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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.5.2008  
COM(2008) 316 final

2008/0100 (COD)

Proposal for a

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

**concerning type-approval requirements for the general safety of motor vehicles**

{SEC(2008) 1908}  
{SEC(2008) 1909}

(presented by the Commission)

## 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 construction of motor vehicles with a view to ensuring the functioning of the internal market while at the same time providing for a high level of safety and environmental protection.

The proposal aims at enhancing the safety of vehicles by requiring the mandatory fitting of some advanced safety features. The proposal also aims at enhancing the environmental performance of vehicles by reducing the amount of road noise and vehicle CO<sub>2</sub> emissions from tyres.

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

- **General context**

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

New technologies are now available which can dramatically improve vehicle safety (such as Electronic Stability Control Systems) or reduce CO<sub>2</sub> emissions (such as low rolling-resistance tyres). 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 which could result 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 50 base Directives (and around 100 related amending Directives) in the field of motor vehicle safety and tyres with one Council and Parliament Regulation.

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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.

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

Council Directive 70/221/EEC, Council Directive 70/222/EEC, Council Directive 70/311/EEC, Council Directive 70/387/EEC, Council Directive 70/388/EEC, Council Directive 71/320/EEC, Council Directive 72/245/EEC, Council Directive 74/60/EEC, Council Directive 74/61/EEC, Council Directive 74/297/EEC, Council Directive 74/408/EEC, Council Directive 74/483/EEC, Council Directive 75/443/EEC, Council Directive 76/114/EEC, Council Directive 76/115/EEC, Council Directive 76/756/EEC, Council Directive 76/757/EEC, Council Directive 76/758/EEC, Council Directive 76/759/EEC, Council Directive 76/760/EEC, Council Directive 76/761/EEC, Council Directive 76/762/EEC, Council Directive 77/389/EEC, Council Directive 77/538/EEC, Council Directive 77/539/EEC, Council Directive 77/540/EEC, Council Directive 77/541/EEC, Council Directive 77/649/EEC, Council Directive 78/316/EEC, Council Directive 78/317/EEC, Council Directive 78/318/EEC, Council Directive 78/549/EEC, Council Directive 78/932/EEC, Council Directive 89/297/EEC, Council Directive 91/226/EEC, Council Directive 92/21/EEC, Council Directive 92/22/EEC, Council Directive 92/23/EEC, Council Directive 92/24/EEC, Council Directive 92/114/EEC, European Parliament and Council Directive 94/20/EC, European Parliament and Council Directive 95/28/EC, European Parliament and Council Directive 96/79/EC, European Parliament and Council Directive 96/27/EC, European Parliament and Council Directive 97/27/EC, European Parliament and Council Directive 98/91/EC, European Parliament and Council Directive 2000/40/EC, European Parliament and Council Directive 2001/56/EC, European Parliament and Council Directive 2001/85/EC, European Parliament and Council Directive 2003/97/EC.

The proposal and its implementing measures will carry over the existing requirements laid down in the above acts. Compared to the existing acts, the proposal lays down new requirements on some advanced safety measures, namely Electronic Stability Control Systems, Tyre Pressure Monitoring Systems, Advanced Emergency Braking Systems and Lane Departure Warning Systems. In addition, the proposal makes the requirements on rolling noise for tyres more stringent and introduces new requirements on tyres with respect to their wet grip and rolling resistance.

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

The proposal is consistent with the EC objective to make roads safer as outlined, in particular, in the White Paper on European Transport Policy<sup>3</sup>, which 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, the proposal implements two of the measures identified in the strategy to reduce CO<sub>2</sub> emissions from cars outlined in the Commission's Communication on the "Results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light-commercial vehicles"<sup>4</sup>.

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

<sup>4</sup> COM(2007) 19.

Finally, the proposal is consistent with the EC strategy for the simplification of the regulatory environment as announced in the Commission's Communication on "Updating and simplifying the Community acquis"<sup>5</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.
- With regard to the proposals on Advanced Emergency Braking Systems, a project was carried out to examine the potential costs and benefits arising from the equipment of vehicles of various classes with such systems. This project was carried out in co-operation with an industry stakeholder group.
- With regard to the requirements covering tyres, there have been a number of meetings with tyre manufacturers' organisations, research groups and environmental interest groups, with the aim of achieving a balanced and feasible set of requirements.

#### 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 23/08/2007 to 18/10/2007. The Commission received 81 responses. The results are available on <http://ec.europa.eu/enterprise/automotive/pagesbackground/safety/consultation/summary.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.

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<sup>5</sup> COM(2003) 71.

### Methodology used

Studies on the feasibility of reducing tyre rolling noise and on the outline costs and benefits of Advanced Emergency Braking Systems were conducted specifically to support the development of the relevant aspects of this Regulation. In addition, use was made of existing studies on CO<sub>2</sub> reduction (by TNO) and road casualty reduction (by COWI) in order to quantify the benefits likely to arise from the proposed measures.

In the case of the study on tyre noise, the following work was carried out by the consultant:

- Review of relevant literature to identify social and environmental impacts of tyre/road noise.
- Gathering and evaluation of noise test data on existing tyres of various categories.
- Assessment of the feasibility of reducing tyre noise limits, including the potential impact on other tyre design parameters.
- Assessment of likely overall noise reductions arising from the proposed measures, using suitable computer modelling techniques.
- Liaison with various stakeholders.

In the case of the study on Advanced Emergency Braking Systems, the following work was carried out by the consultant:

- Assessment of current accident scenarios likely to be avoided or mitigated using this technology.
- Assessment of current and future system capabilities.
- Assessment of 'economic cost per vehicle' of installing such systems.
- Liaison with various stakeholders.

### Main organisations/experts consulted

The Tyre noise study was carried out by FEHRL (Federation of European Highway Research). The Advanced Emergency Braking System study was carried out by TRL (Transport research laboratory) Ltd.

The tyre noise limit values proposed in the Annex to this Regulation are based on recommendations by FEHRL. The TRL work supported the case for prioritisation of Advanced Emergency Braking Systems for heavy-duty vehicles. The impact assessment makes reference to other research studies which were also used to evaluate various policy options. In all cases, the preferred policy option has been selected on the basis of a cost-benefit analysis, as explained in the impact assessment accompanying the proposal.

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

All completed and approved research reports are or will be available on the DG Enterprise and Industry web site.

#### • **Impact assessment**

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

##### 1. Simplification aspects

- a) Do nothing. This would mean that the existing 50 Directive would be maintained with additional amendments when necessary. The EC Directives would continue to operate in parallel with the existing UNECE Regulations with the technical requirements usually (but not always) being equivalent. 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) Do nothing as part of the current exercise, but review each Directive as and when it is due to be modified, and decide whether replacement is appropriate. This option would effectively contribute to the simplification of the regulatory environment. However, the simplification exercise would take place over a number of years.
- c) Replace all existing Directives through the proposed Regulation. This is the retained option since it would maximise the advantages of simplification at the benefit, in particular, of national authorities and industry.

