified in implementing legislation, prescribes the information to be supplied by the applicant.

The applicant shall provide to the approval authority an information folder. The information folder shall include the information document and all data, drawings, photographs and other information required therein. Such information may be supplied on paper or in electronic format.

Implementing powers are conferred on the Commission in order to lay down templates for an information document and an information folder in Article 54.

2. When applying for type-approval, the manufacturer shall specify the chosen procedure in accordance with Article 10 (1) a) to d), and provide the information folder.

## *Article 13*

### *Specific requirements for information to be provided in the application for type-approval under different procedures*

1. An application for step-by-step type-approval shall be accompanied by an information folder and shall be accompanied by the complete set of type-approval certificates required pursuant to each of the applicable separate acts and UNECE Regulations or OECD Codes listed in Annex I.

In the case of the type-approval of a system or separate technical unit, pursuant to the applicable acts listed in Annex I, the approval authority shall have access to the related information folder until such time as the approval is either issued or refused.

2. An application for single-step type-approval shall be accompanied by an information folder containing the relevant information in relation to the acts listed in Annex I.
3. In the case of a mixed type-approval procedure, the information folder shall be accompanied by one or more type-approval certificates required pursuant to each of the applicable separate acts and UNECE Regulations or OECD Codes listed in Annex I and shall include, insofar as no type-approval certificate is presented, the relevant information required in the implementing measures to this Regulation, in relation to the acts listed in Annex I.
4. Without prejudice to paragraphs 1, 2 and 3, the following information shall be supplied for the purposes of multi-stage type-approval:
  - (a) At the first stage, those parts of the information folder and the EU type-approval certificates required for a complete vehicle which are relevant to the state of completion of the base vehicle;

- (b) At the second and subsequent stages, those parts of the information folder and the EU type-approval certificates which are relevant to the current stage of construction, together with a copy of the EU type-approval certificate for the vehicle issued at the preceding stage of construction; in addition, the manufacturer shall supply full details of any changes or additions that he has made to the vehicle.

The information specified in points (a) and (b) may be supplied in accordance with paragraph 2.

5. The approval authority may, by reasoned request, call upon the manufacturer to supply any additional information needed to enable a decision to be taken on which tests are required or to facilitate the execution of those tests.

#### *Article 14*

#### *Procedure to be followed for the EU type-approval of systems, components or separate technical units*

The manufacturer shall submit the application to the approval authority.

Only one application may be submitted in respect of a particular type of system, component or separate technical unit and it may be submitted in only one Member State.

A separate application shall be submitted for each type to be approved.

## **CHAPTER V**

### **CONDUCT OF EU TYPE-APPROVAL PROCEDURES**

#### *Article 15*

#### *General provisions*

1. Approval authorities shall only grant an EU type-approval after having ensured that the conformity of production procedures referred to in Article 19 have been implemented and if the type of vehicle, system, component or separate technical unit complies with the applicable requirements.
2. EU type-approvals shall be granted in accordance with Articles 16 and 17.
3. If an approval authority finds that a type of vehicle, system, component or separate technical unit, albeit built in conformity with the required provisions, presents a serious risk to road safety or seriously harms the environment or public health or, for tractors, presents a serious risk to occupational safety, it may refuse to grant EU type-approval. In this case, it shall immediately send the approval authorities of the other Member States

and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

4. EU type-approval certificates shall be numbered in accordance with a harmonized system.
5. The approval authority shall, within 20 working days, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved. The hard copy may be replaced by an electronic file.
6. The approval authority shall inform without delay the approval authorities of the other Member States of its refusal or withdrawal of any vehicle approval, together with the reasons for its decision.
7. The approval authority shall send at three-monthly intervals to the approval authorities of the other Member States a list of the system, component or separate technical unit EU type-approvals it has granted, amended, refused to grant or withdrawn during the preceding period.
8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within 20 working days of receiving that request, send to the former a copy of the EU type-approval certificate in question, together with the attachments. The paper copy may be replaced by an electronic file.
9. If so requested by the Commission, the approval authority shall submit the information described in paragraphs 5 to 8 also to the Commission.
10. The approval authority shall put together an information package consisting in the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of carrying out their functions. The information folder shall contain an index listing the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages, the format of that document being such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of the revisions and updating.

#### *Article 16*

##### *Specific provisions concerning the type-approval certificate*

1. The type-approval certificate shall contain, as attachments, the following:
  - (a) the information package referred to in Article 15;
  - (b) the test results;

- (c) the name(s) and specimen(s) of the signature(s) of the person(s) authorised to sign certificates of conformity and a statement of their position in the company.
2. The type approval certificate shall be issued on the basis of the template laid down in the implementing act to this regulation:
  3. In respect of each type of vehicle, the approval authority shall:
    - (a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto, in accordance with the template of the type approval certificate set out in the implementing act to this Regulation;
    - (b) compile the index to the information package;
    - (c) issue the completed certificate , together with its attachments, to the applicant without delay.
  4. In the case of an EU type-approval in relation to which, in accordance with Article 26, restrictions have been imposed as to its validity, or certain provisions of the acts have been waived, the EU type-approval certificate shall specify those restrictions or waivers.
  5. Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete in the information document the references for the test reports, established by regulatory acts, for which no EU type-approval certificate is available. Implementing powers are conferred on the Commission in order to lay down a template of such a document in Article 54.
  6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish the list of applicable requirements or acts and append that list to the EU type-approval certificate. Implementing powers are conferred on the Commission in order to lay down a template of such a list in Article 54.

#### *Article 17*

##### *Specific provisions concerning systems, components or separate technical units*

1. EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant act listed in Annex I.
2. A component or separate technical unit EU type-approval shall be granted in respect of a component or separate technical unit which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant separate act listed in Annex I.
3. 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 approval shall be required unless provided for under the relevant act listed in Annex I.

4. 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 with the requirements only when the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the EU type-approval of the component or the separate technical unit shall be restricted accordingly.

In such cases, the EU type-approval certificate shall specify any restriction on its use and shall indicate the special conditions for its mounting.

When such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time when the vehicle is approved.

#### *Article 18*

##### *Tests required for EU type-approval*

1. Compliance with the technical prescriptions laid down in this Regulation and in the acts listed in Annex I shall be demonstrated by means of appropriate tests performed by designated technical services.

The test procedures and the specific equipment and tools prescribed to perform those tests are described in those acts.

2. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant acts for the performance of the required tests.
3. The required tests shall be performed on vehicles, components and separate technical units which are representative of the type to be approved.

However, the manufacturer may select, in agreement with the approval authority, a vehicle, a system, a component or a separate technical unit which, while not representative of the type to be approved, combines a number of the most unfavourable features with regard to the required level of performance. Virtual testing methods may be used to aid decision-making during the selection process.

4. Virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 and subject to the agreement of the approval authority, at the request of the manufacturer with respect to those requirements listed in the delegated acts adopted under this regulation.
5. Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted under this regulation.

6. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act specifying which requirements can be subject to virtual testing and laying down the conditions under which such virtual testing must be performed in order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing.

#### *Article 19*

#### *Conformity of production arrangements*

1. The approval authority which grants an EU type-approval shall take the necessary measures to verify, if need be in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that production vehicles, systems, components or separate technical units, as the case may be, conform to the approved type.
2. The approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if need be in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraph 1 continue to be adequate and that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type.

Verification to ensure that vehicles, systems, components or separate technical units conform to the approved type shall be limited to the procedures set out in the implementing acts to this regulation. To that end, the approval authority of the Member State which has granted the EU type-approval may carry out any of the checks or tests prescribed with regard to the regulatory requirement which is subject of the EU type approval on samples taken in the premises of the manufacturer, including production facilities.

3. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied or are no longer considered to be adequate, although production continues, that approval authority shall take the necessary measures to ensure that the conformity of production procedure is followed correctly or withdraw the type-approval.

## **CHAPTER VI**

### **AMENDMENTS TO EU TYPE-APPROVALS**

#### *Article 20* *General provisions*

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

That approval authority shall decide, in accordance with the rules laid down in this Chapter, which procedure is to be followed.

Where necessary it may decide, in consultation with the manufacturer, that a new EU type-approval or a new individual approval is to be granted.

2. An application for the amendment of an EU type-approval shall be submitted exclusively to the approval authority that granted the original EU type-approval.
3. If the approval authority finds that, for the purposes of making an amendment, the repetition of inspections or tests is necessary, it shall inform the manufacturer accordingly.

The procedures referred to in Article 19 shall apply only if on the basis of those inspections or tests the approval authority concluded that the requirements for EU type-approval continue to be fulfilled.

#### *Article 21* *Specific provisions concerning vehicles, systems, components or separate technical units*

1. If particulars recorded in the information package have changed, without requiring the repetition of inspections or tests, the amendment shall be designated a "revision".

In such cases, the approval authority shall issue the revised page of the information package as necessary, marking each revised pages to show clearly the nature of the change and the date of re-issue. A consolidated, updated version of the information package, accompanied by a detailed description of the changes, shall be deemed to meet this requirement.

2. The amendment shall be designated an "extension" if, in addition to the provisions of paragraph 1, any of the following occurs:
  - (a) further inspections or tests are required;

- (b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;
- (c) new requirements under any of the acts applicable to the approved vehicle type or to the approved system, component or separate technical unit enter into force.

In such cases, the approval authority shall issue a revised EU type-approval certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. The approval certificate shall show clearly the reason for the extension and the date of re-issue.

Whenever amended pages or a consolidated, updated version are issued, the index to the information package attached to the approval certificate 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.

#### *Article 22*

#### *Issue and notification of amendments*

1. In the case of an extension all relevant sections of the EU type-approval certificate, the attachments thereto, and the index to the information package shall be updated. The updated certificate and its attachments shall be issued to the applicant without delay.
2. In the case of a revision, the revised documents or the consolidated, updated version, as appropriate, including the revised index to the information package, shall be issued by the approval authority to the applicant without delay.
3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States in accordance with the procedures set out in Article 15.

## **CHAPTER VII VALIDITY OF EU TYPE-APPROVAL**

#### *Article 23*

#### *Termination of validity*

1. EU type-approvals shall be issued for an unlimited duration.
2. An EU type-approval of a vehicle shall cease to be valid in any of the following cases:
  - (a) new requirements in any act applicable to the approved vehicle type become mandatory for the registration, sale or entry into service of new vehicles, and it is not possible to update the type-approval accordingly;

(b) production of the approved vehicle is definitively discontinued voluntarily;

(c) the validity of the type-approval expires by virtue of a special restriction in accordance with Article 26.

3. Where only one variant within a type or one version within a variant becomes invalid, the EU type-approval of the vehicle in question shall lose validity only in so far as the particular variant or version is concerned.

4. When production of a particular type of vehicle is definitively discontinued, the manufacturer shall notify the approval authority that granted the EU type-approval for that vehicle.

Upon receiving such notification, that authority shall inform the approval authorities of the other Member States accordingly within 20 working days.

5. Without prejudice to paragraph 4, in cases where an EU type-approval of a vehicle is due to become invalid, the manufacturer shall notify the approval authority that granted the EU type-approval.

The approval authority shall without delay communicate all relevant information to the approval authorities of the other Member States so as to enable the application, where appropriate, of Article 34.

That communication shall specify, in particular, the date of production and the vehicle identification number of the last vehicle produced.

## **CHAPTER VIII CERTIFICATE OF CONFORMITY AND MARKINGS**

### *Article 24*

#### *Certificate of conformity*

1. The manufacturer, in his capacity of the holder of a whole vehicle type-approval, shall deliver a certificate of conformity as a paper document to accompany each vehicle, whether complete, incomplete or completed, which is manufactured in conformity with the approved vehicle type.

Such certificate 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.

2. The manufacturer shall use the template of the certificate of conformity given in implementing measures in accordance with Article 54.

3. Unless a different agreement has been concluded with the buyer of the vehicle, the certificate of conformity shall be drawn up in an official language of the Member State where the vehicle is purchased.
4. The certificate of conformity shall be designed to prevent forgery. To that end, the paper used shall be protected either by coloured graphics or by a watermark in the form of the manufacturer's identification mark.
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 a regulatory act.
6. In the case of an incomplete or completed vehicle, the manufacturer shall complete only those items on side 2 of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous stage.
7. The certificate of conformity as set out in the implementing act to this Regulation for vehicles approved in accordance with paragraph 2 of Article 26 shall display in the title thereof the phrase "For complete/completed vehicles, type-approved in application of Article 26 of Regulation [...] [this Regulation] (provisional approval)."
8. The certificate of conformity as set out in the implementing act shall, for vehicles type-approved in accordance with Article 28, display in the title thereof the phrase "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 set out in Part 1 of Annex II, denoting, in respect of each year of production, the position of that vehicle within the production allocated for that year.
9. Without prejudice to paragraph 1, the manufacturer may transmit data or information contained in the certificate of conformity by electronic means to the registration authority of the Member State.
10. A duplicate of the certificate of conformity may be issued only by the manufacturer. The word "duplicate" must be clearly visible on the face of any duplicate certificate.

*Article 25*  
*Type-approval mark*

1. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or unit manufactured in conformity with the approved type the type-approval mark, required by the relevant delegated act under this Regulation or the relevant UNECE Regulation or OECD-Code.

2. Where no such type-approval mark is required, the manufacturer shall affix at least the trade name or trade mark of the manufacturer, and the type number and an identification number.
3. The EU type-approval mark shall be drawn in accordance with the model set out in implementing legislation to this Regulation.

