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P5_TA(2004)0087

Approval of motor vehicles and their trailers ***I

European Parliament legislative resolution on the proposal for a European Parliament and Council directive on the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (COM(2003) 418 — C5-0320/2003 — 2003/0153(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 418) ⁽¹⁾,
 - having regard to Articles 251(2) and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0320/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the Internal Market and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0025/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

P5_TC1-COD(2003)0153

Position of the European Parliament adopted at first reading on 11 February 2004 with a view to the adoption of European Parliament and Council Directive 2004/.../EC on the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (recast version)

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 ⁽²⁾,

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ C ...

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Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Directive 70/156/EEC of 6 February 1970, on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽³⁾, has been substantially amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) For the purposes of the establishment and operation of the internal market of the Community, it is appropriate to replace the Member States' approval systems with a Community approval procedure based on the principle of total harmonisation.
- (3) The technical requirements applicable to systems, components, separate technical units and vehicles should be harmonised and specified in separate directives. Those directives should primarily seek to ensure a high level of road safety, health protection, environmental protection, energy efficiency and protection against unauthorised use.
- (4) Council Directive 92/53/EEC ⁽⁴⁾ limited application of the Community whole vehicle type-approval procedure to the vehicle category M₁ but, in order to complete the internal market and to ensure that it functions properly, the scope of the present Directive should cover all categories of vehicles, enabling manufacturers to benefit from the advantages of the internal market by means of the Community type-approval.
- (5) In order to enable manufacturers to adapt to the new harmonised procedures, a sufficient lead-time should be allowed before Community whole vehicle type-approval becomes compulsory for vehicles belonging to categories other than M₁ that are built in one stage. A longer lead-time is required for vehicles of categories other than M₁ that require a multi-stage approval, since that procedure will involve body-builders, who will need to gain sufficient experience in that field so that the necessary procedures can be implemented properly.
- (6) Until now, manufacturers who produce vehicles in small series have been partially excluded from the benefits of the internal market. Experience has shown that road safety and protection of the environment could be significantly improved if small series vehicles were totally integrated into the Community whole vehicle type-approval system, starting with category M₁.
- (7) In order to prevent abuse, any simplified procedure for small series vehicles should be restricted to cases of very limited production; it is therefore necessary to define more precisely the concept of small series in terms of the number of vehicles produced.

⁽¹⁾ OJ C ...

⁽²⁾ *Position of the European Parliament of 11 February 2004.*

⁽³⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Council Regulation No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 225, 10.8.1992, p. 1.

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- (8) It is important to lay down measures enabling vehicles to be approved on an individual basis, in order to allow sufficient flexibility in the multi-stage approval system; however, pending the establishment of harmonised, specific Community provisions, Member States should continue to be allowed to grant individual approvals in accordance with their national rules.

- (9) Pending application of the Community whole vehicle type-approval procedures to categories of vehicles other than M₁, Member States should be allowed to continue to grant vehicle type-approvals on a national basis, and transitional provisions should be laid down accordingly.

- (10) By Council Decision 97/836/EC ⁽¹⁾, the Community has acceded 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'). Consequently, UN/ECE regulations to which the Community accedes, in application of that Decision, and amendments to UN/ECE regulations to which the Community has already acceded should be incorporated within the Community vehicle type-approval procedure either as alternatives to separate directives or as supplementary requirements; it is therefore appropriate to set out provisions in the present Directive to facilitate their effective application.

- (11) ***The development and transposition of UN/ECE regulations should take place in the context of an ongoing dialogue with the European Parliament and the Council.***

- (12) 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.

- (13) It is important that manufacturers supply relevant information to vehicle owners in order to prevent misuse of safety devices. It is appropriate to include provisions thereon in this Directive.

- (14) ***It is important that independent operators have unrestricted access to any technical information required for the repair and maintenance of motor vehicles in order to ensure that system functionality, safety and environmental requirements of the subsystems of a vehicle's components are maintained in the course of repair and maintenance measures and in order to protect effective competition on the market for repair and maintenance.***

- (15) It is also important for equipment manufacturers to have access to certain information that is available only from the vehicle manufacturer, that is to say, the technical information, including drawings, required for the development of parts for the after-sales market.

⁽¹⁾ OJ L 346, 17.12.1997, p. 78.

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- (16) With the aim of simplifying and accelerating the procedure, the Commission should be entrusted with the task of adopting measures implementing the separate directives as well as measures for adapting the annexes to this Directive and those of the separate directives to the development of scientific and technical knowledge.
- (17) The measures necessary for the implementation of this Directive should be 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 ⁽¹⁾.
- (18) Since the objectives of the proposed action, namely the achievement of the internal market through the introduction of a compulsory system of Community type-approval for all categories of vehicles, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale of the action, be better achieved at Community level, 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 Directive does not go beyond what is necessary for that purpose.
- (19) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directives. The obligation to transpose the provisions which are unchanged arises under the earlier Directives.
- (20) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex XVII, Part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive lays down the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community.

Specific technical requirements shall be laid down in application of this Directive in separate directives, adopted in accordance with Article 95 of the Treaty, the exhaustive list of which is set out in Annex IV to this Directive.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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Article 2

Scope

1. This Directive applies to the type-approval of: vehicles designed and constructed in one or more stages for use on the road; and of systems, components and separate technical units designed and constructed for such vehicles.

It also applies to the individual approval of such vehicles.

