

COMMISSION DELEGATED REGULATION (EU) 2021/1445**of 23 June 2021****amending Annexes II and VII to Regulation (EU) 2018/858 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ⁽¹⁾ and in particular Articles 5(3) and 72(3) thereof,

Whereas:

- (1) In order to take into account technological and regulatory developments, it is necessary to introduce and update references to the regulatory acts listed in Annex II to Regulation (EU) 2018/858 that contain the requirements with which vehicles, systems, components and separate technical units have to comply.
- (2) In order to take into account technical and regulatory developments, it is necessary to update the list of regulatory acts laid down in Annex VII to Regulation (EU) 2018/858 for which a manufacturer may be designated as a technical service and the specific conditions under which self-testing designation are to be used.
- (3) Annexes II and VII to Regulation (EU) 2018/858 should therefore be amended in accordance with the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and VII to Regulation (EU) 2018/858 are amended in accordance with the Annex to this Regulation.

*Article 2***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*.

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

Done at Brussels, 23 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 151, 14.6.2018, p. 1.

ANNEX

Amendments to Annexes II and VII to Regulation (EU) 2018/858

Regulation (EU) 2018/858 is amended as follows:

(1) in Annex II, Part I, the table is amended as follows:

(a) the following entry is inserted before the entry for item 1A:

'1	Permissible sound level	Directive 70/157/EEC	X	X	X	X	X	X					X'
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(b) the entry for item 41A is replaced by the following:

'41A	Emissions (Euro VI) heavy duty vehicles	Regulation (EC) No 595/2009 Regulation (EU) No 582/2011	X ⁽⁹⁾	X ⁽⁹⁾	X	X ⁽⁹⁾	X ⁽⁹⁾	X					X'
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(c) the following entry is inserted after the entry for item 41A:

'41B	CO ₂ simulation tool licence (heavy-duty vehicles)	Regulation (EC) No 595/2009 Regulation (EU) 2017/2400					X ⁽¹⁶⁾	X'					
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(d) the following explanatory note 16 is added:

⁽¹⁶⁾ For vehicles with a technically permissible maximum laden mass exceeding 7 500 kg';

(2) in Annex II, Part I, Appendix 1, Table 1 is amended as follows:

(a) the following entry is inserted before the entry for item 1A:

'1	Permissible sound level	Directive 70/157/EEC											A'
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(b) explanatory note C is replaced by the following:

'C

Application of the regulatory act as follows:

- (a) only the technical requirements from the regulatory shall be fulfilled;
- (b) no type-approval certificate shall be required;
- (c) tests and checks shall be conducted by the technical service or by the manufacturer (see decisions for letter "B");
- (d) a test report shall be drafted in accordance with Annex III;
- (e) COP shall be ensured.;

(3) in Annex II, Part I, Appendix 1, Table 2, the following entry is inserted before the entry for item 1A:

'1	Permissible sound level	Directive 70/157/EEC	A'
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(4) in Annex II, Part I, Appendix 2, point 4., the table below the title Part I: (Vehicles belonging to category M₁), the entry for item 16A is replaced by the following:

'16A	UN Regulation No 26 (Exterior projections)	(a) The external surface of the bodywork shall comply with the general requirements included in paragraph 5 of UN Regulation No 26. (b) At the discretion of the technical service the provisions referred to in paragraphs 6.1, 6.5, 6.6, 6.7, 6.8 and 6.11 of UN Regulation No 26 shall be checked.'
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(5) Annex II, Part II is amended as follows:

(a) the first paragraph below the title is replaced by the following:

'Where reference is made to a separate Directive or Regulation in the table of Part I, a type-approval issued under the following UN regulations, or a Universal International Whole Vehicle Type Approval issued under UN Regulation No 0 (*) that includes type-approval of the relevant item under the following UN Regulations, to which the Union has acceded as a Contracting Party to the United Nations Economic Commission for Europe "Revised 1958 Agreement" by virtue of Council Decision 97/836/EC (**), or subsequent Council decisions as referred to in Article 3(3) of that Decision, shall be considered equivalent to an EU type-approval granted under the relevant separate Directive or Regulation.