## **CHAPTER IX**

### **EXEMPTIONS AND NEW TECHNOLOGIES OR CONCEPTS INCOMPATIBILITY WITH DELEGATED ACTS OR UNECE REGULATIONS**

#### *Article 26*

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

1. The manufacturer may apply for an EU type-approval in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts or requirements listed in Annex I.
2. The approval authority shall grant the EU type-approval referred to in paragraph 1 if all of the following conditions are met:
  - (a) the application states the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with the requirements;
  - (b) the application describes the safety and environmental implications of the new technology and the measures taken in order to ensure that by comparison with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured;
  - (c) test descriptions and results are presented which prove that the condition in point (b) is met.
3. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional approval, valid only in the territory of that Member State, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.
4. Other approval authorities may decide to accept the provisional approval referred to in paragraph 3 on their territory.

5. The granting of an exemption for new technologies or new concepts shall be subject to authorisation by the Commission in accordance with the procedure referred to in Article 55(2).
6. Where appropriate, the decision on authorisation shall also specify whether its validity is subject to any restrictions. In all cases, the validity of the approval shall not be less than 36 months.

If the Commission decides to refuse authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 3 that the provisional approval will be revoked six months after the date of the Commission's decision.

However, vehicles manufactured in conformity with the provisional approval before it was revoked shall be permitted to be registered, sold or enter service in any Member State that accepted the provisional approval.

#### *Article 27* *Action required*

1. Where the Commission authorised the granting of an exemption pursuant to Article 26, it shall immediately take the necessary steps to adapt the delegated acts or requirements concerned to technological developments.

Where the exemption pursuant to Article 26 relates to a UNECE Regulation, the Commission shall propose an amendment to the relevant UNECE Regulation in accordance with the procedure applicable under the Revised 1958 Agreement.

2. As soon as the relevant acts or requirements have been amended, any restriction attaching to the exemption shall be lifted.

If the necessary steps to adapt the delegated acts or requirements have not been taken, the validity of an exemption may be extended, at the request of the Member State which granted the approval, by a Commission decision adopted in accordance with the procedure referred to in Article 55(2).

## **CHAPTER X** **VEHICLES PRODUCED IN SMALL SERIES**

#### *Article 28* *National type-approval of small series*

1. The manufacturer may request a national type approval of small series of a type of vehicle within the quantitative limits set out in Part 1 of Annex II.

For such an approval the national authority may, if it has reasonable grounds to do so, wave one or more of the provisions of one or more of the acts listed in Annex I , provided that it has laid down alternative requirements.

2. The alternative requirements referred to in paragraph 1 shall ensure a level of road safety, environmental protection, and occupational safety which is equivalent to the greatest extent practicable to the level provided for by the relevant act listed in Annex I.
3. For the purpose of type-approval of vehicles under this Article, systems, components or separate technical units which are type-approved in accordance with the acts listed in Annex I shall be accepted.
4. The type-approval certificate shall specify the content of the waivers granted pursuant to paragraph 1. For the purposes of this article, the type-approval certificate shall be drafted in accordance with the model set out in implementing legislation but shall not bear the heading "EU vehicle type-approval certificate". Type-approval certificates shall be numbered in accordance with this regulation.
5. The validity of the type-approval shall be restricted to the territory of the Member State the approval authority of which granted the approval.
6. However, if the manufacturer so requests, a copy of the type-approval certificate and its attachments shall be sent by registered mail or by electronic mail to the approval authorities of the Member States designated by the manufacturer.
7. Within 60 days of receipt, the approval authorities of the Member States designated by the manufacturer shall decide whether or not they accept the type-approval. They shall formally communicate that decision to the approval authority referred to in the first subparagraph.
8. A type-approval shall not be refused unless the approval authority has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.
9. On request of an applicant who wishes to sell, register or put into service a vehicle in another Member State, the approval authority that granted the approval shall provide the applicant with a copy of the type-approval certificate including the information package. The national authority shall permit the sale, registration or entry into service of this vehicle unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.

## **CHAPTER XI INDIVIDUAL APPROVALS**

### *Article 29 Individual approvals*

1. An application for individual approval shall be submitted by the manufacturer or by the owner of the vehicle. It may also be submitted by a person, established in the Community, acting on behalf of the manufacturer or the owner of the vehicle.
2. In the individual approval procedure, approval authorities shall certify that the vehicle satisfies the relevant administrative provisions and technical requirements.
3. An individual approval shall apply to a particular vehicle, whether it is unique or not.
4. Applications for individual approval shall cover a maximum of 15 vehicles of the same type.
5. This Article shall apply to vehicles which at the time of the application for the individual approval had never obtained the administrative authorisation for the entry into service, involving its identification and the issuing of a registration number, including temporary or short-term registrations or professional registration or put into service, or had only been registered or put into service for less than six months.

### *Article 30 Exemptions for individual approvals*

1. An approval authority may exempt the vehicle from compliance with one or more of the acts listed in Annex I, provided that the approval authority imposes alternative requirements and has reasonable grounds for such exemption.  
  
Alternative requirements must ensure a level of road safety, environmental protection, and occupational safety which is equivalent to the greatest extent practicable to the level provided for by the relevant act listed in Annex I.
2. Approval authorities shall not carry out destructive tests. They shall use any relevant information provided by the applicant establishing compliance with the alternative requirements.
3. Approval authorities shall accept any system, component or separate technical unit EU type-approval instead of the alternative requirements.

4. The approval authority shall grant the individual approval if the vehicle conforms to the description appended to the application and satisfies the applicable technical requirements and shall without delay issue the individual approval certificate.

The format of the individual approval certificate shall be based on the template of the EU type-approval certificate set out in Annex V and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC<sup>36</sup>.

Individual approval certificates shall not bear the heading "EU vehicle approval". An individual approval certificate shall bear the vehicle identification number of the vehicle concerned.

#### *Article 31*

##### *Validity and acceptance of individual approval*

1. The validity of an individual approval shall be restricted to the territory of the Member State in which it was granted.
2. Where an applicant wishes to sell, register or put into service in another Member State a vehicle which has been granted an individual approval, the approval authority that granted the approval shall, on request, provide the applicant with a statement of the technical provisions against which the vehicle was approved and any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.
3. With regard to a vehicle which has been granted an individual approval by a approval authority of one Member State in accordance with the provisions of Article 29, the other Member States shall permit that vehicle to be sold, registered or to enter into service unless they have reasonable grounds to believe that the technical provisions against which the vehicle was approved are not equivalent to their own.
4. At the request of the manufacturer or of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which complies with the provisions of this Regulation,. In such a case, approval authorities shall accept the individual approval and shall permit the sale, registration and entry into service of the vehicle.

#### *Article 32*

##### *Specific provisions*

1. The provisions of this Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before their first registration or entry into service.