##### 2. Advanced safety technologies

- a) Do nothing and allow the market to take the initiative. Features such as Electronic Stability Control Systems are already appearing on an increasing number of cars in some markets. However, on vehicles such as heavy trucks and tourist coaches, where the benefit of Electronic Stability Control Systems may be even greater than for cars, there is often not the market incentive to fit Electronic Stability Control Systems voluntarily, since, unlike the case with cars, the purchasers are not normally the beneficiaries. Moreover, without harmonised standards, there is the risk that diverging standards are applied across the EU with a resulting fragmentation of the internal market.
- b) Establish technical standards for advanced safety technologies (where fitted) and allow manufacturers to fit them optionally. Though this would prevent emerging varying standards across the EU, as stated above, this option will not ensure that advanced safety features are fitted in all vehicles.
- c) Establish technical standards and mandatory fitting requirements. This option will ensure that the full potential of advanced safety features is exploited. Since there is a positive cost-benefit case for these systems, it appears that the mandatory option is justified.

### 3. Requirements on tyres

Concerning tyres, the proposal introduces new requirements on the following aspects: Rolling Noise limit values, Rolling Resistance limit values, Wet Grip and Tyre Pressure Monitoring System.

For each of the above issues, the following options were generally considered: a) do nothing; b) voluntary/market solution; c) mandatory solution with lower technical difficulty; d) mandatory solution with higher technical difficulty.

Option d) was selected for all of the issues. In the case of Rolling Resistance, Wet Grip and Tyre Pressure Monitoring Systems, research and product development are already at a quite advanced stage so that implementing the more stringent technical requirement in a relatively short timetable is considered to be feasible. Concerning Tyre Pressure Monitoring System, in particular, setting a higher standard would maximise the safety benefits, and ensure the maximum likelihood of reaching the CO<sub>2</sub> reduction targets. Concerning Rolling Noise, option d) has also been retained because this is the only one that would ensure the fulfilment of the environmental objectives of the proposal. However, since the requirements on noise are more challenging than the other requirements, a longer implementation period has been foreseen.

The Commission carried out an impact assessment listed in the Work Programme, whose report is accessible on <http://ec.europa.eu/enterprise/automotive/pagesbackground/pedestrianprotection/index.htm>.

As far as further industry studies could not be concluded before the finalisation of the proposal, the Commission is ready to thoroughly assess the results of such additional studies during the legislative process and, if need be, to suggest or support adaptations necessary to avoid any negative impact on safety of tyres.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **• Summary of the proposed action**

The proposal significantly simplifies the motor vehicle type-approval system with respect to the requirements on safety and tyres by repealing 50 Directives.

The proposal introduces new mandatory requirements on advanced safety features. In particular, the proposal requires mandatory fitting of:

- Electronic Stability Control Systems on all vehicles;
- Tyre Pressure Monitoring Systems on passenger cars;
- Advanced Emergency Braking Systems and Lane Departure Warning Systems on heavy-duty vehicles.

The proposal also foresees that, in case of voluntary fitting of Advanced Emergency Braking Systems and Lane Departure Warning Systems on other categories of

vehicles, these systems shall fulfil the requirements laid down in the proposal.

The proposal sets more stringent noise emission limit values for tyres than those set out in existing legislation and introduces new requirements on wet grip and rolling resistance.

- **Legal basis**

The legal basis of the proposal is Article 95 of the Treaty.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

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

The technical requirements for the type-approval of motor vehicles with regard to numerous safety and environmental elements have been harmonised at Community level and action by Member States alone would undermine the whole vehicle type-approval system. European Union action is necessary because of the need to avoid the emergence of barriers to the single market.

Community 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 showed 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. This approach foresees that the proposal and adoption of legislation will be made according to two different, but parallel, routes:

- first, the fundamental provisions will be laid down by the European Parliament and the Council in a Regulation based on Article 95 of the EC Treaty through the co-decision procedure (the 'co-decision proposal');
- secondly, the technical specifications implementing the fundamental provisions will be laid down in Regulations adopted by the Commission in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC (the 'comitology proposals').

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

The proposal has no implication for the Community budget.

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

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

There are general transitory periods in the proposal in order to allow sufficient lead times for vehicle and tyre manufacturers.

- **Simplification**

The proposal provides for simplification of legislation.

50 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 2008/ENTR/004.

- **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.

Proposal for a

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

**concerning type-approval requirements for the general safety of motor vehicles**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission<sup>6</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>8</sup>,

Whereas:

- (1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured. To that end a comprehensive Community type-approval system for motor vehicles, established by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 on establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ("Framework Directive")<sup>9</sup>, is in place.
- (2) This Regulation is a new separate Regulation in the context of the Community type-approval procedure under Directive 2007/46/EC. Therefore, Annexes IV, VI and XI to that Directive should be amended accordingly.
- (3) The technical requirements for the type-approval of motor vehicles with regard to numerous safety and environmental elements have been harmonised at Community level in order to avoid requirements that differ from one Member State to another, and to ensure a high level of road safety and environmental protection throughout the Community.
- (4) It is appropriate to set out requirements on both the general safety of motor vehicles and the environmental performance of tyres, due to the availability of Tyre Pressure

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<sup>6</sup> OJ C , , p. .

<sup>7</sup> OJ C , , p. .

<sup>8</sup> OJ C [...], [...], p.[...].

<sup>9</sup> OJ L 263, 9.10.2007, p. 1.

Monitoring Systems which enhance at the same time the safety and environmental performance of tyres.

- (5) Following the request of the European Parliament, a new regulatory approach has been introduced in the Community vehicle legislation. This Regulation should therefore lay down only fundamental provisions on vehicle safety and CO<sub>2</sub> and noise emissions from tyres whereas the technical specifications should be laid down by implementing measures adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>10</sup>.
- (6) In particular the Commission should be empowered to establish the specific procedures, tests and requirements for the type-approval of motor vehicles, components and separate technical units. In addition, the Commission should be empowered to define more precisely the characteristics a tyre must fulfil to be defined as “Off-road professional tyre”. The Commission should also be empowered to define the precise scope of application of the requirements set out in this Regulation. In addition, the Commission should be empowered to set out additional safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States. Furthermore, subject to technical and economic feasibility, the Commission should be empowered to extend mandatory installation of Tyre Pressure Monitoring Systems and other advanced safety features to other categories of vehicles than those initially covered. The Commission should also be empowered to establish specific procedures, tests and technical requirements for the type-approval of advanced vehicle systems other than those mentioned in this Regulation and to amend the limit values on rolling resistance and rolling noise for tyres as a result of changes in the test procedures, without lowering the existing ambition level with regard to the environment. Since those measures are of a general scope and are designed to amend this Regulation by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (7) Technical progress in the area of advanced vehicle safety systems offers new possibilities for casualty reduction. In order to maximise the number of casualties saved it is necessary to foresee the introduction of some of these technologies.
- (8) 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 21st century<sup>11</sup>, it is appropriate to repeal several Directives without reducing the level of protection of road users. The requirements set out in those Directives should be carried over to this Regulation and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE), as incorporated into Community law in accordance with Article 4 of Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled

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<sup>10</sup> OJ L 184, 17.7.1999, p. 23 Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>11</sup> ISBN 92-79-00762-9.