2. This Directive does not apply to the type-approval or individual approval of the following vehicles:

- a) agricultural or forestry tractors, as defined in Council Directive 74/150/EEC ⁽¹⁾, and trailers designed and constructed specifically to be towed by them;
- b) quadricycles as defined in Directive 2002/24/EC of the European Parliament and Council ⁽²⁾;

3. ***Type-approval or individual approval under this Directive is optional for the following vehicles:***

- a) vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities;***
- b) armoured vehicles designed and constructed for use by the army, civil defence and forces responsible for maintaining public order;***
- c) non-road mobile machinery;***
- d) tracked vehicles;***
- e) vehicles intended exclusively for racing on roads;***
- f) prototypes of vehicles used on the road under the responsibility of a manufacturer to perform a specific test programme.***

Article 3

Definitions

For the purposes of this Directive and of the directives listed in Annex IV, save as otherwise provided therein:

- (1) 'type-approval' means the procedure whereby a Member State certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements;
- (2) '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;

⁽¹⁾ OJ L 84, 28.3.1974, p. 10.

⁽²⁾ OJ L 124, 9.5.2002, p. 1.

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- (3) 'EC type-approval' means the procedure whereby a Member State certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of this Directive and of the separate directives and/or UN/ECE regulations listed in Annex IV or XI;
- (4) 'individual approval' means the procedure whereby a Member State certifies that a particular vehicle satisfies the relevant administrative provisions and technical requirements;
- (5) 'multi-stage type-approval' means the procedure whereby one or more Member States 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 Directive;
- (6) 'step-by-step approval procedure' means a vehicle approval procedure consisting in the step-by-step collection of the whole set of EC 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;
- (7) 'single-step approval procedure' means a procedure consisting in the approval of a vehicle as a whole by means of a single operation;
- (8) 'mixed approval procedure' means a step-by-step 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 EC type-approval certificates for those systems;
- (9) 'motor vehicle' means any power-driven vehicle which is moved by its own means, having at least four wheels, being complete, completed or incomplete, with a maximum design speed exceeding 25 km/h;
- (10) 'trailer' means any non-self-propelled vehicle which is designed and constructed to be towed by a motor vehicle;
- (11) 'vehicle' means any motor vehicle or its trailer;
- (12) 'hybrid motor vehicle' means any motor vehicle fitted, in order to ensure its propulsion, with at least an internal combustion engine and an electrical engine;
- (13) **'non-road mobile machinery' means any mobile machine, transportable industrial equipment or vehicle with or without body work, not intended for the use of passenger- or goods-transport on the road;**
- (14) 'type of vehicle' means vehicles of a particular category which do not differ in at least the essential respects specified in Annex II, Section B. A type of vehicle may contain variants and versions as defined in Annex II, Section B;
- (15) 'base vehicle' means any complete or incomplete vehicle which is used at the initial stage of a multi-stage type-approval process;

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- (16) '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 Directive;
- (17) 'completed vehicle' means a vehicle, resulting from the process of multi-stage type-approval, which meets the relevant technical requirements of this Directive;
- (18) 'complete vehicle' means any vehicle which need not be completed in order to meet the relevant technical requirements of this Directive;
- (19) '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 which, by virtue of its design, it cannot satisfy;
- (20) 'system' means a set of devices combined to perform a specific function in a vehicle;
- (21) 'component' means a device, intended to be part of a vehicle, which may be type-approved independently of a vehicle;
- (22) 'separate technical unit' means a device, 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;
- (23) 'manufacturer' means the natural or legal person responsible the design and construction of a vehicle, system, component or separate technical unit with a view to placing it on the market under the name or make of that person or any natural or legal person who has designed and constructed a vehicle for his own use;
- (24) 'manufacturer's representative' means any natural or legal person established in the Community who is duly appointed by the manufacturer to represent him before the competent authority and to act on his behalf in matters covered by this Directive, and where reference is made to the term 'manufacturer', it must be understood as indicating either the manufacturer or his representative;
- (25) **'independent operator' means any natural or legal person engaged in commercially repairing or servicing, road-side rescuing, inspecting or testing of motor vehicles or in manufacturing or selling replacement or retro-fit components, repair or diagnostic tools and equipment.**
- (26) 'approval authority' means the authority of a Member State 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 issuing and, if appropriate, withdrawing approval certificates; for acting as the contact point for the approval authorities of other Member States; and for verifying the manufacturer's arrangements for the conformity of production;
- (27) 'technical service' means an organisation or body appointed 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, it being possible for the approval authority itself to carry out those functions provided that its competence is properly documented;

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- (28) '*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;
- (29) '*EC type-approval certificate*' means the certificate set out in Annex VI to this Directive or in the corresponding annex to a separate directive, the communication form set out in the relevant Annex to one of the UN/ECE Regulations listed in Annex IV, Part II or Part III, being deemed to be equivalent thereto;
- (30) '*individual approval certificate*' means the document whereby the approval authority or a duly appointed delegate officially certifies that a particular vehicle is approved;
- (31) '*certificate of conformity*' means the document set out in Annex IX, issued by the manufacturer and certifying that a vehicle belonging to the series of the type approved in accordance with this Directive complies with all applicable separate directives and UN/ECE regulations at the time of its production and stating that it may be registered or put into service in the Member States without any additional inspection, it being permissible to use the certificate of conformity for the purposes of registration;
- (32) '*information document*' means the document set out in Annex I or Annex III to this Directive, or in the corresponding annex to a separate directive, that prescribes the information to be supplied by an applicant, it being permissible to supply the information document in the form of an electronic file;
- (33) '*information folder*' means the complete folder, including the information document, file, data, drawings, photographs, and so on, supplied by the applicant, it being permissible to supply the information folder in the form of an electronic file;
- (34) '*information package*' means 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, it being permissible to supply the information package in the form of an electronic file;
- (35) '*index to the information package*' means the document 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 EC type-approval, in particular the dates of the revisions and updating.

