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**NOTE**

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from : Council Secretariat/Presidency  
to Permanent Representatives Committee (Part 1)  
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Subject : Proposal for a Regulation (EU) No .../2010 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles  
– Preparation of an informal trilogue

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**I. INTRODUCTION**

1. The Commission presented its proposal on 7 October 2010.
2. The Internal Market and Consumer Protection Committee (IMCO) of the European Parliament voted its report on 5 December 2011<sup>1</sup>.

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<sup>1</sup> A7-0445/2011.

## II. STATE OF PLAY

3. The Working Party on Technical Harmonisation (Motor Vehicles) has examined the proposal on 27 occasions during the Belgian, Hungarian, Polish and Danish Presidencies.
4. The Presidency submits in the Annex to this note a compromise package to serve as basis for forthcoming negotiations with the European Parliament aiming at exploring the possibilities for a first-reading agreement.
5. A number of issues are still open. The main outstanding issues are listed under III and the other issues under IV.

## III. MAIN OUTSTANDING ISSUES

- a) Scope and categories (Articles 2 and 4, Annex I) (EP amendments 38, 117-119): the delineation between L and T categories was the main difficulty as concerns the scope. The European Parliament proposes to split the classification of all terrain vehicles and side-by-side vehicles between this proposal and the tractors proposal on the basis of the use criterion (either leisure or professional). After intensive technical work, the Working Party finalised on 30 and 31 May an alternative proposal for this division, which concerns both the L and T dossiers. One delegation would still wish a higher maximum design speed (110 km/h instead of 90 km/h) for heavy on-road quads (L7Ae). This is opposed by other delegations and the Commission. It can be noted that the actual real speed of such vehicles is in general 10-15 km/h higher than the maximum design speed. The Presidency intends to negotiate with the European Parliament on the basis of the text in the Annex, which is supported by most delegations and the Commission, and which constitutes a package for the L and T dossiers.

- b) Advanced Brake Systems (ABS) compulsory (Annex VIII) (EP amendment 145): the European Parliament proposes to extend the scope of compulsory ABS brakes to all motorcycles, including lighter ones (L1 and L2)<sup>2</sup>, whereas the Commission proposal made this optional (either ABS or Combined brake systems, CBS, which are less costly). Most delegations support the approach of the text in the Annex, which does not amend the Commission proposal.
- c) Timetable for implementation (Article 82, Annex IV) (EP amendments 126, 127): the European Parliament proposes to delete a step in the implementation of the Regulation (Euro 3) since already today many vehicles comply with the required technical specifications, and to advance consequently the implementation by one year (2016) for new types for Euro 4. This amendment is not supported by delegations, since it would create a legal vacuum for 2014-2016. Delegations prefer the approach of the Presidency text, which is supported by the Commission. However, further simplification might be looked into so as to find an acceptable compromise without legal void.
- d) Implementing measures and delegations (Chapter XVIII, Art. 73-78): A number of delegations still maintain reservations on a number of implementing measures and delegations that are conferred to the Commission in view of the implementation of this new Regulation. In this complex technical area, comitology has been an important aspect of the legislative implementation. In the new legal framework, the new required empowerments have been carefully drafted and tailored in order to match the practical needs while preserving the co-decision margin of manoeuvre. The Presidency considers its text to offer an overall balanced approach, although it might need a last verification and possible changes of instruments<sup>3</sup>. Also, in Article 76, three delegations wish that the empowerment of the Commission is shortened from 5 to 2 years and not tacitly extended. The suppression of the tacit extension could be considered.

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<sup>2</sup> See also IMCO impact assessment study.

<sup>3</sup> e.g.: Article 52 (2) on the list of parts or equipment.

#### IV. OTHER OUTSTANDING ISSUES

The Working Party has sorted out a number of technical issues with a view to finding an agreement with the European Parliament. The rapid resolution of these latter issues should be finalised in the coming weeks in the Working Party.