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<sup>12</sup>.

- (9) 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. These 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, vehicle tyres, advanced vehicle systems and miscellaneous items. In addition, it is necessary that vehicles comply with specific provisions relating to certain goods vehicles and their trailers, or specific provisions relating to buses, as the case may be.
- (10) The timetable for the introduction of specific new requirements for the type-approval of vehicles should take into account the technical feasibility of those requirements. In general, the requirements should initially apply only to new types of vehicle. Existing types of vehicle should be allowed an additional time period to comply with the requirements. Furthermore, mandatory installation of Tyre Pressure Monitoring Systems should initially apply only to passenger cars. Mandatory installation of other advanced safety features should initially apply only to heavy goods vehicles.
- (11) Where advanced safety features are voluntarily installed by the manufacturer of the vehicle, it is necessary that those features comply with the relevant requirements set out in this Regulation.
- (12) It is appropriate to implement the measures announced in the Communication from the Commission to the Council and the European Parliament "Results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light-commercial vehicles"<sup>13</sup> aimed at reducing CO<sub>2</sub> emissions from tyres. This reduction should be achieved through a combination of low rolling resistance tyres and the use of Tyre Pressure Monitoring Systems. At the same time, it is also appropriate to set out requirements aimed at reducing tyre-road noise and ensuring that tyre safety levels are maintained through the introduction of wet grip requirements. The related implementation timetable should reflect the degree of challenge in meeting all of those requirements. In particular, due to the challenge in meeting the requirements on rolling noise and taking into account the time needed by industry for replacing existing lines of tyres, it is appropriate to provide for a longer period for implementation of rolling noise requirements with regard to new tyres of existing types.
- (13) Some categories of tyres, including professional off-road tyres which are subject to a speed restriction and tyres intended only for vehicles registered before 1990, are likely to be produced in very small quantities. Therefore, it is appropriate to exempt tyres in such categories from certain requirements set out in this Regulation, where such

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<sup>12</sup> OJ L 346, 17.12.1997, p. 78.

<sup>13</sup> COM(2007) 19.

requirements are incompatible with the use of the tyres, or where the additional burden caused by these requirements is disproportionate.

- (14) Electronic Stability Control Systems, Advanced Emergency Braking Systems and Lane Departure Warning Systems have a high potential to produce considerable casualty reductions. Therefore requirements for such systems should be established.
- (15) It is important that replacement components for systems which are covered by this Regulation are subject to equivalent safety requirements and approval procedures. Therefore it is appropriate to provide for the approval of replacement components and separate technical units.
- (16) 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.
- (17) With effect from the dates of application to new vehicles, new components and separate technical units of the relevant requirements set out in this Regulation, the following Council Directives should be repealed:
  - Council Directive 70/221/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to fuel tanks and rear underrun protection of motor vehicles and their trailers<sup>14</sup>,
  - Council Directive 70/222/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to the space for mounting and the fixing of rear registration plates on motor vehicles and their trailers<sup>15</sup>,
  - Council Directive 70/311/EEC of 8 June 1970 on the approximation of the laws of the Member States relating to the steering equipment for motor vehicles and their trailers<sup>16</sup>,
  - Council Directive 70/387/EEC of 27 July 1970 on the approximation of the laws of the Member States relating to the doors of motor vehicles and their trailers<sup>17</sup>,
  - Council Directive 70/388/EEC of 27 July 1970 on the approximation of the laws of the Member States relating to audible warning devices for motor vehicles<sup>18</sup>,
  - Council Directive 71/320/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and of their trailers<sup>19</sup>,

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<sup>14</sup> OJ L 76, 6.4.1970, p. 23. Directive as last amended by Directive 2006/96/EC (L 363, 20.12.2006, p. 81).

<sup>15</sup> OJ L 76, 6.4.1970, p. 25. Directive as amended by 1972 Act of Accession.

<sup>16</sup> OJ L 133, 18.6.1970, p. 10. Directive as last amended by Commission Directive 1999/7/EC (OJ L 40, 13.2.1999, p. 36).

<sup>17</sup> OJ L 176, 10.8.1970, p. 5. Directive as last amended by Commission Directive 2001/31/EC (OJ L 130, 12.5.2001, p. 33).

<sup>18</sup> OJ L 176, 10.8.1970, p. 12. Directive as last amended by Directive 2006/96/EC.

- Council Directive 72/245/EEC of 20 June 1972 relating to the radio interference (electromagnetic compatibility) of vehicles<sup>20</sup>,
- Council Directive 74/60/EEC of 17 December 1973 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles<sup>21</sup>,
- Council Directive 74/61/EEC of 17 December 1973 on the approximation of the laws of the Member States relating to devices to prevent the unauthorized use of motor vehicles<sup>22</sup>,
- Council Directive 74/297/EEC of 4 June 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (the behaviour of the steering mechanism in the event of an impact)<sup>23</sup>,
- Council Directive 74/408/EEC of 22 July 1974 relating to motor vehicles with regard to the seats, their anchorages and head restraints<sup>24</sup>,
- Council Directive 74/483/EEC of 17 September 1974 on the approximation of the laws of the Member States relating to the external projections of motor vehicles<sup>25</sup>,
- Council Directive 75/443/EEC of 26 June 1975 on the approximation of the laws of the Member States relating to the reverse and speedometer equipment of motor vehicles<sup>26</sup>,
- Council Directive 76/114/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of attachment<sup>27</sup>,
- Council Directive 76/115/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts<sup>28</sup>,
- Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers<sup>29</sup>,

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<sup>19</sup> OJ L 202, 6.9.1971, p. 37. Directive as last amended by Directive 2006/96/EC.

<sup>20</sup> OJ L 152, 6.7.1972, p. 15. Directive as last amended by Directive 2006/96/EC.

<sup>21</sup> OJ L 38, 11.2.1974, p. 2. Directive as last amended by Directive 2000/4/EC of the European Parliament and of the Council (OJ L 87, 8.4.2000, p. 22).

<sup>22</sup> OJ L 38, 11.2.1974, p. 22. Directive as last amended by Directive 2006/96/EC.

<sup>23</sup> OJ L 165, 20.6.1974, p. 16. Directive as amended by Commission Directive 91/662/EEC (OJ L 366, 31.12.1991, p. 1).

<sup>24</sup> OJ L 221, 12.8.1974, p. 1. Directive as last amended by Directive 2006/96/EC.

<sup>25</sup> OJ L 266, 2.10.1974, p. 4. Directive as last amended by Commission Directive 2007/15/EC (OJ L 75, 15.3.2007, p. 21).

<sup>26</sup> OJ L 196, 26.7.1975, p. 1. Directive as amended by Commission Directive 97/39/EC (OJ L 177, 5.7.1997, p. 15).