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<sup>36</sup> OJ L 138, 1.6.1999, p. 57.

2. The procedure set out in this Chapter may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval procedure.
3. The procedure set out in this Chapter may not replace an intermediate stage within the normal sequence of a multi-stage type-approval procedure and may not apply for the purposes of obtaining the first-stage approval of a vehicle.

## **CHAPTER XII**

### **REGISTRATION, SALE AND ENTRY INTO SERVICE**

#### *Article 33*

##### *Registration, sale and entry into service of vehicles*

1. Without prejudice to the provisions of Articles 36 and 37, vehicles for which EU whole vehicle type approval is mandatory or for which the manufacturer has obtained such type approval under this regulation shall only be registered, sold or entered into service if they are accompanied by a valid certificate of conformity issued in accordance with Article 24.

In the case of incomplete vehicles, the sale of such vehicles is permitted, but the competent authorities of the Member States may refuse the permanent registration and entry into service of such vehicles for such time as the vehicles remain incomplete.

2. As regards small-series vehicles, the number of vehicles registered, sold or entered into service in the course of a single year shall not exceed the number of units set out in Part 1 of Annex II.
3. Paragraph 1 shall not apply to vehicles intended for use by the armed forces, civil protection, fire-fighting or public order services or to vehicles type-approved in accordance with Articles 28 or 32.

#### *Article 34*

##### *Registration, sale and entry into service of end-of-series vehicles*

1. Subject to the limits set out in Part 2 of Annex II and to the time limit set out in paragraph 2, vehicles conforming to a type of vehicle whose EU type-approval is no longer valid may be registered, sold and entered into service.

The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production, but which had not been registered or put into service before that EU type-approval lost its validity.

2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of twelve months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of eighteen months from that date.
3. A manufacturer who wishes to benefit from the provisions of paragraph 1 shall submit a request to the competent authority of each Member State concerned by the entry into service of the vehicles in question. That request must specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

The competent authorities concerned shall decide, within three months of receiving the request, whether and in what number to permit the registration of those vehicles within their territory.

4. Member States shall ensure that the number of vehicles to be registered or put into service in the framework of the procedure set out in this Article is effectively monitored.
5. This Article shall apply only to discontinuation due to termination of validity of the type-approval in the case referred to in Article 23(2)(a).

#### *Article 35*

##### *Sale and entry into service of components and separate technical units*

1. Components or separate technical units may only be sold and entered into service if they comply with the requirements of the relevant acts listed in Annex 1 and are properly marked in accordance with Article 25.
2. Paragraph 1 shall not apply in the case of components or separate technical units which are specifically constructed or designed for new vehicles not covered by this Regulation.
3. By way of derogation from paragraph 1, Member States may permit the sale and entry into service of components or separate technical units which have been exempted from one or more provisions of this regulation in application of Article 26 or are intended for mounting on vehicles covered by approvals granted under Articles 28 or 29 that concern the component or separate technical unit in question.
4. By way of derogation from paragraph 1, and unless otherwise provided for in a this regulation, Member States may permit the sale and entry into service of components or separate technical units which are intended for mounting on vehicles which, at the time of their entry into service, were not required by this Regulation or by Directive 2003/37/EC to be EU type-approved.

## **CHAPTER XIII SAFEGUARD CLAUSES**

### *Article 36*

*Vehicles, systems, components or separate technical units in compliance with this Regulation*

1. If a national authority finds that new vehicles, systems, components or separate technical units, albeit in compliance with the applicable requirements or properly marked, present a serious risk to road safety, seriously harm the environment or public health or, for tractors, present a serious risk to occupational safety, that national authority may, for a maximum period of six months, refuse to register such vehicles or to permit the sale or entry into service in its territory of such vehicles, components or separate technical units.

In such cases, the national authority concerned shall immediately notify the manufacturer, the national authorities of the other Member States and the Commission accordingly, stating the reasons on which its decision is based and, in particular, whether it is the result of any of the following:

- (a) shortcomings in the relevant acts;
  - (b) incorrect application of the relevant requirements.
2. The Commission shall, as soon as possible consult the parties concerned and, in particular, the approval authority that granted the type-approval in order to prepare the decision.
3. Where the measures referred to in paragraph 1 are attributed to shortcomings in the relevant acts, the Commission shall take the following measures :
  - (a) where delegated acts are concerned, the Commission shall amend those acts accordingly;
  - (b) where UNECE Regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE Regulations in accordance with the procedure applicable under the Revised 1958 Agreement.
4. Where the measures referred to in paragraph 1 are attributed to incorrect application of the relevant requirements, the Commission shall take the necessary steps in order to ensure that the approval authority concerned complies with such requirements. The approval authorities of all Member States shall be informed about such steps.

*Article 37*

*Vehicles, systems, components or separate technical units not in conformity with the approved type*

1. If new vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the type it has approved, the national authority which has granted an EU type-approval shall take the necessary measures, including the withdrawal of type-approval, to ensure that production vehicles, systems, components or separate technical units, as the case may be, are brought into conformity with the approved type. It shall inform the approval authorities of the other Member States of the measures taken within 20 working days.
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 failure to conform to the approved type. A vehicle shall not be deemed to deviate from the approved type where tolerances are permitted by the relevant regulatory acts and those tolerances are respected.
3. If a national approval authority of another Member State demonstrates that new vehicles, 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 ask the national authority which granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type. On receipt of such a request, the national authority which granted the EU type-approval shall take the requisite action as soon as possible and in any case within 60 working days of the date of the request.
4. The approval authority shall request the national authority which granted the system, component, separate technical unit or incomplete vehicle EU type-approval to take the necessary actions to ensure that vehicles in production are brought back into conformity with the approved type in the following cases:
  - (a) in relation to an EU vehicle type-approval, where the non-conformity of a vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit;
  - (b) in relation to a multi-stage type-approval, where the non-conformity of a completed vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit being part of the incomplete vehicle, or of the incomplete vehicle itself.

On receipt of such a request, the national authority concerned shall take the necessary actions, if necessary in conjunction with the Member State making the request, as soon as possible and in any case within 60 working days of the date of the request.

Where a failure to conform is established, the approval authority of the Member State which granted the system, component or separate technical unit EU type-approval or the approval of the incomplete vehicle shall take the measures set out in paragraph 1.

5. The approval authorities shall inform each other within 20 working days of any withdrawal of EU type-approval and of the reasons therefore.
6. If the national authority that granted EU type-approval disputes the failure to conform notified to it, the Member States concerned shall endeavour to settle the dispute. The Commission shall be kept informed and, where necessary, shall hold appropriate consultations with a view to reaching a settlement.

#### *Article 38*

##### *Parts and equipment which pose a significant risk to the correct functioning of essential systems*

1. The sale, the offer for sale or entry into service of parts or equipment which are capable of posing a significant risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance, shall be prohibited, unless they have been authorised by an approval authority in accordance with paragraph 4 and Article 39 paragraphs 1 and 2.