CHAPTER II

GENERAL OBLIGATIONS

Article 4

Obligations of the Member States

1. The Member States shall ensure that manufacturers applying for approval comply with their obligations under this Directive.
2. The Member States shall approve only such vehicles, systems, components or separate technical units as satisfy the requirements of this Directive.

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3. The Member States 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 Directive.

4. The Member States shall establish or appoint the authorities competent in matters concerning approval, and notify such establishment or appointment in accordance with *Article 41*.

Article 5

Obligations of the 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 him.

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. For the purposes of this Directive, a manufacturer established outside the Community shall appoint a representative established in the Community to represent him before the approval authority.

CHAPTER III

EC TYPE-APPROVAL PROCEDURES

Article 6

Procedures to be followed for the EC type-approval of vehicles

1. The manufacturer may choose one of the following procedures:

a) step-by-step approval;

b) single-step approval;

c) mixed approval.

2. An application for step-by-step approval shall consist in the information folder containing the information required under Annex III and shall be accompanied by the complete set of EC type-approval certificates required pursuant to each of the applicable separate directives or UN/ECE Regulations listed in Annex IV or XI. In the case of the EC type-approval of a system or separate technical unit, pursuant to the applicable separate directives or UN/ECE Regulations, shall have access to the related information package until such time as the approval is either issued or refused.

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3. An application for single-step approval shall consist in the information folder containing the relevant information required under Annex I, in relation to the separate directives or UN/ECE Regulations specified in Annex IV or XI and, where applicable, in Part II of Annex III.

4. In the case of a mixed approval procedure, the approval authority may exempt a manufacturer from the obligation to produce one or more EC system type-approval certificates, provided that the information folder is supplemented by the particulars, specified in Annex I, required for the approval of those systems during the vehicle approval phase, in which case each of the EC type-approval certificates thus waived shall be replaced by a test report.

5. Without prejudice to paragraphs 2, 3 and 4, 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 EC 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 EC type-approval certificates which are relevant to the current stage of construction, together with a copy of the EC type-approval certificate for the incomplete 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 incomplete vehicle.

6. The manufacturer shall submit the application to the approval authority. Only one application may be submitted in respect of a particular type of vehicle and it may be submitted in only one Member State.

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

7. 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 what tests are required or to facilitate the execution of those tests.

8. The manufacturer shall make available to the approval authority as many vehicles as are necessary to enable the type-approval procedure to be conducted satisfactorily.

Article 7

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

1. 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.

2. The application shall be accompanied by the information folder, the content of which is specified in the separate directives.

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3. 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 what tests are required or to facilitate the execution of those tests.

4. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant separate directives for the performance of the required tests.

CHAPTER IV

CONDUCT OF THE EC TYPE-APPROVAL PROCEDURES

Article 8

General Provisions

1. The Member States may not grant any EC type-approval without first ensuring that the procedures referred to in Article 11 have been duly and satisfactorily implemented.

2. The Member States shall grant EC type-approvals in accordance with Articles 9 and 10.

3. If a Member State finds that a type of vehicle, system, component or separate technical unit, albeit in conformity with the required provisions, presents a serious risk to road safety or seriously harms the environment or, in the context of the prevention of waste from vehicles, seriously harms public health, it may refuse to grant EC type-approval. In this case, it shall immediately send 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. EC type-approval certificates shall be numbered in accordance with the method described in Annex VII.

5. The approval authority shall, within 20 working days, send to the approval authorities of the other Member States a copy of the EC 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, provided that it is authenticated by means of an electronic signature or equivalent.

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 EC type-approvals it has granted, amended, refused to grant or withdrawn during the preceding period. That list shall contain the particulars specified in Annex XIII.

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8. If so requested by another Member State, the Member State which has granted an EC type-approval shall, within 20 working days of receiving that request, send a copy of the EC type-approval certificate in question, together with the attachments. An electronic file may replace the hard copy.

Article 9

Specific provisions concerning vehicles

1. the Member States shall grant an EC approval in respect of:
 - a) a type of vehicle which conforms to the particulars in the information folder and which meets the technical requirements specified by the relevant separate directives or UN/ECE Regulations listed in Annex IV;
 - b) a type of special-purpose vehicle which conforms to the particulars in the information folder and which meets the technical requirements specified by the relevant separate directives or UN/ECE Regulations listed in Annex XI.

The procedures described in Annex V shall apply.

2. The Member States shall grant a multi-stage type-approval 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 separate directives or UN/ECE Regulations listed in Annex IV or XI, having regard to the state of completion of the vehicle.

The procedures described in Annex XIV shall apply.

3. In respect of each type of vehicle, the approval authority shall:
 - a) complete all the relevant sections of the EC type-approval certificate, including the test results sheet appended thereto, in accordance with the model set out in Annex VIII;
 - b) compile or verify 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 EC type-approval in relation to which, in accordance with Article 19, Article 21 or Annex XI, restrictions have been imposed as to its validity, or certain provisions of the separate directives have been waived, the EC type-approval certificate shall specify those restrictions or waivers.
5. Where particulars in the information folder specify provisions for special purpose vehicles as indicated in Annex XI, the EC type-approval certificate shall specify those provisions.
6. Where the manufacturer chooses the mixed approval procedure, the approval authority shall complete, in Part III of the information document, the model for which is set out in Annex III, the references for the test reports, established by separate directives or UN/ECE Regulations, for which no EC type-approval certificate is available.