<sup>27</sup> OJ L 24, 30.1.1976, p. 1. Directive as last amended by Directive 2006/96/EC.

<sup>28</sup> OJ L 24, 30.1.1976, p. 6. Directive as last amended by Directive 2005/41/EC of the European Parliament and of the Council (OJ L 255, 30.9.2005, p. 149).

- Council Directive 76/757/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to retro-reflectors for motor vehicles and their trailers<sup>30</sup>,
- Council Directive 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps for motor vehicles and their trailers<sup>31</sup>,
- Council Directive 76/759/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to direction indicator lamps for motor vehicles and their trailers<sup>32</sup>,
- Council Directive 76/760/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the rear registration plate lamps for motor vehicles and their trailers<sup>33</sup>,
- Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to light sources (filament lamps and others) for use in approved lamp units of motor vehicles and of their trailers<sup>34</sup>,
- Council Directive 76/762/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to front fog lamps for motor vehicles<sup>35</sup>,
- Council Directive 77/389/EEC of 17 May 1977 on the approximation of the laws of the Member States relating to motor-vehicle towing-devices<sup>36</sup>,
- Council Directive 77/538/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to rear fog lamps for motor vehicles and their trailers<sup>37</sup>,
- Council Directive 77/539/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers<sup>38</sup>,
- Council Directive 77/540/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to parking lamps for motor vehicles<sup>39</sup>,

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<sup>29</sup> OJ L 262, 27.9.1976, p. 1. Directive as last amended by Commission Directive 2007/35/EC (OJ L 157, 19.6.2007, p. 14).

<sup>30</sup> OJ L 262, 27.9.1976, p. 32. Directive as last amended by Directive 2006/96/EC.

<sup>31</sup> OJ L 262, 27.9.1976, p. 54. Directive as last amended by Directive 2006/96/EC.

<sup>32</sup> OJ L 262, 27.9.1976, p. 71. Directive as last amended by Directive 2006/96/EC.

<sup>33</sup> OJ L 262, 27.9.1976, p. 85. Directive as last amended by Directive 2006/96/EC.

<sup>34</sup> OJ L 262, 27.9.1976, p. 96. Directive as last amended by Directive 2006/96/EC.

<sup>35</sup> OJ L 262, 27.9.1976, p. 122. Directive as last amended by Directive 2006/96/EC.

<sup>36</sup> OJ L 145, 13.6.1977, p. 41. Directive as amended by Commission Directive 96/64/EC (OJ L 258, 11.10.1996, p. 26).

<sup>37</sup> OJ L 220, 29.8.1977, p. 60. Directive as last amended by Directive 2006/96/EC.

<sup>38</sup> OJ L 220, 29.8.1977, p. 72. Directive as last amended by Directive 2006/96/EC.

- Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles<sup>40</sup>,
- Council Directive 77/649/EEC of 27 September 1977 on the approximation of the laws of the Member States relating to the field of vision of motor vehicle drivers<sup>41</sup>,
- Council Directive 78/316/EEC of 21 December 1977 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (identification of controls, tell-tales and indicators)<sup>42</sup>,
- Council Directive 78/317/EEC of 21 December 1977 on the approximation of the laws of the Member States relating to the defrosting and demisting systems of glazed surfaces of motor vehicles<sup>43</sup>,
- Council Directive 78/318/EEC of 21 December 1977 on the approximation of the laws of the Member States relating to the wiper and washer systems of motor vehicles<sup>44</sup>,
- Council Directive 78/549/EEC of 12 June 1978 on the approximation of the laws of the Member States relating to the wheel guards of motor vehicles<sup>45</sup>,
- Council Directive 78/932/EEC of 16 October 1978 on the approximation of the laws of the Member States relating to head restraints of seats of motor vehicles<sup>46</sup>,
- Council Directive 89/297/EEC of 13 April 1989 on the approximation of the laws of the Member States relating to the lateral protection (side guards) of certain motor vehicles and their trailers<sup>47</sup>,
- Council Directive 91/226/EEC of 27 March 1991 on the approximation of the laws of the Member States relating to the spray-suppression systems of certain categories of motor vehicles and their trailers<sup>48</sup>,
- Council Directive 92/21/EEC of 31 March 1992 on the masses and dimensions of motor vehicles of category M1<sup>49</sup>,

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<sup>39</sup> OJ L 220, 29.8.1977, p. 83. Directive as last amended by Directive 2006/96/EC.

<sup>40</sup> OJ L 220, 29.8.1977, p. 95. Directive as last amended by Directive 2006/96/EC.

<sup>41</sup> OJ L 267, 19.10.1977, p. 1. Directive as last amended by Commission Directive 90/630/EEC (OJ L 341, 6.12.1990, p. 20).

<sup>42</sup> OJ L 81, 28.3.1978, p. 3. Directive as amended by Commission Directive 93/91/EEC (OJ L 284, 19.11.1993, p. 25).

<sup>43</sup> OJ L 81, 28.3.1978, p. 27.

<sup>44</sup> OJ L 81, 28.3.1978, p. 49. Directive as last amended by Directive 2006/96/EC.

<sup>45</sup> OJ L 168, 26.6.1978, p. 45. Directive as amended by Commission Directive 94/78/EC (OJ L 354, 31.12.1994, p. 10).

<sup>46</sup> OJ L 325, 20.11.1978, p. 1. Directive as last amended by Directive 2006/96/EC.

<sup>47</sup> OJ L 124, 5.5.1989, p. 1.

<sup>48</sup> OJ L 103, 23.4.1991, p. 5. Directive as amended by Directive 2006/96/EC.

<sup>49</sup> OJ L 129, 14.5.1992, p. 1. Directive as amended by Commission Directive 95/48/EC (OJ L 233, 30.9.1995, p. 73).

- Council Directive 92/22/EEC of 31 March 1992 on safety glazing and glazing materials on motor vehicles and their trailers<sup>50</sup>,
- Council Directive 92/23/EEC of 31 March 1992 relating to tyres for motor vehicles and their trailers and to their fitting<sup>51</sup>,
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles<sup>52</sup>,
- Council Directive 92/114/EEC of 17 December 1992 relating to the external projections forward of the cab's rear panel of motor vehicles of category N<sup>53</sup>.

(18) In addition, the following Directives of the European Parliament and of the Council should also be repealed:

- Directive 94/20/EC of the European Parliament and of the Council of 30 May 1994 relating to the mechanical coupling devices of motor vehicles and their trailers and their attachment to those vehicles<sup>54</sup>,
- Directive 95/28/EC of the European Parliament and of the Council of 24 October 1995 relating to the burning behaviour of materials used in the interior construction of certain categories of motor vehicle<sup>55</sup>,
- Directive 96/27/EC of the European Parliament and of the Council of 20 May 1996 on the protection of occupants of motor vehicles in the event of a side impact and amending Directive 70/156/EEC<sup>56</sup>,
- Directive 96/79/EC of the European Parliament and of the Council of 16 December 1996 on the protection of occupants of motor vehicles in the event of a frontal impact and amending Directive 70/156/EEC<sup>57</sup>,
- Directive 97/27/EC of the European Parliament and of the Council of 22 July 1997 relating to the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC<sup>58</sup>,
- Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the

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<sup>50</sup> OJ L 129, 14.5.1992, p. 11. Directive as last amended by Commission Directive 2001/92/EC (OJ L 291, 8.11.2001, p. 24).