A) Outstanding issues with the European Parliament for which a compromise text is finalised in the Working Party

- e) Anti-tampering measures (Article 18) (EP amendments 47, 48): Most delegations do not support the introduction of a new Article 18a by the European Parliament in amendment 49. The compromise text proposed in the Annex was prepared by the Working Party and could be acceptable for the European Parliament.
  
- f) On-Board Diagnosis (OBD) (Article 19) (EP amendment 49): Many delegations would have difficulties with the European Parliament amendment. The proposed Presidency text is supported by most delegations and could be acceptable for the European Parliament.
  
- g) Durability requirements (Article 21(3)): Most delegations can now support the Presidency text, proposing three options. Still one delegation would prefer to merge options (a) (full mileage accumulation) and (b) (partial mileage accumulation of at least 50 % of the full mileage). The Commission is opposed to this and wishes to retain three options.

B) Outstanding issues for which a compromise text remains to be finalised in the Working Party

The main such points relate to the following:

h) Market surveillance (Chapters II, XII, XIII and XVII, Articles 5-15, 45-47, 48-55 and 64-72):

The Commission proposal introduced a more robust market surveillance system, based on the New Legislative Framework<sup>4</sup> in order to reinforce *ex post* surveillance, after a type is approved, since there are cases where actual products placed on the market do not conform any more to the approved type, and in some occasions caused injuries or fatalities.

The text now differentiates between lighter obligations for vehicles, systems, components and separate technical units which are type-approved (*ex ante control*) and stronger requirements for parts and equipment not subject to type-approval, for which Article 19 (1) paragraph 1<sup>5</sup> of Regulation 765/2008 applies (Article 6a (2)). The Commission supports the Presidency compromise, which already integrates many changes stemming from delegations. In order to address remaining reservations concentrated on Chapters XIII and XVII, limited additional changes might be required.

i) Small series (Article 40, Annex III): a technical compromise on the figures proposed by the Commission and the current system (200 vehicles per Member State per year) still needs to be finalised.

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<sup>4</sup> Regulation EC No 765/2008 and Decision No 768/2008/EC.

<sup>5</sup> "Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks on the basis of adequate samples. When doing so they shall take account of established principles of risk assessment, complaints and other information."

- j) Individual vehicles approvals (Chapter XI, Articles 41-44) (EP amendments 75 and 77-79 on unique/amateur built and amendments 80-84<sup>6</sup>): a number of delegations have doubts on the inclusion of Chapter XI in the Regulation, notably because the proposed Articles would not provide for a sufficient harmonisation of technical requirements. On the other hand, the European Parliament proposes two series of amendments and would not accept the deletion of the Chapter. The Presidency intends to negotiate on the basis of the Presidency text.

## V. CONCLUSIONS

**The Committee is invited to examine the main outstanding issues under section III and to endorse the Presidency's proposals in the Annex on those issues and section IV A) with a view to forthcoming negotiations with the European Parliament in view of a possible first-reading agreement.**

**The Committee is also invited to ask the Working Party to finalise the other outstanding issues in section IV B) in order to be ready to find an overall compromise package with the European Parliament in view of a possible first-reading agreement.**

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<sup>6</sup> These amendments mirror the mutual recognition Regulation 764/2008 in the present draft Regulation, which is a technical harmonisation legislation.

2010/0271 (COD)

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**Regulation (EU) No .../2010~~2~~ of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to national Parliaments,

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

Having regard to the opinion of the Committee of the Regions<sup>8</sup>

Acting in accordance with the ordinary legislative procedure **laid down in Article 294 of the Treaty**,

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 EC type-approval system for two- or three-wheel vehicles was established by Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002<sup>9</sup> on the type-approval of such vehicles. Those principles should continue to apply for this Regulation and its delegated and implementing acts **adopted on the basis thereof**.

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<sup>7</sup> OJ L [...], [...], p. [...]