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7. Where the manufacturer chooses the single-step approval procedure, the approval authority shall establish the list of applicable separate directives and UN/ECE Regulations, the template of which is shown in Appendix 1 to Annex VI, and append that list to the EC type-approval certificate.

Article 10

Specific provisions concerning systems, components or separate technical units

1. The Member States shall grant an EC type-approval 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 separate directive, as prescribed in Annex IV or XI.

2. The Member States shall grant a component or separate technical unit EC type-approval 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 directive, as prescribed in Annex IV.

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 separate directive.

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 EC type-approval of the component or the separate technical unit must be restricted accordingly. In such cases, the EC 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 11

Conformity of production arrangements

1. The Member State which grants an EC type-approval shall take the necessary measures in accordance with Annex X to verify, if need be in co-operation 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 Member State which has granted an EC type-approval shall take the necessary measures in accordance with Annex X in relation to that approval to verify, if need be in co-operation 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.

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Verification to ensure that products conform to the approved type shall be limited to the procedures set out in Annex X and in those separate directives and UN/ECE Regulations that contain specific requirements. To that end, the approval authority of the Member State which has granted the EC type-approval may carry out any of the checks or tests prescribed in any of the separate directives or UN/ECE Regulations listed in Annex IV or Annex XI on samples taken in the premises of the manufacturer, including production facilities.

CHAPTER V

AMENDMENTS TO EC TYPE-APPROVALS

Article 12

General provisions

1. the manufacturer shall inform without delay the Member State that granted the EC type-approval of any change in the particulars recorded in the information package. That Member State shall decide, in accordance with the rules laid down in this Chapter, which procedure is to be followed. Where necessary, the Member State may decide, in agreement with the manufacturer, that a new EC type-approval is to be granted.
2. An application for the amendment of an EC type-approval shall be submitted exclusively to the Member State that granted the original EC type-approval.
3. If the Member State finds that, for the purposes of making an amendment, fresh inspections or fresh tests are necessary, it shall inform the manufacturer accordingly. The procedures referred to in Articles 13 and 14 shall apply only after the requisite fresh inspections or fresh tests have been successfully carried out.

Article 13

Specific provisions concerning vehicles

1. If particulars recorded in the information package have changed, the amendment shall be designated a 'revision'.

In such cases, the approval authority shall issue the revised pages of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of 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. A revision shall be designated an 'extension' if, in addition to the provisions of paragraph 1:
 - (a) further inspections are required;
 - (b) any information on the EC type-approval certificate, with the exception of its attachments, has changed;
 - (c) new requirements under any of the separate directives or UN/ECE Regulations applicable to the approved vehicle type enter into force.

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In such cases, the approval authority shall issue a revised EC 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.

3. 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 dates of the most recent extension or revision, or the date of the most recent consolidation of the updated version.

4. No amendment to the approval of a type of vehicle shall be required if the new requirements referred to in paragraph 2(c) are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

Article 14

Specific provisions concerning systems, components or separate technical units

1. If particulars specified in the information package have changed, the amendment shall be designated a 'revision'.

In such cases, the approval authority shall issue the revised pages of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of 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 revision shall be designated an 'extension' if, in addition to the provisions of paragraph 1:

- (a) further inspections are required;
- (b) any information on the EC type-approval certificate, with the exception of its attachments, has changed;
- (c) new requirements under any of the separate directives or UN/ECE Regulations applicable to the approved system, component or separate technical unit enter into force.

The approval authority shall issue a revised EC type-approval certificate, denoted by an extension number, incremented in accordance with the number of successive extensions already granted. In cases where the amendment is necessitated by the application of paragraph 2(c), the third section of the approval number shall be updated.

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The approval certificate shall show clearly the reason for the extension and the date of re-issue.

3. 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 dates of the most recent extension or revision or the date of the most recent consolidation of the updated version.

Article 15

Issue and notification of amendments

1. In the case of an extension, the approval authority shall update all relevant sections of the EC type-approval certificate, the attachments thereto, and the index to the information package. 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 EC type-approvals to the approval authorities of the other Member States in accordance with the procedures referred to in Article 8.

CHAPTER VI

VALIDITY OF AN EC VEHICLE TYPE-APPROVAL

Article 16

Termination of validity

1. An EC vehicle type-approval shall cease to be valid in any of the following cases:

- a) new requirements in any separate directive or UN/ECE Regulation applicable to the approved vehicle enter into force, and it is not possible to update the approval accordingly;
- b) production of the approved vehicle is definitively discontinued;
- c) the validity of the approval expires by virtue of a special restriction.

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

3. When production of a particular type of vehicle is definitively discontinued, the manufacturer shall notify the approval authority that granted the EC vehicle type-approval. Upon receiving such notification, that authority shall inform the approval authorities of the other Member States accordingly within 20 working days.

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Article 27 shall apply only to discontinuation in the circumstances referred to in point (a) of paragraph 1.

4. Without prejudice to paragraph 3, in cases where an EC vehicle type-approval is due to become invalid the manufacturer shall notify the approval authority that granted the EC 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 26. That communication shall specify, in particular, the date of production and the vehicle identification number of the last vehicle produced

CHAPTER VII

CERTIFICATE OF CONFORMITY AND MARKINGS

Article 17

Certificate of conformity

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

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 stages.

2. The certificate of conformity shall be drawn up in one of the official languages of the Community.

3. 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.