<sup>51</sup> OJ L 129, 14.5.1992, p. 95. Directive as last amended by Commission Directive 2005/11/EC (OJ L 46, 17.2.2005, p. 42).

<sup>52</sup> OJ L 129, 14.5.1992, p. 154. Directive as amended by Directive 2004/11/EC of the European Parliament and of the Council (OJ L 44, 14.2.2004, p. 19).

<sup>53</sup> OJ L 409, 31.12.1992, p. 17.

<sup>54</sup> OJ L 195, 29.7.1994, p. 1. Directive as last amended by Directive 2006/96/EC.

<sup>55</sup> OJ L 281, 23.11.1995, p. 1. Directive as last amended by Directive 2006/96/EC.

<sup>56</sup> OJ L 169, 8.7.1996, p. 1.

<sup>57</sup> OJ L 18, 21.1.1997, p. 7. Directive as amended by Commission Directive 1999/98/EC (OJ L 9, 13.1.2000, p. 14).

<sup>58</sup> OJ L 233, 25.8.1997, p. 1. Directive as last amended by Commission Directive 2003/19/EC (OJ L 79, 26.3.2003, p. 6).

transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers<sup>59</sup>,

- Directive 2000/40/EC of the European Parliament and of the Council of 26 June 2000 on the approximation of the laws of the Member States relating to the front underrun protection of motor vehicles and amending Council Directive 70/156/EEC<sup>60</sup>,
- Directive 2001/56/EC of the European Parliament and of the Council of 27 September 2001 relating to heating systems for motor vehicles and their trailers, amending Council Directive 70/156/EEC and repealing Council Directive 78/548/EEC<sup>61</sup>,
- Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC<sup>62</sup>,
- Directive 2003/97/EC of the European Parliament and of the Council of 10 November 2003 on the approximation of the laws of the Member States relating to the type-approval of devices for indirect vision and of vehicles equipped with these devices, amending Directive 70/156/EEC and repealing Directive 71/127/EEC<sup>63</sup>.

(19) The objectives of this Regulation, namely the realisation of the internal market through the introduction of common technical requirements concerning the safety and environmental performance of motor vehicles and tyres cannot be sufficiently achieved by the Member States. Due to the scale of the action required the objectives can be better achieved at a Community level. Therefore, the Community may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

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<sup>59</sup> OJ L 11, 16.1.1999, p. 25.

<sup>60</sup> OJ L 203, 10.8.2000, p. 9. Directive as last amended by Directive 2006/96/EC.

<sup>61</sup> OJ L 292, 9.11.2001, p. 21. Directive as last amended by Directive 2006/96/EC.

<sup>62</sup> OJ L 42, 13.2.2002, p. 1. Directive as amended by Directive 2006/96/EC.

<sup>63</sup> OJ L 25, 29.1.2004, p. 1. Directive as last amended by Directive 2006/96/EC.

HAVE ADOPTED THIS REGULATION:

## **Chapter I**

### **Subject matter, scope and definitions**

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

This Regulation establishes requirements for the type-approval of motor vehicles, their trailers, and of systems, components and separate technical units intended therefor, with regard to their safety.

This Regulation also establishes requirements for the type-approval of tyres, with regard to their CO<sub>2</sub> and noise emissions.

#### *Article 2* *Scope*

This Regulation shall apply to motor vehicles of categories M, N and O as defined in Annex II to Directive 2007/46/EC subject to Articles 5 to 10 of this Regulation.

#### *Article 3* *Definitions*

For the purposes of this Regulation the definitions laid down in Article 3 of Directive 2007/46/EC shall apply.

In addition, the following definitions shall apply:

- (1) "Electronic Stability Control" means an electronic control function for a vehicle which improves the dynamic stability of the vehicle;
- (2) "Lane Departure Warning System" means a system to warn the driver of an unintentional drift of the vehicle out of its travel lane;
- (3) "Advanced Emergency Braking System" means a system which can automatically detect an emergency situation and activate the vehicle braking system, with or without driver intervention, to decelerate the vehicle with the purpose of avoiding or mitigating a collision;
- (4) "Load-capacity index" means one or two numbers which indicate the load the tyre can carry in single or in single and dual formation at the speed corresponding to the associated speed category and when operated in conformity with the requirements governing utilization specified by the manufacturer;
- (5) "Tyre Pressure Monitoring System" means a system fitted on a vehicle, able to evaluate the pressure of the tyres or the variation of the pressure over time and to transmit corresponding information to the user while the vehicle is running;

- (6) "Off-road professional tyre" means a tyre intended for mixed use both on- and off-road or for other special duty;
- (7) "Snow tyre" means a tyre, bearing the inscription M+S or M.S or M&S, whose tread pattern, tread compound or structure are primarily designed to achieve in snow conditions a performance better than that of a normal tyre with regard to its ability to initiate or maintain vehicle motion;
- (8) "T type temporary-use spare tyre" means a temporary-use spare tyre designed for use at inflation pressure higher than those established for standard and reinforced tyres;
- (9) "Traction tyre" means a snow tyre in categories C2 or C3 intended to be fitted to vehicle drive axle(s);
- (10) "Unprotected road user" means pedestrians, cyclists and motorcyclists.

## **Chapter II**

### **Obligations of manufacturers**

#### *Article 4*

##### *General obligations*

1. Manufacturers shall demonstrate that all new vehicles sold, registered or put into service in the Community are type-approved in accordance with this Regulation.
2. Manufacturers shall demonstrate that all separate technical units or components which are sold or put into service in the Community are type-approved in accordance with this Regulation.

#### *Article 5*

##### *Requirements and tests*

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, components and separate technical units comply with the relevant requirements set out in this Regulation, including the requirements relating to:
  - (a) vehicle structure integrity, including impact tests;
  - (b) systems to aid the driver's control of the vehicle, including steering braking 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, ISOfix anchorages or built-in child restraints, 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.
3. The Commission shall determine to which categories of vehicles among those mentioned in Article 2 the requirements set out in paragraphs 1 and 2 of this Article shall apply.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 40(2) of Directive 2007/46/EC.