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

<sup>9</sup> **OJ L 49, 22.2.2003, p. 23.**

- (2) The EU type-approval system is intended to enable each Member State to confirm that each type of vehicle has undergone the checks provided for in this Regulation, **and** in its delegated and implementing acts **adopted on the basis thereof**, and its manufacturer has obtained a type-approval certificate. It furthermore obliges manufacturers to issue a certificate of conformity for each vehicle produced in accordance with the type-approval. When a vehicle is accompanied by such certificate it may be sold **made available** and registered for use throughout the Union.
- (3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, on-road quads and **quadri-mobiles** ~~mini-cars~~. In addition, the objectives **of this Regulation** are to simplify the current legal framework, **to reduce the emissions from L-category vehicles, thus resulting in a more proportionate share of L-category vehicle emissions in overall road transport emissions** ~~to contribute to a lower more proportionate share in overall road transport emissions~~, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.
- (4) Directive 2002/24/EC and its separate **D**irectives have been substantially amended several times. In the interests of clarity, rationality and simplification, Directive 2002/24/EC and its separate **D**irectives should be repealed and replaced by one Regulation and a small number of delegated and implementing acts. The ~~use of the form~~ **adoption** of a **R**egulation ~~should ensure~~ that the provisions **concerned** are directly applicable and can be updated much faster and more efficiently to take better account of technical progress.
- (4a) This Regulation is without prejudice to measures at national or Union level regarding the use of L-category vehicles on the road, such as specific drivers' licence requirements, limitations of the maximum speed or measures regulating the access to certain roads.**

**(4b) In order to ensure a high level of vehicle functional safety, occupational safety and environmental protection the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units with regard to type-approval should be harmonised.**

(5) In order to simplify the type-approval legislation in line with the recommendations of the report CARS 21: A Competitive Automotive Regulatory System for the 21<sup>st</sup> century<sup>10</sup>, it is appropriate to repeal all separate ~~D~~irectives without reducing the level of protection. The requirements set out in those ~~D~~irectives should be carried over to this Regulation or its delegated acts and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE), ~~as incorporated into Union law in accordance with Article 4 of Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European~~ **to which the Union has acceded as a contracting party** to the Agreement of the United Nations Economic Commission for Europe **concerning the adoption of** ~~This concerns the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts systems, components or separate technical units which can be fitted to or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (‘Revised 1958 Agreement’)<sup>11</sup>. To reduce the administrative burden of the type-approval process, vehicle manufactures should be allowed to type-approve in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE<sup>12</sup> regulations ~~referred to listed in the Annexes to this Regulation and in the separate~~ **or in the** delegated acts **adopted under this Regulation.**~~

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<sup>10</sup> COM(2007) 22 final  
[http://ec.europa.eu/enterprise/sectors/automotive/files/pagesbackground/competitiveness/cars\\_21finalreport\\_en.pdf](http://ec.europa.eu/enterprise/sectors/automotive/files/pagesbackground/competitiveness/cars_21finalreport_en.pdf)

<sup>11</sup> Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (‘Revised 1958 Agreement’) (OJ L 346, 17.12.1997, p.78)

<sup>12</sup> <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29pub/wp29pub2002e.pdf>.

- (6) Consequently, UNECE regulations and the amendments thereto to which the ~~European~~ Union accedes, in application of Decision 97/836/EC, should be incorporated within the EU type-approval procedure ~~either as requirements for EU vehicle type approval, or as alternatives to existing Union law. In particular, where the Union decides that a UNECE regulation should become part of the EU vehicle type approval requirements and replace existing legislation of the Union,~~ **Accordingly**, the power should be delegated to the Commission to adopt the necessary adaptations to this Regulation or to adopt the necessary **delegated** ~~implementing~~ acts.
- (7) This Regulation should contain substantive requirements for environmental protection and vehicle functional safety. The main elements of **the relevant requirements of** this Regulation are based on the results of an impact assessment<sup>13</sup> **carried out by the Commission** ~~and~~ analysing different options by listing possible advantages and disadvantages in terms of economic, environmental, safety and societal aspects. Qualitative and quantitative aspects were both included in this analysis. After comparison of the different options and identification of preferred options, they were chosen to form the basis for this Regulation.
- (8) The objectives of this Regulation should not be affected by the fitting of certain systems, components or separate technical units after vehicles have been ~~sold~~ **placed on the market**, registered or entered into service. Thus, appropriate measures should be taken in order to make sure that systems, components or separate technical units which can be fitted to vehicles, and which could significantly impair the functioning of systems that are essential for environmental protection or functional safety, are subject to prior control by an approval authority before they are ~~sold~~ **placed on the market**, registered or are entering into service.