(*) OJ L 135, 31.5.2018, p. 1.

(**) OJ L 346, 17.12.1997, p. 78.;

(b) the table is replaced by the following:

	Subject	UN regulations	Series of amendments
1 ^(a)	Permissible sound level	51 59	02 01
1a	Permissible sound level (not covering AVAS and replacement silencers)	51	03
	Acoustic Vehicle Alerting System (AVAS)	138	01
	Replacement silencing systems	59	02
58	Pedestrian protection (not covering brake assist and frontal protection systems)	127	00
	Brake assist system	139	00
59 ^(b)	Recyclability	133	00
62 ^(c)	Hydrogen storage systems	134	00
65	Advanced emergency braking systems	131	01
66	Lane departure warning system	130	00

NB: Installation requirements contained in a separate directive or regulation shall apply also to components and separate technical units approved in accordance with the UN regulations.

- (^a) The numbering of the entries in this table refers to the numbering used in the table of Part I.
 (^b) The requirements set out in Annex I to Directive 2005/64/EC shall apply.
 (^c) The component type-approval provided for in the UN Regulation of hydrogen storage systems, automatic shut-off valves, check or non-return valves and thermally-activated pressure relieve devices is mandatory. Also, the UN Regulation does not cover the obligatory material qualification of all components that are covered by Article 2(2) of Regulation (EC) No 79/2009 of the European Parliament and of the Council.;

(6) Annex II, Part III is amended as follows:

(a) item 12A of Appendix 1 is replaced by the following:

'12A	Interior fittings	Regulation (EC) No 661/2009 UN Regulation No 21	C	G ⁽¹⁸⁾ + C'		
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(b) item 15A of Appendix 1 is replaced by the following:

'15A	Seats, their anchorages and any head restraints	Regulation (EC) No 661/2009 UN Regulation No 17	D	G ⁽¹⁸⁾ + D	G + D ^(4B)	G + D ^(4B) '
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(c) Additional requirements for ambulances is replaced by the following:

'Additional requirements for ambulances

The patient compartment of ambulances shall comply with the requirements of EN 1789:2007 +A1:2010 +A2:2014 on Medical vehicles and their equipment – Road ambulances with the exception of Section 6.5, list of equipment. Proof of compliance shall be provided with a test report of the technical service and may be based on an assessment carried out by subcontractors or subsidiaries of the technical service in accordance with the provisions of Article 71. If a wheelchair space is foreseen, the requirements of Appendix 3 relating to the wheelchair tie-down and occupant restraint systems shall apply.;

(d) item 12A of Appendix 3 is replaced by the following:

'12A	Interior fittings	Regulation (EC) No 661/2009 UN Regulation No 21		G ⁽¹⁸⁾ + C'
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(e) item 15A of Appendix 3 is replaced by the following:

'15A	Seats, their anchorages and any head restraints	Regulation (EC) No 661/2009 UN Regulation No 17		G ⁽¹⁸⁾ + W ₃ '
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(f) the Explanatory Notes are amended as follows:

(i) explanatory note 1 is replaced by the following:

- (¹) For vehicles with a reference mass not exceeding 2 610 kg. At the manufacturer's request, Regulation (EC) No 715/2007 may apply to vehicles with a reference mass not exceeding 2 840 kg or if the vehicle is a special purpose vehicle with the code SB relating to armoured vehicles also with a reference mass exceeding 2 840 kg. With regard to access to information, for other parts (e.g. living compartment) than the base vehicle, it is sufficient that the manufacturer provides access to vehicle repair and maintenance information in a readily accessible and prompt manner.;

(ii) explanatory note 18 is added:

⁽¹⁸⁾ Note G may be applied to those fittings in the interior of the vehicle that are not significantly affected by the modification, however, any added or modified fittings in the interior shall comply with the requirements as applicable for vehicle category M₁;

(7) in Annex VII, point 3., the following row is inserted after the entry for item 46A:

'46B	Rolling resistance determination	Regulation (EU) 2017/2400, Annex X'
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