#### *Article 6*

##### *Specific requirements relating to certain vehicles in categories N and O*

1. In addition to the requirements contained in Articles 5, 8, 9, and 10 vehicles in categories N and O shall, where relevant, meet the requirements set out in paragraphs 2 to 6 of this Article.
2. Vehicles in categories N<sub>2</sub> and N<sub>3</sub> shall be constructed to ensure that, in the event of a front collision with another vehicle, the risk of injury to a vehicle occupant due to underrun is minimised.
3. Vehicles in categories N<sub>2</sub>, N<sub>3</sub>, O<sub>3</sub> and O<sub>4</sub> shall be constructed to ensure that, in the event of the vehicle being hit from the side by another vehicle or an unprotected road user, the risk of injury to that unprotected road user or a vehicle occupant due to underrun is minimised.
4. The vehicle cab or the space provided for the driver and passengers shall be of sufficient strength to offer protection to the occupants in the event of an impact or rollover.
5. Vehicles in category N<sub>2</sub> of a maximum mass exceeding 7.5 tonnes, and all category N<sub>3</sub>, O<sub>3</sub> and O<sub>4</sub> vehicles shall be constructed so as to minimise the effect of spray emissions from the vehicle on the visibility from other vehicles on the road.
6. The Commission shall set out additional safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 40(2) of Directive 2007/46/EC.

#### *Article 7*

##### *Specific requirements relating to vehicles in categories M2 and M3*

1. In addition to the requirements contained in Articles 5, 8, 9 and 10, vehicles in categories M<sub>2</sub> and M<sub>3</sub> shall meet the requirements set out in paragraphs 2 to 5 of this Article.
2. The carrying capacity of a vehicle, including seated and standing passengers and wheelchair users, shall be appropriate to the mass, size and layout of the vehicle.
3. Vehicle bodies shall be designed and constructed to enable the vehicle to be operated in a safe and stable manner, even at full capacity. Suitable provisions shall be made to ensure safe access to and egress from the vehicle, particularly in the case of an emergency.
4. Vehicles of Class I shall be accessible for people with reduced mobility including wheelchair users.
5. Materials used in the construction of the inside of bus and coach bodywork shall as far as possible avoid or at least retard development of flames in order to allow occupants to evacuate the vehicle in the event of fire.

#### *Article 8*

##### *Classification of tyres*

1. Types of tyres shall be classified according to the following classes:
  - (a) Class C1 tyres - tyres intended for vehicles of category M<sub>1</sub>, O<sub>1</sub> and O<sub>2</sub>;
  - (b) Class C2 tyres - tyres intended for vehicles above 3.5t of category M<sub>2</sub>, M<sub>3</sub>, N, O<sub>3</sub> and O<sub>4</sub> with load capacity index in single formation  $\leq 121$  and speed category symbol  $\geq$  'N';
  - (c) Class C3 tyres - tyres intended for vehicles above 3.5t of category M<sub>1</sub>, M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub>, N<sub>3</sub>, O<sub>3</sub> and O<sub>4</sub> with one of the following load capacity indices:
    - (i) load capacity index in single formation  $\leq 121$  and speed category symbol  $\leq$  'M';
    - (ii) load capacity index in single formation  $\geq 122$ .

A tyre type may be classified in more than one of classes set out in points (a), (b) and (c), provided that the tyre type meets all the relevant requirements of each class to which it is approved.

2. The list of load-capacity indices and their corresponding masses contained in UNECE Regulation No 54<sup>64</sup> shall apply.

#### *Article 9*

##### *Specific provisions relating to vehicle tyres*

1. All tyres provided as part of the equipment of a vehicle, including, where appropriate, any spare tyres, shall be suitable for use on the vehicles for which they are intended, particularly with regard to their dimensions, their speed and load performance characteristics.
2. Vehicles in categories M<sub>1</sub> shall be equipped with a Tyre Pressure Monitoring System, capable of warning the driver when any tyre is operating at a dangerously low pressure level, and advising the driver when any tyre is operating at a pressure level significantly below the optimum pressure for good fuel consumption.
3. All C<sub>1</sub> tyres shall meet the wet grip requirements contained in Part A of Annex I.
4. All tyres shall meet the rolling resistance requirements contained in Part B of Annex I.
5. All tyres shall meet the rolling noise requirements contained in Part C of Annex I.
6. Paragraphs 3, 4 and 5 shall not apply to:
  - (a) tyres whose speed rating is less than 80 km/h;
  - (b) tyres whose nominal rim diameter does not exceed 254 mm or is 635 mm or more;
  - (c) T type temporary-use spare tyres;
  - (d) tyres designed only to be fitted to vehicles registered for the first time before [1 October 1990];
  - (e) tyres fitted with additional devices to improve traction properties.
7. The requirements on rolling resistance and rolling noise set out in Parts B and C of Annex I shall not apply to off-road professional tyres.

#### *Article 10*

##### *Advanced vehicle systems*

1. Vehicles in Categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub> shall be equipped with an Advanced Emergency Braking System which shall meet the requirements of this Regulation.

Any Advanced Emergency Braking System voluntarily fitted by the manufacturer to a vehicle in categories M<sub>1</sub> or N<sub>1</sub> shall meet the requirements of this Regulation.

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<sup>64</sup> OJ [...]

2. Vehicles in Categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub> shall be equipped with a Lane Departure Warning System which shall meet the requirements of this Regulation.

Any Lane Departure Warning System voluntarily fitted by the manufacturer to a vehicle in categories M<sub>1</sub> or N<sub>1</sub> shall meet the requirements of this Regulation.

3. The Commission may establish specific procedures, tests and technical requirements for the type-approval of advanced vehicle systems other than those mentioned in paragraphs 1 and 2.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 40(2) of Directive 2007/46/EC.

## **Chapter III**

### **Obligations of the Member States**

#### *Article 11*

##### *Type-approval of Vehicles, Components and Separate technical Units*

1. With effect from 29 October 2012 national authorities shall refuse, on grounds relating to the areas of vehicle safety and tyres covered in Articles 5 to 9 and Annex I, with the exception of the rolling resistance limit values set out in table 2 of Part B of Annex I, to grant EC type-approval or national type-approval in respect of new types of vehicle of the categories specified in those Articles and their implementing measures, and to grant EC component/separate technical unit type-approval with respect to new types of components or separate technical units intended therefor, which do not comply with the relevant provisions of this Regulation.
2. With effect from 29 October 2014 national authorities shall, on grounds relating to the areas of vehicle safety and tyres covered in Articles 5, 6, 7, 8, Article 9(1) to (4) and Parts A and B of Annex I, with the exception of the rolling resistance limit values for C3 tyres and the rolling resistance limit values set out in table 2 of Part B of Annex I, in the case of new vehicles of the categories specified in those Articles which do not comply with the relevant provisions of this Regulation, consider certificates of conformity to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall prohibit the registration, sale and entry into service of such vehicles and, in the case of new components or separate technical units intended therefor which do not comply with the relevant provisions of this Regulation, shall prohibit their sale and entry into service.
3. With effect from 29 October 2016 national authorities shall, on grounds relating to tyre rolling noise and, with respect to C3 tyres, also on grounds relating to tyre rolling resistance, with the exception of the rolling resistance limit values set out in table 2 of Part B of Annex I, in the case of new vehicles of the categories M, N and O which do not comply with the relevant provisions of this Regulation, consider certificates of conformity to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall prohibit the registration, sale and entry into service of such vehicles and, in the case of new tyres intended therefor which do not comply

with the relevant provisions of this Regulation, shall prohibit their sale and entry into service.