The Commission shall establish a list of such parts or equipment in accordance with the procedure referred to in Article 57, taking account of available information on the following:

- (a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with parts and equipment under consideration;
  - (b) the effect on consumers and manufacturers in the after-market of the imposition under this Article of a possible authorisation requirement on parts and equipment.
2. Paragraph 1 shall not apply to original parts and equipment and to parts or equipment which are type-approved in accordance with the provisions of one of the acts listed in Annex I, except where the approval relates to aspects other than those covered in paragraph 1.
3. The Commission shall be delegated powers to adopt, where appropriate, in accordance with Article 57, a delegated act identifying the parts and equipment referred to in the first subparagraph when placed on the market.
4. The list referred to in the second subparagraph of paragraph 1 may be updated and, to the extent necessary, the model and numbering system of the certificate referred to in paragraph 4 as well as aspects relating to the procedure, the requirements which such parts must fulfil, the marking, packaging and the appropriate tests may be established in accordance with the procedure referred to in Article 57.

5. These requirements may be based on the acts listed in Annex I or may consist of a comparison of the part or equipment with the performance of the original vehicle, or of any of its parts, as appropriate. In those cases, the requirements must 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.

#### *Article 39*

#### *Parts and equipment which pose a significant risk to the correct functioning of essential systems – related requirements*

1. For the purposes of the first subparagraph of paragraph 1 of Article 38, the manufacturer of parts or equipment shall submit to the approval authority a test report drafted by a designated technical service which certifies that the parts or equipment for which authorisation is sought comply with the requirements referred to in paragraph 3. The manufacturer may introduce only one application per type per part with only one approval authority.

The application shall include details concerning the manufacturer of the parts or equipment, the type, identification and part numbers of the parts or equipment for which authorisation is sought, as well as the vehicle manufacturer's name, type of vehicle and, if appropriate, years of construction or any other information permitting the identification of the vehicle for which the fitting of such parts or equipment is intended.

When the approval authority is satisfied, taking account of the test report and other evidence, that the parts or equipment in question comply with the requirements referred to in paragraph 3, it shall issue a certificate to the manufacturer without delay. This certificate shall authorise the parts or equipment to be sold, offered for sale or fitted to vehicles in the Community subject to the second subparagraph of paragraph 2.

2. The manufacturer shall inform without delay the approval authority that issued the certificate of any change affecting the conditions under which it was delivered. That approval authority shall decide whether the certificate has to be reviewed or reissued and whether further tests are necessary.

The manufacturer shall be responsible for ensuring that the parts and equipment are produced and continue to be produced under the conditions under which the certificate was issued.

3. Before delivering any authorisation, the approval authority shall verify the existence of satisfactory 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 back into conformity. If necessary, it shall withdraw the authorisation.

4. Approval authorities from different Member States shall bring any disagreement in relation to the certificates referred to in paragraph 4 to the attention of the Commission. The Commission shall take the appropriate measures in order to solve the disagreement, including, where necessary, requiring the withdrawal of the authorisation, after having consulted the approval authorities.
5. As long as the list referred to in the second subparagraph of paragraph 1 has not been established, Member States may maintain national provisions dealing with parts and equipment which are capable of affecting the correct functioning of systems that are essential for the safety of the vehicle or its environmental performance.

*Article 40*  
*Recall of vehicles*

1. Where a manufacturer who has been granted an EU whole vehicle type-approval is obliged, in accordance with Regulation (EC) 765/2008<sup>37</sup>, to recall vehicles already sold, registered or put into service because
  - a system, component or separate technical unit fitted to the vehicle, whether or not duly approved in accordance with this Regulation,
  - or a part which is not subject to any specific requirements under type approval legislation presents a serious risk to road safety, occupational safety, public health or environmental protection, that manufacturer shall immediately inform the approval authority that granted the vehicle approval thereof.

2. The manufacturer shall propose to the approval authority a set of appropriate remedies to neutralise the risk referred to in paragraph 1. The approval authority shall communicate the proposed measures to the approval authorities of the other Member States without delay.

The approval authorities shall ensure that the measures are effectively implemented in their respective territories.

3. If the measures are considered to be insufficient by the approval authority concerned or have not been implemented quickly enough, it shall inform the approval authority that granted the EU vehicle type-approval without delay.

The approval authority that granted the EU vehicle type-approval shall then inform the manufacturer. If the manufacturer does not propose and implement effective corrective measures, the approval authority which granted the EU type-approval shall take all protective measures required, including the withdrawal of the EU vehicle type-approval. In case of withdrawal of the EU vehicle type-approval, the approval authority shall

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<sup>37</sup> OJ L 218 of 13.8.2008, p. 30.

notify the manufacturer, the approval authorities of the other Member States and the Commission by registered letter or equivalent electronic means within 20 working days.

*Article 41*

*Notification of decisions and remedies available*

All decisions taken pursuant to the provisions of this Regulation and all decisions refusing or withdrawing EU type-approval, or refusing registration or prohibiting sales, shall state in detail the reasons on which they are based. Any such decision shall be notified to the party concerned who shall, at the same time, be informed of the remedies available to him under the laws in force in the Member State concerned and of the time limits allowed for the exercise of such remedies.

## **CHAPTER XIV INTERNATIONAL REGULATIONS**

*Article 42*

*UNECE Regulations required for EU type-approval*

1. UNECE Regulations to which the Union has acceded and which are listed in Annex I shall be part of the EU type-approval of a vehicle in the same way as the delegated acts under this Regulations. They shall apply to the categories of vehicles listed in the relevant columns in the table of Annex I.
2. When the Union has decided to apply on a compulsory basis a UNECE Regulation for the purpose of EU vehicle type-approval in accordance with Article 4(4) of Council Decision 97/836/EC<sup>38</sup>, the annexes to this Regulation shall be amended as appropriate in accordance with the procedure referred to in Article 56(2) The act amending the annexes to this Regulation shall specify the dates of compulsory application of the UNECE Regulation or of its amendments.

*Article 43*

*UNECE Regulations and EU type-approval of vehicles produced in small series*

1. The UNECE Regulations listed in Annex I shall be considered as equivalent to the corresponding delegated acts in as much as they share the same scope and subject matter.
2. The approval authorities of the Member States shall accept approvals granted in accordance with those UNECE Regulations and, where applicable, the pertaining

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<sup>38</sup> OJ L 346, 17.12.1997, p. 78.

approval marks, in lieu of the corresponding approvals and approval marks granted in accordance with this Regulation and its corresponding delegated acts.

3. Where the Community has decided to apply, for the purposes of paragraph 1, a new UNECE Regulation or a UNECE Regulation as amended, Annex I shall be amended as appropriate, in accordance with the procedure referred to in Article 56(2).