4. 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.

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 separate directive or UN/ECE Regulation.

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6. The certificate of conformity for vehicles approved in accordance with Article 19 shall bear the additional statement 'sale, entry into service and registration permitted in application of Article 19 of Directive [this Directive ...]'.

7. The certificate of conformity, as described in Annex IX, Part I, for vehicles type-approved in accordance with Article 21 shall display in the title thereof the phrase 'For complete/completed ¹ vehicles type-approved in small series', and in close proximity thereto a sequential number, between 1 and the limit indicated in the table set out in Annex XII, denoting, in respect of each year of production, the position of that vehicle within the production allocated for that **year**.

Article 18

EC 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 EC type-approval mark required by the relevant separate Directive.

2. Where no EC type-approval mark is required, the manufacturer shall affix at least: his trade name or trade mark, and the type number and/or an identification number.

3. The EC type-approval mark shall be composed in accordance with *the appendix to Annex VII*.

CHAPTER VIII

NEW TECHNOLOGIES OR CONCEPTS INCOMPATIBLE WITH SEPARATE DIRECTIVES

Article 19

Exemptions for new technologies or new concepts

1. The Member States may, on application by the manufacturer, grant an EC type-approval in respect of a type of system, component or separate technical unit that incorporates technologies or concepts which are incompatible with one or more separate directives, subject to authorisation being granted by the Commission in accordance with the procedure referred to in *Article 40(2)*.

2. Pending the decision as to whether or not authorisation is granted, the Member State may grant a provisional approval, valid only in its territory, in respect of a type of vehicle covered by the exemption sought, provided that it informs the Commission and the other Member States thereof without delay by means of a file containing the following elements:

a) the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with the requirements;

b) a description of the safety and environmental considerations concerned and the measures taken;

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- c) a description of the tests, including their results, demonstrating that, by comparison with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured.

3. The Commission shall decide, in accordance with the procedure referred to in *Article 40(2)*, whether or not to allow the Member State to grant an EC type-approval in respect of that type of vehicle.

Where appropriate, the decision shall also specify whether its validity is subject to any restrictions, such as time-limits. In all cases, the validity of the approval shall not be less than thirty-six months.

If the Commission decides to refuse authorisation, the Member State shall revoke the provisional type-approval referred to in paragraph 2 of this Article.

4. Paragraphs 1, 2 and 3 shall not be invoked where a system, component or separate technical unit complies with a UN/ECE Regulation to which the Community has acceded.

Article 20

Action required

1. Where the Commission finds that there are sound grounds for granting an exemption pursuant to Article 19, it shall immediately take the necessary steps to adapt the separate directives concerned to technological developments, in accordance with the procedure referred to in *Article 40(2)*.

2. As soon as the relevant separate directives have been amended, any restriction attaching to the exemption shall be lifted immediately.

Where it is not possible to amend the separate directives, the validity of an exemption may be extended, at the request of the Member State which granted the approval, by another decision adopted in accordance with the procedure referred to in *Article 40(2)*.

CHAPTER IX

VEHICLES PRODUCED IN SMALL SERIES

Article 21

EC type-approval

1. At the request of the manufacturer and within the quantitative limits set out in Annex XII, Part A, Section 1, Member States shall grant, in accordance with the procedure referred to in Article 6(4), an EC type-approval in respect of a type of vehicle which satisfies at least the requirements listed in Annex IV, Part I, *Appendix*.

2. Paragraph 1 shall not apply to special purpose vehicles.

3. EC type-approval certificates shall be numbered in accordance with the method described in Annex VII.

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Article 22

National type-approval

1. In the case of vehicles produced within the quantitative limits specified in Annex XII, Part A, Section 2, Member States may waive one or more of the provisions of one or more of the separate directives or UN/ECE regulations listed in Annex IV or Annex XI.
2. Member States may, in the case of the vehicles referred to in paragraph 1, waive one or more of the provisions of this Directive provided that they lay down relevant alternative provisions.
3. *In all cases, the Member States may grant or maintain a waiver pursuant to paragraph 1 only on condition that a satisfactory level of environmental protection and road safety is nonetheless guaranteed.*
4. The type-approval certificate shall specify the nature of the waivers granted pursuant to paragraph 1.

The type-approval certificate, the model for which is set out in Annex VI, shall not bear the heading 'EC vehicle type-approval certificate'. However, type-approval certificates shall be numbered in accordance with the method described in Annex VII.

5. If the manufacturer so requests, the approval authority shall send by registered mail a copy of the type-approval certificate and its attachments to the approval authorities of the Member States designated by the manufacturer.

Within 20 working days of receipt, such a Member State shall decide whether or not it accepts the type-approval and how many such vehicles may be registered, sold or put into service within its territory. It shall formally communicate that decision to the approval authority referred to in the first subparagraph, failing which it shall be deemed to have refused the type-approval.

6. *Where there is an intention to register a vehicle in a Member State other than that which granted the type-approval, under the procedure set out in paragraph 5, it shall be presumed that the vehicle complies with the requirements imposed in the state of registration provided that an analysis of the documents supplied by the manufacturer does not rule out such compliance.*

CHAPTER X

INDIVIDUAL APPROVALS

Article 23

General provisions

1. *At the request of the manufacturer or purchaser of the vehicle, Member States may allow individual approval for a vehicle complying with the provisions of this Directive and the UN/ECE directives or regulations listed in Annex IV or XI.*

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2. Member States may exempt a particular vehicle **or a vehicle with unique technical characteristics** from compliance with one or more of the provisions of this Directive or with one or more of the separate directives or UN/ECE regulations listed in Annex IV or XI, provided that they impose comparable national requirements based on those measures which ensure **a satisfactory** level of environmental protection and road safety.