4. With effect from 29 October 2016 national authorities shall refuse, on grounds relating to tyre rolling resistance, to grant EC type-approval or national type-approval in respect of new types of vehicle of the categories M, N and O, and to grant EC component/separate technical unit type-approval with respect to new types of tyres intended therefor, which do not comply with the rolling resistance limit values set out in table 2 of Part B of Annex I.
5. With effect from 29 October 2018 national authorities shall, on grounds relating to tyre rolling resistance of C1 and C2 tyres, in the case of new vehicles of the categories M, N and O which do not comply with the rolling resistance limit values set out in table 2 of Part B of Annex I, consider certificates of conformity to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall prohibit the registration, sale and entry into service of such vehicles and, in the case of new tyres intended therefor which do not comply with the rolling resistance limit values set out in table 2 of Part B of Annex I, shall prohibit their sale and entry into service.
6. With effect from 29 October 2020 national authorities shall, on grounds relating to tyre rolling resistance of C3 tyres, in the case of new vehicles of the categories M, N and O which do not comply with the rolling resistance limit values set out in table 2 of Part B of Annex I, consider certificates of conformity to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall prohibit the registration, sale and entry into service of such vehicles and, in the case of new tyres intended therefor which do not comply with the rolling resistance limit values set out in table 2 of Part B of Annex I, shall prohibit their sale and entry into service.
7. With effect from 29 October 2013 national authorities shall refuse, on grounds relating to the areas of vehicle safety covered in Article 10, to grant EC type-approval or national type-approval in respect of new types of vehicle of categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub>, to grant EC type-approval or national type-approval in respect of new types of vehicle of categories M<sub>1</sub> and N<sub>1</sub> fitted with an Advanced Emergency Braking System and/or a Lane Departure Warning System, and to grant EC component/separate technical unit type-approval with respect to new types of Advanced Emergency Braking Systems and Lane Departure Warning Systems intended therefor, which do not comply with the relevant provisions of this Regulation.
8. With effect from 29 October 2015 national authorities shall, on grounds relating to vehicle safety covered in Article 10, in the case of new vehicles of categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub> and new vehicles of categories M<sub>1</sub> and N<sub>1</sub> fitted with an Advanced Emergency Braking System and/or a Lane Departure Warning System which do not comply with the relevant provisions of this Regulation, consider certificates of conformity to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall prohibit the registration, sale and entry into service of such vehicles, and, in the case of new Advanced Emergency Braking Systems and Lane Departure Warning Systems intended therefor which do not comply with the relevant provisions of this Regulation, shall prohibit their sale and entry into service.

9. National authorities shall permit the sale and entry into service of components and separate technical units type-approved before the date mentioned in paragraph 1 and shall continue to grant extension of approvals to those components and separate technical units under the terms of the Directive under which they were originally granted, unless the requirements applying to such components or separate technical units have been modified and/or new requirements have been added by this Regulation.

National authorities shall permit the sale and entry into service of and shall continue to grant extensions to EC type-approval to replacement components and separate technical units, with the exception of replacement tyres, intended for vehicles type-approved before the date mentioned in paragraph 1, under the terms of the Directive under which they were originally granted.

10. Without prejudice to paragraphs 1 to 9, and subject to entry into force of the implementing measures referred to in Article 5(3) and 13, if a manufacturer so requests, national authorities may not, on grounds relating to the areas of vehicle safety and tyres covered in Articles 5 to 10 refuse to grant EC type-approval or national type-approval for a new type of vehicle or to grant EC component/separate technical unit type-approval for a new type of component or separate technical unit, or prohibit the registration, sale or entry into service of a new vehicle or prohibit the sale or entry into service of a new component or separate technical unit, where the vehicle, component or separate technical unit concerned complies with the requirements set out in this Regulation.

## *Article 12*

### *Penalties*

1. Member States shall lay down the rules on penalties applicable to 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 no later than eighteen months after entry into force 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;
  - c) withholding data or technical specifications which could lead to recall or withdrawal of type-approval.

## **Chapter IV**

### **Final provisions**

#### *Article 13*

##### *Implementing measures*

1. The measures designed to amend non-essential elements of this Regulation, by supplementing it, relating to the specific procedures, tests and requirements for type-approval relating to the provisions of Articles 5 to 10 and of Annex I shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 40(2) of Directive 2007/46/EC. These measures shall include a more precise definition of the characteristics a tyre must fulfil to be defined as “Off-road professional tyre”.
2. In so far as the measures adopted under paragraph 1 relate to the amendment of the limit values on rolling resistance and rolling noise for tyres set out in parts B and C of Annex I as a result of changes in the test procedures, they shall be established without lowering the existing ambition level with regard to the environment.

#### *Article 14*

##### *Amendments to Directive 2007/46/EC*

Annexes IV, VI and XI to Directive 2007/46/EC are amended in accordance with Annex II to this Regulation.

#### *Article 15*

##### *Repeal*

1. Directives 70/221/EEC, 70/222/EEC, 70/311/EEC, 70/387/EEC, 70/388/EEC, 71/320/EEC, 72/245/EEC, 74/60/EEC, 74/61/EEC, 74/297/EEC, 74/408/EEC, 74/483/EEC, 75/443/EEC, 76/114/EEC, 76/115/EEC, 76/756/EEC, 76/757/EEC, 76/758/EEC, 76/759/EEC, 76/760/EEC, 76/761/EEC, 76/762/EEC, 77/389/EEC, 77/538/EEC, 77/539/EEC, 77/540/EEC, 77/541/EEC, 77/649/EEC, 78/316/EEC, 78/317/EEC, 78/318/EEC, 78/549/EEC, 78/932/EEC, 89/297/EEC, 91/226/EEC, 92/21/EEC, 92/22/EEC, 92/24/EEC, 92/114/EEC, 94/20/EC, 95/28/EC, 96/27/EC, 96/79/EC, 97/27/EC, 98/91/EC, 2000/40/EC, 2001/56/EC, 2001/85/EC, 2003/97/EC are repealed with effect from 29 October 2014.
2. Directive 92/23/EEC is repealed with effect from 29 October 2018.
3. References to the repealed Directives shall be construed as references to this Regulation.

*Article 16*  
*Entry into force*

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

It shall apply from [29 October 2012].

However, Articles, 5(3), 6(6), 10(3), 11(10) and 13 and points 1 (a) (iii), 1 (b) (iii), 1 (b) (iv), 2 (c), 3 (a) (iii), 3 (b) (iii), 3 (c) (iii), 3 (d) (iii), 3 (e) (iii) and 3 (f) (i) of Annex II shall apply from the date of entry into force. Points 1 (a) (i), 1 (b) (i), 2 (a), 3 (a) (i), 3 (b) (i), 3 (c) (i), 3 (d) (i), 3 (e) (i) and 3 (f) (ii) of Annex II shall apply from 29 October 2014. Points 1 (a) (ii), 1 (b) (ii), 2 (b), 3 (a) (ii), 3 (b) (ii), 3 (c) (ii), 3 (d) (ii) and 3 (e) (ii) of Annex II shall apply from 29 October 2018.