#### *Article 44*

#### *Equivalence with other regulations*

1. 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 established by this Regulation and the procedures established by international Regulations of third countries, in the framework of multilateral or bilateral agreements between the Community and third countries.
2. The complete test reports issued on the basis of the standardised OECD Codes listed in Annex I, approved according to the general rules of OECD, may be used as an alternative to the test reports drawn up under this Regulation or the separate Regulations.

## **CHAPTER XV**

### **PROVISION OF TECHNICAL INFORMATION**

#### *Article 45*

#### *Information intended for users*

1. The manufacturer may not supply any technical information related to the particulars provided for in this Regulation, its implementing acts or delegated acts listed in Annex I which diverges from the particulars approved by the approval authority.
2. Where an implementing or delegated act listed in Annex I so provides, 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 component or a separate technical unit.

That information shall be supplied in the official languages of the Member State where the vehicle is to be sold. It shall be provided, after acceptance by the approval authority, in the owner's manual.

#### *Article 46*

##### *Information intended for manufacturers of components or separate technical units*

1. The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all particulars which are necessary for EU type-approval of components or separate technical units, or necessary to obtain an authorisation under Article 38 including, where applicable, drawings listed in the delegated act listed in Annex I.

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

2. The manufacturer of components or separate technical units, in his capacity as the holder of an EU type-approval certificate which, in accordance with Article 17(4), includes restrictions on use or special mounting conditions or both, shall provide all the detailed information thereon to the vehicle manufacturer.

Where a delegated act listed in Annex I so provides, the manufacturer of components or separate technical units shall provide, together with the components or separate technical units produced, instructions regarding restrictions on use or special mounting conditions or both.

## **CHAPTER XVI**

### **Access to vehicle repair and maintenance information**

#### *Article 47*

##### *Manufacturers' obligations*

1. Manufacturers shall provide unrestricted and standardised access to vehicle repair and maintenance information to independent operators through websites in a readily accessible and prompt manner. In particular, this access should be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.

This information shall include information required for fitting parts or equipment on vehicles.

2. Manufacturers shall make training material available to independent operators and authorised dealers and repairers.
3. The information referred to in paragraph 1 shall include as a minimum all of the following:

- (a) the unequivocal vehicle identification number;
  - (b) service handbooks including repair and maintenance records;
  - (c) technical manuals;
  - (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);
  - (e) wiring diagrams;
  - (f) diagnostic trouble codes, including manufacturer specific codes;
  - (g) the software calibration identification number applicable to a vehicle type;
  - (h) information provided concerning, and delivered by means of, proprietary tools and equipment;
  - (i) data record information and two-directional monitoring and test data;
  - (j) work units.
4. Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.
  5. The vehicle repair and maintenance information shall always be available, except as required for maintenance purposes of the information system.
  6. For the purposes of manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested component, diagnostic tools or test equipment manufacturer or repairer.
  7. For the purposes of the design and manufacture of automotive equipment for alternative fuel tractors, manufacturers shall provide the relevant 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.
  8. When applying for EU type approval or national type approval, the manufacturer shall provide the approval authority with proof of compliance with this Regulation relating to the information required in this article.

In the event that such information is not available, or does not conform to this Regulation and its implementing measures at that point in time, the manufacturer shall provide it within six months from the date of type approval.

9. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.
10. 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.
11. 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 free of charge to such records and shall be able to enter information on repair and maintenance which they have performed.
12. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the detailed requirements with regard to access to repair and maintenance information, in particular technical specifications relating to the way in which vehicle repair and maintenance information shall be provided.

#### *Article 48*

##### *Division of obligations with regard to several holders of type-approval*

In case of step-by-step type approval, including multistage type approval, the manufacturer responsible for the respective type approval shall also be responsible for communicating repair information relating to the particular system, component, separate technical unit or the particular stage to both the final manufacturer and independent operators.

The final manufacturer shall be responsible for communicating information about the whole vehicle to independent operators.

#### *Article 49*

##### *Fees for access to vehicle repair and maintenance information*

1. Manufacturers may charge reasonable and proportionate fees for access to vehicle repair and maintenance information covered by this Regulation.
2. A fee shall not be reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses it. Manufacturers shall make available vehicle repair and maintenance information on a 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.

#### *Article 50*

##### *Penalties*

1. Member States shall lay down the provisions on penalties applicable for infringement by manufacturers of the provisions of this Regulation and shall take all measures necessary

to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [6 months after publication of this Regulation] and shall notify it without delay of any subsequent amendment affecting them.

2. The types of infringements which are subject to a penalty shall include:
  - (a) making false declarations during the approval procedures or procedures leading to a recall;
  - (b) falsifying test results for type approval or in-service conformity;
  - (c) withholding data or technical specifications which could lead to recall or withdrawal of type approval;
  - (d) use of defeat devices;
  - (e) refusal to provide access to information.

## **CHAPTER XVII**

### **DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES**

#### *Article 51*

#### *Designation of technical services*

1. Technical services designated by national authorities for the purposes of this Article shall comply with the provisions of this Regulation.
2. The technical services shall carry out themselves or supervise the tests required for approval or inspections set out in this Regulation or in one of the acts listed in Annex I, except where alternative procedures are permitted. The technical services may not conduct tests or inspections for which they have not been duly designated.
3. The technical services shall fall into one or more of the five following categories of activities, depending on their field of competence:
  - (a) category A, technical services which carry out in their own facilities the tests referred to in this Regulation and in the acts listed in Annex I;
  - (b) category B, technical services which supervise the tests referred to in this Regulation and in the acts listed in Annex I, performed in the manufacturer's facilities or in the facilities of a third party;

- (c) category C, technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;
  - (d) category D, technical services which supervise or perform tests or inspections in the framework of the surveillance of conformity of production;
  - (e) category E, technical services in charge of individual approvals.
4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex I. Technical services shall comply with the standards set up in the delegated act which are relevant for the activities they carry out. However, such compliance is not required for the purposes of the last stage of a multi-stage type-approval procedure as referred to in Article 32(1).
  5. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 3.
  6. A manufacturer or a subcontracting party acting on his behalf may only be designated as a technical service for category A activities with regard to the technical requirements for which self-testing is allowed in a delegated act adopted under this regulation.
  7. Technical services, other than those designated in accordance with paragraph 6, of a third country may be notified for the purposes of Article 53 only in the framework of a bilateral agreement between the Union and the third country in question.
  8. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the standards with which the technical services have to comply and the procedure for the assessment of technical services in order to ensure that these services meet the same high level of performance standards in all Member States.