Member States shall accept any system, component, separate technical unit or incomplete vehicle EC type-approval instead of the relevant national requirements.

3. The application for individual approval shall be submitted by the manufacturer, by the owner of the vehicle **or by their respective representatives**.

A Member State shall grant an individual approval if the vehicle conforms to the description appended to the application and satisfies the technical requirements applicable.

The validity of an individual approval shall be restricted to the territory of the Member State that granted the approval. **Where there is an intention to register a vehicle in a Member State other than that which granted the individual approval, it shall be presumed that the vehicle complies with the requirements imposed in the state of registration provided that an analysis of the documents supplied by the applicant together with the application for registration does not rule out such compliance.**

When the vehicle complies with all the requirements set out in Annexes IV and XI, the approval shall be valid in all the Member States.

The format of the individual approval certificate shall be established on the basis of this Directive and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC ⁽¹⁾. Individual approval certificates shall not bear the heading 'EC vehicle approval'.

An individual approval certificate shall bear the vehicle identification number of the vehicle concerned.

4. The approval authority may delegate responsibility for issuing individual approvals to a duly accredited representative. The other Member States and the Commission shall be notified thereof in accordance with Article 41.

Article 24

Specific provisions

1. The procedure provided for in Article 23 may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval procedure.

2. The procedure provided for in Article 23 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.

⁽¹⁾ OJ L 138, 1.6.1999, p. 57.

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CHAPTER XI
REGISTRATION, SALE AND ENTRY INTO SERVICE

Article 25

Registration, sale and entry into service of vehicles

1. Without prejudice to the provisions of Articles 28 and 29, the Member States shall register, and permit the sale or entry into service of, vehicles only if they are accompanied by a valid certificate of conformity issued in accordance with Article 17.

In the case of incomplete vehicles the Member States shall permit the sale of such vehicles but may refuse their permanent registration and entry into service for such time as the vehicles remain incomplete.

2. Vehicles exempted from the requirement concerning a certificate of conformity may be registered, sold or put into service only if they satisfy the relevant technical requirements of this Directive.

3. 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 shown in Annex XII, Part A.

Article 26

Identification of vehicles

For identification purposes, each vehicle to be registered shall be supplied with a unique, non-removable VIN code in accordance with ISO 3779 and 3780. This VIN code shall be marked on the essential parts of the vehicle, and in several places which are easily accessible and legible to the emergency services.

Article 27

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

1. Subject to the limits specified in Annex XII, Section B, and in respect only of a limited period of time, the Member States may register and permit the sale or entry into service of vehicles conforming to a type of vehicle whose EC type-approval is no longer valid.

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

2. The option under paragraph 1 shall be available, in the case of complete vehicles, for a period of twelve months from the date on which validity of the EC 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 opportunity available under 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. The request must specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

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The Member States concerned shall decide, within **30 days** of receiving such a request, whether and in what number to permit the registration of those vehicles within their territory.

4. Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to vehicles which were covered by a national type-approval but which had not been registered or put into service before that approval ceased to be valid, in application of Article 43, owing to the compulsory enforcement of the EC type-approval procedure.

Article 28

Sale and entry into service of components and separate technical units

1. Member States shall permit the sale or entry into service of components or separate technical units only if they comply with the requirements of the relevant separate directives and/or UN/ECE Regulations and are properly marked in accordance with Article 18.

2. Compliance with paragraph 1 shall be waived in cases where new components or separate technical units have been exempted from one or more provisions of a separate directive in application of Article 19 or are intended for mounting on vehicles covered by exemptions under Articles 21, 22 or 23.

3. Member States shall waive the requirements under paragraph 1 in the case of new components or separate technical units which are specifically constructed and designed for new vehicles not covered by this Directive.

CHAPTER XII

SAFEGUARD CLAUSES

Article 29

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

1. If a Member State 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, or seriously harm the environment or, in the context of the prevention of waste from vehicles, seriously harm public health, that Member State 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 Member State concerned shall immediately notify the manufacturer, the other Member States and the Commission accordingly, stating the reasons on which its decision is based.

2. If the Member State that granted the EC type-approval disputes the risk to road safety, public health or the environment notified in accordance with paragraph 1, the Member States concerned shall endeavour to settle the dispute. The Commission shall be kept informed and, where necessary, shall hold consultations with a view to reaching a settlement.

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*Article 30***Vehicles, systems, components or separate technical units not in conformity with the approved type**

1. If a Member State which has granted an EC type-approval finds that 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, it 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. The approval authority of that Member State shall advise the approval authorities of the other Member States of the measures taken.

2. For the purposes of paragraph 1, deviations from the particulars in the EC 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 separate directives or UN/ECE Regulations and those tolerances are respected.

3. If a 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 Member State which granted the EC 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 Member State concerned shall take the requisite action as soon as possible and in any case within six months of the date of the request.

4. The approval authority shall request the Member State which granted the system, component, separate technical unit or incomplete vehicle type-approval to take the necessary action to ensure that vehicles in production are brought back into conformity with the approved type in the following cases:

- (a) EC 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) 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 Member State concerned shall take the requisite action, if necessary in conjunction with the Member State making the request, as soon as possible and in any case within six months 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 EC 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 EC type-approval and of the reasons for this.