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

### Requirements for Tyres with regard to Wet Grip, Rolling Resistance and Rolling Noise

#### **Part A- Wet Grip Requirements**

Class C1 tyres shall meet the following requirements:

Category of use	Wet grip index (G)
snow tyre with a speed symbol ("Q" or below minus "H") indicating a maximum permissible speed not greater than 160 km/h	$\geq 0.9$
snow tyre with a speed symbol ("R" and above, plus "H") indicating a maximum permissible speed greater than 160 km/h	$\geq 1.0$
normal (road type) tyre	$\geq 1.1$

#### **Part B- Rolling Resistance**

The maximum values for the rolling resistance coefficient for each tyre type, measured in accordance with ISO 28580, shall not exceed the following:

Table 1

Tyre category	Max value (kg/tonne) <u>1<sup>st</sup> stage</u>
C1	12
C2	10.5
C3	8.0

Table 2

Tyre category	Max value (kg/tonne) <u>2<sup>nd</sup> stage</u>
C1	10.5
C2	9
C3	6.5

## Part C – Rolling Noise

1. The noise levels determined in accordance with the procedure specified in the implementing measures to this Regulation shall not exceed the limits designated in points 1.1 or 1.2. The tables in points 1.1 and 1.2 represent the measured values corrected for temperature, except in the case of C3 tyres, and instrument tolerance and rounded down to the nearest whole value.

- 1.1 Class C1 tyres, with reference to the nominal section width of the tyre that has been tested:

tyre class	Nominal section width (mm)	Limit values in dB(A)
C1A	$\leq 185$	70
C1B	$> 185 \leq 215$	71
C1C	$> 215 \leq 245$	71
C1D	$> 245 \leq 275$	72
C1E	$> 275$	74

- 1.2 Class C2 and C3 tyres, with reference to the category of use of the range of tyres:

tyre class	Nominal section width (mm)	Limit values in dB(A)
C2	Normal	72
	Traction tyres	73
C3	Normal	73
	Traction tyres	75

## ANNEX II

### Amendments to Directive 2007/46/EC

Directive 2007/46/EC is amended as follows:

1. Part I of Annex IV is amended as follows:

a) The table is amended as follows:

- i) Points 3 to 10, 12 to 38, 42 to 45 and 47 to 57 are deleted;
- ii) Point 46 is deleted;
- iii) The following point 63 is added:

Item	Subject	Regulatory act reference	Official Journal reference	Applicability									
				M <sub>1</sub>	M <sub>2</sub>	M <sub>3</sub>	N <sub>1</sub>	N <sub>2</sub>	N <sub>3</sub>	O <sub>1</sub>	O <sub>2</sub>	O <sub>3</sub>	O <sub>4</sub>
63	General safety	[EC] No .../... number of this Regulation to be inserted]	[L ..., ..., p. ... reference to this Regulation to be inserted]	X	X	X	X	X	X	X	X	X	X

b) The Appendix, is amended as follows:

- i) Points 3 to 10, 12 to 37, 44, 45 and 50 to 54 of the table are deleted;
- ii) Point 46 of the table is deleted;
- iii) The following point 63 is added:

	Subject	Regulatory act reference	Official Journal reference	M <sub>1</sub>
63	General safety	[EC] No .../... number of this Regulation to be inserted]	[L ..., ..., p. ... reference to this Regulation to be inserted]	P/A

ii) In the “key”, the following text is added:

P/A: This Regulation is partially applicable. The precise scope of application is established in the implementing measures to the Regulation.

2. In the Appendix to Annex VI, the table is amended as follows:
- a) Points 3 to 10, 12 to 38, 42 to 45 and 47 to 57 are deleted;
  - b) Point 46 is deleted;
  - c) The following point 63 is added:

Subject	Regulatory act reference	Official Journal reference	As amended by	Applicable to versions
63. General safety	[EC) No .../... <i>number of this Regulation to be inserted]</i>	[L ..., ..., p... <i>reference to this Regulation to be inserted]</i>		

3. Annex XI is amended as follows:

- (a) In Appendix 1, the table is amended as follows:

- i) Points 3 to 10, 12 to 38, 44, 45 and 47 to 54 are deleted;
- ii) Point 46 is deleted;
- iii) The following point 63 is added:

Item	Subject	Regulatory act reference	$M_1 \leq 2\,500$ ( <sup>1</sup> ) kg	$M_1 > 2\,500$ ( <sup>1</sup> ) kg	$M_2$	$M_3$
63	General safety	[EC) No .../... <i>number of this Regulation to be inserted]</i>	P/A	P/A	P/A	P/A

- (b) In Appendix 2, the table is amended as follows:

- i) Points 3 to 10, 12 to 38, 42 to 45 and 47 to 57 are deleted;
- ii) Point 46 is deleted;

iii) The following point 63 is added:

Item	Subject	Regulatory act reference	M <sub>1</sub>	M <sub>2</sub>	M <sub>3</sub>	N <sub>1</sub>	N <sub>2</sub>	N <sub>3</sub>	O <sub>1</sub>	O <sub>2</sub>	O <sub>3</sub>	O <sub>4</sub>
63	General safety	[EC) No .../... number of this Regulation to be inserted]	P/A									

(c) In Appendix 3, the table is amended as follows:

- i) Points 3 to 10, 12 to 37, 44, 45 and 50 to 54 are deleted;
- ii) Point 46 is deleted;
- iii) The following point 63 is added:

Item	Subject	Regulatory act reference	M <sub>1</sub>
63	General safety	[EC) No .../... number of this Regulation to be inserted]	P/A

(d) In Appendix 4, the table is amended as follows:

- i) Points 3 to 10, 13 to 36, 42 to 45 and 47 to 57 are deleted;
- ii) Point 46 is deleted;
- iii) The following point 63 is added:

Item	Subject	Regulatory act reference	M <sub>2</sub>	M <sub>3</sub>	N <sub>1</sub>	N <sub>2</sub>	N <sub>3</sub>	O <sub>1</sub>	O <sub>2</sub>	O <sub>3</sub>	O <sub>4</sub>
63	General safety	[EC) No .../... number of this Regulation to be inserted]	P/A								

(e) In Appendix 5, the table is amended as follows:

- i) Points 3 to 10, 12 to 36, 42 to 45 and 47 to 57 are deleted;
- ii) Point 46 is deleted;

iii) The following point 58 is added:

Item	Subject	Regulatory act reference	Mobile crane of category N3
58	General safety	[EC) No .../... number of this Regulation to be inserted]	P/A

(f) “Meaning of letters” is amended as follows:

i) Points C, U, W<sub>5</sub>, and W<sub>6</sub> are deleted.

(ii) The following text is added:

“P/A: This regulatory act is partially applicable. The precise scope of application is established in the implementing measures of the Regulation.”