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<sup>13</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010SC1152:en:NOT>

- (9) Directive 95/1/EC of the European Parliament and the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheel motor vehicles<sup>14</sup> gave the possibility to Member States to refuse the initial registration and any subsequent registration within their territory of vehicles with a maximum net power of more than 74 kW. The anticipated correlation between safety and absolute power limitation could not be confirmed in several scientific studies. For that reason and in order to remove internal barriers to trade on the Union market, this option should no longer be maintained. Other, more effective safety measures should be introduced to help reduce the high numbers of fatalities and injuries among riders of powered two-wheel vehicles in road accidents in the Union.
- (10) This Regulation constitutes a set of specific safety and environmental requirements. Therefore, it is important to establish provisions to ensure that, in cases where a vehicle presents a serious risk for users or the environment, the manufacturer or any other economic operator in the supply chain has taken effective protective measures, including the recall of vehicles, within the meaning of Article 20 of Regulation **(EC) No** 765/2008/~~EC~~ of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>15</sup>. Approval authorities should therefore be able to assess whether these measures are sufficient or not.

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<sup>14</sup> **OJ L 52, 8.3.1995, p. 1.**

<sup>15</sup> OJ L 218, 13.8.2008, p. 30

**(10a) This Regulation sets environmental requirements for three stages with the last stage (Euro5(Euro6 for L3e-motorcycles)) being mandatory for new types of vehicles as of 1.1.2020, thereby creating long-term planning security for the vehicle manufacturers and the supplier industry. Based on future available data an environmental effect study stipulated in Article 21 will provide additional underpinning through modelling, technical feasibility and cost-effectiveness analysis based on the then latest available data.. In addition, the study will i.a. assess the feasibility and cost-effectiveness of in-service conformity testing requirements, off-cycle emission requirements and a particulate number emission limit for certain (sub-)categories. On the basis of the study results, the Commission will then consider presenting a proposal introducing these new elements into future type-approval legislation applicable after the stages foreseen in this Regulation.**

- (11) With the aim of simplifying and accelerating the **adoption of** type-approval legislation, a new regulatory approach has been introduced in EU vehicle type-approval legislation, under which the legislator in the ordinary legislative procedure sets out only the fundamental rules and principles and delegates the legislation of further technical details to the Commission. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on functional safety, and environmental performance, and ~~delegate~~ **empower** the Commission ~~the power~~ to lay down the technical specifications.
- (12) Market surveillance in the automotive sector and in particular the L-category vehicle sector should be improved by enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain. In particular, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance should be clarified, and the requirements relating to the competence, obligations and performance of the technical services that perform vehicle type-approval reinforced. Compliance with the type-approval and conformity-of-production requirements of the legislation governing the automotive sector should remain the key responsibility of the type-approval authorities, while market surveillance may be a competence shared between different national authorities.

(13) **In certain limited cases, it is appropriate to allow for national small series type-approval.** In order to prevent misuse, any simplified procedure for small-series vehicles should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles ~~sold, registered and entered into service.~~

**(13a) The national authorities' obligations laid down in the market surveillance provisions of this Regulation are more specific than the corresponding provisions of Regulation (EC) No 765/2008.**

(14) In order to ensure that the procedure for monitoring conformity of production, **which is one of the cornerstones of the EU type-approval system, has been** ~~is~~ 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.