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6. If the Member State that granted EC 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 31

Recall of vehicles

1. A manufacturer who has been granted an EC vehicle type-approval and who, in application of the provisions of a separate directive or in application of Article 8 of Council Directive 92/59/EEC, has to operate a recall campaign of vehicles already placed on the market because one or more systems, components or separate technical units fitted to the vehicle, albeit duly approved in accordance with this Directive, presents a serious risk to road safety, public health or environmental protection, ***or because there have proved to be serious deficiencies in terms of its life expectancy or proper operation***, shall immediately inform the approval authority that granted the vehicle approval.

2. The manufacturer shall propose to the approval authority a set of appropriate remedies to neutralise the risk ***or serious deficiency*** referred to in paragraph 1. The competent authorities shall ensure that the measures are effectively implemented in their respective territories.

3. If the measures are considered to be insufficient by the authorities concerned or have not been implemented quickly enough, the approval authority shall withdraw the EC vehicle type-approval. In such cases, it shall notify the manufacturer, the approval authorities of the other Member States and the Commission by registered letter within 20 working days.

Article 32

Notification of decisions and remedies available

All decisions taken pursuant to the provisions adopted in implementation of this Directive and all decisions refusing or withdrawing EC 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 States and of the time limits allowed for the exercise of such remedies.

CHAPTER XIII

EQUIVALENT REGULATIONS

Article 33

Equivalence with UN/ECE regulations

1. The UN/ECE Regulations listed in Part II of Annex IV are recognised as being equivalent to the corresponding separate directives if they share the same scope.

The approval authorities of the Member States shall accept approvals granted in accordance with those regulations and, where applicable, the pertaining approval marks, in lieu of the corresponding approvals and approval marks granted in accordance with the equivalent separate directive.

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2. The UN/ECE regulations shall be published in the *Official Journal of the European Union*.
3. As regards the granting of EC type-approval, the UN/ECE Regulations to which the Community has acceded and which are listed in Annex IV, Parts II and III, to this Directive shall apply to the categories of vehicles listed in the relevant respective columns.

The Commission shall, in accordance with the procedure referred to in Article 40(2), adopt the necessary amendments to Annex IV, Parts II and III, in order to include new regulations and their amendments.

The amendments shall also specify the categories of vehicle to which they apply.

Article 34

Equivalence with other regulations

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

CHAPTER XIV

PROVISION OF TECHNICAL INFORMATION

Article 35

Information intended for users

1. The manufacturer may not supply any technical information related to the particulars provided for in this Directive or in the separate directives or UN/ECE Regulations listed in Annex IV which diverges from the particulars approved by the Member States.
2. Where a separate directive makes specific provisions for so doing, the manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions attaching to the use of a vehicle, a component or a separate technical unit.

That information shall be supplied in the official languages of the Community. It shall be provided, in agreement with the approval authority, in an appropriate supporting document, such as the owner's manual or the maintenance book.

Article 36

Information for independent operators

The manufacturer shall make available to independent operators any technical information required for the repair and maintenance of motor vehicles unless that information is covered by an intellectual property right or constitutes secret know-how. In such a case the information shall not be withheld in an improper manner. Where appropriate, the information (including all subsequent amendments and supplements) shall be provided upon reasonable and non-discriminatory payment, in a prompt and proportionate way and in a practically usable form.

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'Technical information' includes, but is not limited to, the unrestricted use of electronic control and diagnostic systems of a motor vehicle, the reprogramming of these systems in accordance with the vehicle manufacturer's standard procedures, and those particulars that are necessary to design diagnostic and service tools and equipment.

Article 37

Confidentiality of information relating to vehicle protection

The vehicle manufacturer may impose on the operators referred to in Article 36 a binding agreement to protect the confidentiality of information relating to the vehicle protection.

Article 38

Information intended for manufacturers of components

1. The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all those particulars including, as the case may be, drawings specifically listed in the annex or appendix to a separate directive that are necessary for EC type-approval of components or separate technical units.

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

2. The manufacturer of components or separate technical units, in his capacity as the holder of an EC type-approval certificate which, in accordance with Article 10(4), includes restrictions on use or special mounting conditions or both, shall provide all the detailed information thereon to the vehicle manufacturer.

Where a separate directive makes provision for so doing, 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 XV

IMPLEMENTATION MEASURES AND AMENDMENTS

Article 39

Implementation measures and amendments to this Directive or the separate directives

1. The measures necessary for the implementation of each separate directive shall be adopted in accordance with the procedure referred to in Article 40(2) of this Directive and in compliance with the rules laid down in each directive concerned.

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2. Amendments to the Annexes to this Directive or to the provisions of the separate Directives listed in Annex IV, Part I, which are necessary to adapt them to the development of scientific and technical knowledge shall be adopted in accordance with the procedure referred to in *Article 37(2)*.

3. When, in application of Decision 97/836/EC, new UN/ECE Regulations or amendments to existing UN/ECE Regulations to which the Community has acceded are adopted, the Commission shall, in accordance with the procedure referred to in *Article 40(2)*, amend the annexes to this Directive accordingly.

4. Each new separate Directive shall introduce the appropriate amendments to the annexes to this Directive.

Article 40

Committee

1. The Commission shall be assisted by a committee referred to as the 'Technical Committee — Motor Vehicles'(TCMV).

2. Where reference is made to this paragraph, Articles 5 and 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 three months.

3. The Committee shall adopt its rules of procedure.

CHAPTER XVI

PROCEDURES FOR NOTIFICATION

Article 41

Notification of approval authorities, technical services and bodies

1. The Member States shall notify to the Commission and to the other Member States the names and addresses of:

- a) the approval authorities and the disciplines for which they are responsible;
- b) the technical services appointed, specifying the test procedures for which each of these services is responsible;
- c) the bodies appointed to assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production.