#### *Article 52*

#### *Assessment of the skills of the technical services*

1. The skills referred to in Article 51 shall be demonstrated by an assessment report established by a competent authority. This may include a certificate of accreditation issued by an accreditation body.
2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the provisions laid down in a delegated act in accordance with Article 51 (8) under this regulation. The assessment report shall be reviewed after a maximum period of three years.
3. The assessment report shall be communicated to the Commission upon request.
4. The approval authority which intends to be designated as a technical service shall demonstrate compliance through documentary evidence. This documentary evidence

may consist in an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from within the same organisation provided that they are managed autonomously from personnel undertaking the assessed activity.

5. A manufacturer or a subcontracting party acting on his behalf, designated as a technical service, shall comply with the relevant provisions of this Article.

*Article 53*  
*Procedures for notification*

1. Member States shall notify to the Commission the name, the address including electronic address, the responsible persons and the category of activities with respect to each designated technical service. They shall notify it of any subsequent modifications thereto. The notification act shall state in respect of which subjects listed in Annex I the technical services have been designated.
2. A technical service may conduct the activities referred to in Article 50 for the purposes of type-approval for the Member State which designated it only if it has been notified beforehand to the Commission.
3. The same technical service may be designated and notified by several Member States irrespective of the category of activities which it conducts.
4. Where a specific organisation or competent body, the activity of which is not included in those referred to in Article 51, needs to be designated in application of an act listed in Annex I the notification shall be made in accordance with the provisions of this Article.
5. The Commission shall publish on its web-site a list and details regarding the approval authorities and technical services.

**CHAPTER XVIII**  
**IMPLEMENTING MEASURES AND DELEGATION**

*Article 54*  
*Implementing measures*

In order to lay down uniform conditions for the implementation of this Regulation the Commission shall, in accordance with the procedure referred to in Article 55, adopt implementing acts laying down the following implementing measures:

1. the details of the arrangements with regard to type-approval procedures in accordance with Article 10 (6) of this Regulation;

2. templates for the information folder and the information document in accordance with Article 12 (1) of this Regulation;
3. a numbering system of EU type-approval certificates in accordance with Article 15 of this Regulation;
4. a template for a type-approval certificate in accordance with Article 15(5) of this Regulation;
5. a template for the list of system, component or separate technical unit EU type-approvals in accordance with Article 16 (5) of this Regulation;
6. a template of the list of applicable requirements or regulatory acts in accordance with Article 16(6) of this Regulation;
7. the details of the arrangements with regard to conformity of production in accordance with Article 19 of this Regulation;
8. the template of a certificate of conformity in accordance with Article 24 of this Regulation;
9. the model of the EU type-approval mark in accordance with Article 25 of this Regulation;

*Article 55*  
*Committee*

1. The Commission shall be assisted by a committee referred to as the "Technical Committee – Agricultural Vehicles" (TC-AV).
2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.
3. The Committee shall adopt its rules of procedure.

*Article 56*  
*Amendment of the Annexes*

1. The Commission may adopt, by means of delegated acts in accordance with Articles 57, 58 and 59 amendments to the Annexes of this Regulation.
2. When, in application of Decision 97/836/EC, new UNECE Regulations or amendments to existing UNECE Regulations to which the Union has acceded are adopted, the

Commission shall, by means of delegated act in accordance with Articles 57, 58 and 59, amend Annex I to this Regulation accordingly.

*Article 57*  
*Exercise of the Delegation*

1. The powers to adopt the delegated acts referred to in Articles 7 (4), 8 (4), 9 (5), 18 (7), 38 (1), (2) and (3), 47 (10), 51 (8) and 56 shall be conferred on the Commission for an indeterminate period of time.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Article 58 and 59.

*Article 58*  
*Revocation of the delegation*

1. The delegation of power referred to in Articles 7 (4), 8 (4), 9 (5), 18 (7), 38 (1), (2) and (3), 47 (10), 51 (8) and 56 may be revoked at any time by the European Parliament or by the Council.
2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.
3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

*Article 59*  
*Objections to delegated acts*

1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.
2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated in its provisions.

3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

## **CHAPTER XIX FINAL PROVISIONS**

### *Article 60 Transitional provisions*

1. This Regulation shall not invalidate any EC type-approval granted to vehicles or to systems, components or separate technical units before the date laid down in Article 64 (2).
2. Approval authorities shall continue to grant extension of approvals to those vehicles, systems, components or separate technical units under the terms of Directive 2003/37/EC and any of the directives listed in Article 56 (2).

### *Article 61 Report*

1. No later than 1 January 2018, Member States shall inform the Commission of the application of the type-approval procedures laid down in this Regulation and, in particular, of the application of the multi-stage process.
2. On the basis of the information supplied under paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Regulation no later than 1 January 2019.

### *Article 62 Repeal*

1. Directive 2003/37/EC as well as Directives 74/347/EEC, 76/432/EEC, 76/763/EEC, 77/537/EEC, 78/764/EEC, 80/720/EEC, 86/297/EEC, 86/298/EEC, 86/415/EEC, 87/402/EEC, 2000/25/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009/64/EC, 2009/66/EC, 2009/68/EC; 2009/75/EC, 2009/76/EC, 2009/144/EC are repealed with effect from 1 January 2014.
2. References to the repealed Directives shall be construed as references to this Regulation and shall be read, as regards Directive 2003/37/EC, in accordance with the correlation table set out in Annex III.

*Article 63*  
*Amendment to Directive 2006/42/EC*

The first indent of point (e) of paragraph 2 of Article 1 of Directive 2006/42/EC is replaced by the following:

“- agricultural and forestry tractors, with the exclusion of machinery mounted on those vehicles,”.

*Article 64*  
*Entry into force*

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from 1 January 2014.

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

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[.]

**ANNEX I - List of requirements for the purposes of vehicle EU type-approval**

Nr.	Article	Subject	Document reference	MV	Vehicle categories										
					T1	T2	T3	T 4.1	T 4.2	T 4.3	T 5	C	R	S	
1	7.2(a)	Fuel tank			X	X	X	X	X	X	X	X	I	NA	NA
2	7.2(b)	Maximum speed			X	X	X	X	X	X	X	X	I	NA	NA
3	7.2(b)	Braking devices		-/Y	X	X	X	X	X	X	X	X	X	X	X
4	7.2(b)	Stability			NA	NA	NA	X	NA	NA	X	NA	NA	NA	NA
5	7.2(b)	Steering	ECE 79 REV2	Y	X	X	X	X	X	X	X	X	X	NA	NA
6	7.2(b)	Trailer brake coupling			X	X	X	X	X	X	X	X	I	X	X
7	7.2(b)	Speed governor			X	X	X	X	X	X	X	X	I	NA	NA
8	7.2(b)	Speed limitation devices			NA	NA	NA	NA	NA	NA	X	NA	NA	NA	NA
9	7.2(b)	Reverse and speedometer			NA	NA	NA	NA	NA	NA	X	NA	NA	NA	NA
10	7.2(c)	Field of vision and windscreen wipers	ECE 71	Y	X	X	X	X	X	X	X	X	I	NA	NA
11	7.2(c)	Glazing	ECE 43 Rev2 Am3 Sup11		X	X	X	X	X	X	NA	I	NA	NA	NA
12	7.2(c)	Glazing (T5)	92/22/EEC	X	NA	NA	NA	NA	NA	NA	X	NA	NA	NA	NA
13	7.2(c)	Rear-view mirrors			X	X	NA	X	X	X	X	X	I	NA	NA
14	7.2(d)	Lighting and light signalling devices	ECE 1 Rev4 Am5; ECE 3 Rev3 Am1 Sup11; ECE 4 Rev4 Sup14; ECE 6 Rev4 Sup17; ECE 7 Rev4 Sup15; ECE 8 Rev4; ECE 19 Rev5 Sup1;	Y	X	X	X	X	X	X	X	X	X	X	X