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2. A manufacturer or a subcontracting party acting on his behalf may not be appointed as a technical service except where a separate directive or equivalent UN/ECE Regulation makes express provision to that effect.
3. The technical services may use outside equipment, including the manufacturer's test facilities, subject to the agreement of the approval authority.
4. The technical services and bodies referred to in paragraph 1 shall comply with the following standards with respect to the activities described in paragraph 1:
 - (a) EN ISO 17025:2000 on general requirements for the competence of testing and calibration laboratories;
 - (b) EN 45004:1995 or ISO/IEC 17020:1998 on the general criteria for the operation of various types of bodies performing inspection as regards their test witnessing activities, tests and checks related to the conformity of production;
 - (c) EN 45012:1989 or ISO/IEC Guide 62:1996 on the general criteria for certification bodies operating quality system certification as regards the management systems implemented by the manufacturer.
5. Third country services may be notified as technical services only in the framework of a bilateral or multilateral agreement between the Community and the third country in question.

CHAPTER XVII

FINAL PROVISIONS

Article 42

Transitional provisions

1. Pending the necessary amendments to this Directive in order to include vehicles not yet covered by this Directive or to complete the administrative and technical provisions regarding type-approval of vehicles other than M₁, produced in small series, and to lay down harmonised administrative and technical provisions regarding the individual approval procedure, and pending expiry of the transitional periods provided for in Article 43, Member States shall continue to grant national approvals for those vehicles, provided that such approvals are based on the harmonised technical requirements laid down in this Directive.
2. On application by the manufacturer or, in the case of individual approval, by the owner of the vehicle and on submission of the information required, the Member State concerned shall complete and issue the type-approval certificate or the individual approval certificate as appropriate. The certificate shall be issued to the applicant.

With respect to vehicles of the same type, other Member States shall accept a certified true copy as proof that the requisite tests have been carried out.

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3. Where a particular vehicle covered by an individual approval has to be registered in another Member State, that Member State may require, from the approval authority that has issued the individual approval, any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.

4. *Pending the harmonisation of registration and taxation systems of the Member States in relation to vehicles covered by this Directive, Member States may use national codes in order to facilitate registration and taxation in their territory. For this purpose, Member States may subdivide the versions shown in Part II of Annex III, provided that the particulars used for the subdivision are expressly stated in the information package or can be derived from it by a simple calculation.*

Article 43

Application dates for the EC type-approval

1. As regards EC type-approval, Member States shall grant EC approval to new types of vehicle from the dates specified in Annex XVI.

2. On application by the manufacturer, Member States may grant EC approval to new types of vehicle from the date specified in the second subparagraph of Article 42(1).

3. **Article 25 shall not apply to new vehicles approved under this Directive on an optional basis nor,** until the dates specified in the fourth column of Annex XVI, to new vehicles for which a national approval has been granted before the dates specified in the third column thereof or for which there was no approval.

4. As regards motor vehicles, paragraphs 1, 2 and 3 shall apply only to vehicles equipped with an internal combustion engine. For the purposes of those provisions, hybrid motor vehicles shall be deemed to be equipped with an internal combustion engine.

5. This Directive shall not invalidate any EC type-approval granted to vehicles of category M₁ before the date specified in the second subparagraph of Article 45(1), nor prevent the extension of such approvals.

6. As regards the EC approval of new types of systems, components or separate technical units, Member States shall apply this Directive from the date specified in the second subparagraph of Article 45(1).

This Directive shall not invalidate any EC type-approval granted for systems, components or separate technical units before the date specified in the second subparagraph of Article 45(1) nor prevent the extension of such approvals.

Article 44

Assessment

1. No later than 31 March 2007, the Member States shall inform the Commission concerning the application of the type-approval procedures laid down in the present Directive and, in particular, of the multi-stage process. Where appropriate, the Commission shall propose the amendments deemed necessary to improve the type-approval process.

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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 Directive by 1 October 2007.*** If appropriate, the Commission may propose the postponement of the application dates referred to in Article 43.

Article 45

Transposition

1. Member States shall adopt and publish, by ... (*) at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and the provisions of this Directive.

They shall apply those provisions from ... (**).

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

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

Article 46

Repeal

Directive 70/156/EEC, as amended by the acts listed in Annex XVII, Part A, is repealed with effect from [the date set out in the second subparagraph of Article 45(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex XVII Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XVIII.

Article 47

Entry into force

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

(*) Twelve months after the entry into force of this Directive.

(**) Twelve months and one day after the entry into force of this Directive.

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Article 48

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President

ANNEX**LIST OF ANNEXES**

Annex I Complete list of information for the purposes of vehicle EC type-approval

Annex II Definition of vehicle categories and vehicle types

Annex III Information document for the purpose of vehicle EC type-approval

Annex IV List of requirements for the purposes of vehicle EC type-approval

Appendix 1: List of requirements for EC type-approval of vehicles belonging to category M₁,
produced in small series

Annex V Procedures to be followed during vehicle EC type-approval

Annex VI EC type-approval certificate

Appendix 1: List of the separate Directives and UN/ECE Regulations to which the type of
vehicle complies

Annex VII EC type-approval certificate numbering system

Appendix 1: EC component and separate technical unit type-approval mark

Annex VIII Test results

Annex IX EC Certificate of conformity

Annex X Conformity of production procedures