			ECE 20 Rev3; ECE 23 Rev2 Sup15; ECE 38 Rev2 Sup14; ECE 98 Rev1 Sup11											
15	7.2(d)	Lighting installation	ECE 86 Am3 Sup4		X	X	X	X	X	X	X	I	X	X
16	7.2(g)	Electro-magnetic compatibility	ECE 10 Rev3	Y	X	X	X	X	X	X	X	I	NA	NA
17	7.2(h)	Audible warning device	ECE 28 Am3	Y	X	X	X	X	X	X	X	I	NA	NA
18	7.2(k)	Registration plate			X	X	X	X	X	X	X	I	X	X
19	7.2(k)	Statutory plate			X	X	X	X	X	X	X		X	X
20	7.2(l)	Dimensions and trailer mass			X	X	X	X	X	X	X	I	X	X
21	7.2(l)	Maximum laden mass			X	X	X	X	X	X	X	X	X	X
22	7.2(l)	Ballast masses			X	X	NA	X	X	X	X	I	NA	NA
23	7.2(n)	Rear protective structures			NA	X	NA							
24	7.2(o)	Lateral protection			NA	NA	NA	NA	NA	NA	X	NA	X	NA
25	7.2(p)	Load platforms			X	X	X	X	X	X	X	I	NA	NA
26	7.2(q)	Coupling and reversing devices			X	X	X	X	X	X	X	I	NA	NA
27	7.2(r)	Controls			X	X	X	X	X	X	X	I	NA	NA
28	7.2(s)	Tyres	ECE 106 Am5 Sup6		X	X	X	X	X	X	X	NA	X	X
29	7.2(t)	Electro-magnetic compatibility	ECE 10 Rev3	Y	X	X	X	X	X	X	X	I	NA	NA
30	8.2(a)	ROPS	OECD Code 3, 2010		X	NA	NA	X	X	X	X	NA	NA	NA
31	8.2(a)	ROPS	OECD Code 8, 2010		NA	X	NA	NA						

32	8.2(a)	ROPS (static testing)	OECD Code 4, 2010		X	X	X	X	X	X	X	X	X	NA	NA
33	8.2(a)	ROPS, Front-mounted (narrow-track tractors)	OECD Code 6, 2010		X	X	X	NA	NA	NA	X	X	NA	NA	NA
34	8.2(a)	ROPS, Rear-mounted (narrow-track tractors)	OECD Code 7, 2010		NA	NA	NA	NA	NA	NA	X	NA	NA	NA	NA
35	8.2(b)	FOPS, Falling Objects Protection System	OECD Code 10, 2010		X	X	X	X	X	X	X	I	NA	NA	NA
36	8.2(c)	Passenger seats			X		X	X	X	X	X	I	NA	NA	NA
37	8.2(d)	Sound levels (internal)			X	X	X	X	X	X	X	X	NA	NA	NA
38	8.2(e)	Driving seat			X	X	X	X	X	X	X	I	NA	NA	NA
39	8.2(f)	Operating space, access to the driving position			X		X	X	X	X	X	I	NA	NA	NA
40	8.2(g)	Power take-offs			X	X	X	X	X	X	X	X	NA	NA	NA
41	8.2(i)	Protection of drive components			X	X	X	X	X	X	X	X	NA	NA	NA
42	8.2(j)	Seat-belt anchorages	OECD Codes 3, 4, 6, 7, 8; 2010		X	X	X	X	X	X	X	X	NA	NA	NA
43	8.2(k)	Safety belts			X	X	X	X	X	X	X	X	NA	NA	NA
44	8.2(l)	OPS, Protection against penetrating objects			X	X	X	X	X	X	X	I	NA	NA	NA
45	8.2(m)	Hazardous substances			X	X	X	X	X	X	X	X	NA	NA	NA
46	8.2(n)	Operators manual			X	X	X	X	X	X	X	X	X	X	X
47	9.2(a)	Pollutant emissions	97/68/EC		X	X	X	X	X	X	X	X	NA	NA	NA
48	9.2(b)	Sound level (external)	ECE 51 Rev1 Am4	Y	X	X	X	X	X	X	X	I	NA	NA	NA

Legend:

X = applicable

I = same as for T according to the category

Y = the relevant regulatory acts for motor vehicles are accepted as equivalent

NA = not applicable

MV = relevant Directives for motor vehicles under Directive 2007/46/EC can be applied as equivalent.

## **ANNEX II - Limits for small series and for end-of-series vehicles**

### Part 1 - Limits for small series

The number of units within a type to be registered, placed on sale or put into service per year in each Member State shall not exceed the value shown below for the vehicle category in question.

Category	Units (for each type)
T	150
C	50
R	75
S	50

### Part 2 - Limits for end-of-series vehicles

The maximum number of vehicles of one or several types entering service in each Member State, in accordance with the procedure provided for in Article 14, must not exceed 10 % of the number of vehicles of all the types concerned which entered service in the two preceding years in the Member State in question; however, it may not be less than 20.

Vehicles entering service in accordance with this procedure shall be identified by a specific reference on the certificate of conformity.

### ANNEX III - Correlation table

(referred to in Article 56)

Directive 2003/37/EC	This Regulation
-	Article 1
Article 1	Article 2
Article 2	Article 3
Article 3	Articles 10, 11
Article 4	Article 12
Article 5	Articles 18 – 21
Article 6	Articles 23, 24
Article 7	Articles 31 – 33
Article 8 (1)	Article 25 (1)
Article 8 (2)	Articles 27, 28, 32
Article 9	Articles 27, 28
Article 10	Article 32
Article 11	Articles 25, 26
Article 12	Articles 40, 41
Article 13	Articles 5, 12, 16
Article 14	Articles 35 (5)
Article 15	Chapter XII
Article 16	Article 35 (2)
Article 17	Article 35 (3)
Article 18	Article 38
Article 19	Article 48

Article 20	Article 49
Article 21	Article 4 + Chapter VII
Article 22	-
Article 23	Article 2 (3)
Article 24	Article 56
-	Article 57
Article 25	Article 58
Article 26	-