**(14a) Unrestricted access to vehicle repair information, via a standardised format which can be used to retrieve the technical information, and effective competition on the market for vehicle repair and maintenance information services are necessary to improve the functioning of the internal market, particularly as regards the free movement of goods, freedom of establishment and freedom to provide services.**

**A great proportion of such information is related to on-board diagnostic (OBD) systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that the websites of the manufacturers should follow, along with targeted measures to ensure reasonable access for small and medium-sized enterprises.**

(15) 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.

- (16) ~~According to Article 291 of the Treaty on the Functioning of the European Union, rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers should be laid down in advance by regulations adopted in accordance with the ordinary legislative procedure. Pending adoption of such new regulations, Council Decision 1999/468/EC<sup>16</sup> of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission continues to apply, with the exception of the regulatory procedure with scrutiny, which is no longer applicable.~~
- (17) ~~The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of functional safety and environmental performance, testing, access to repair and maintenance information and appointment of technical services and their specific authorised tasks, in order to supplement or amend certain non-essential elements of legislative acts through provisions of general application. Such empowerment should not allow for amendment of the enforcement dates set out in Annex IV or emission limit values set out in Annex VI. Amendments to those dates or values should be established by the ordinary legislative procedure set out in Article 114 TFEU."~~

**In order to supplement this Regulation with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the approval of L-category vehicles and systems, components and separate technical units designed and constructed for such vehicles<sup>17</sup>. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.**

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<sup>16</sup> OJ L 184, 17.7.1999, p. 23

<sup>17</sup> DE: Replace this first sentence by the following text :

" The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level." (Q 16/11 REV1)

**(18) In order to ensure uniform conditions for the implementation of this Regulation, implementing power should be conferred on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>18</sup>.** The Commission should be empowered to adopt an implementing act in accordance with Article 291 of the Treaty in order to lay down uniform conditions for the implementation of this Regulation with regard to the list of information to be provided in applying for type approval, type approval procedures, templates for manufacturers' additional plates, EU type approval certificates, list of type approvals issued, numbering system for EU type approvals, and procedures to ensure conformity of production.

~~With regard to those items, uniform conditions for implementation in the Member States are needed in order to ensure the proper functioning of the internal market by facilitating the mutual recognition of administrative decisions taken in the different Member States, in particular type approvals, and the acceptance of documents issued by vehicle manufacturers (in particular certificates of conformity).~~

~~(19) Since the objective of a fully harmonised internal market through the introduction of a compulsory system of EU type approval for L-category vehicles cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity. In accordance with the principle of proportionality this Regulation does not go beyond what is necessary in order to achieve this objective. [see Recital (21)]~~

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<sup>18</sup> **OJ L 55, 28.2.2011, p. 13.**

(20) The following Directives\* should be repealed:

- **Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles<sup>19</sup> and repealing Council Directive 92/61/EEC;**
- Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for two- or three-wheel motor vehicles<sup>20</sup>;
- Directive 2009/80/EC of the European Parliament and of the Council of 13 July 2009 on the identification of controls, tell-tales and indicators for two or three-wheel motor vehicles<sup>21</sup>;
- Directive 2009/79/EC of the European Parliament and of the Council of 13 July 2009 on passenger hand-holds on two-wheel motor vehicles (Codified version)<sup>22</sup>;
- Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles<sup>23</sup>;
- Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles<sup>24</sup>;
- Directive 2009/62/EC of the European Parliament and of the Council of 13 July 2009 relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles<sup>25</sup>;

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\* *For lawyer-linguists: please reorder the references in the chronological order.*

<sup>19</sup> **OJ L 124/1, 09.05.2002, p. 1**

<sup>20</sup> OJ L 322, 9.12.2009, p. 3

<sup>21</sup> OJ L 202, 4.8.2009, p. 16

<sup>22</sup> OJ L 201, 1.8.2009, p. 29

<sup>23</sup> OJ L 231, 3.9.2009, p. 8

<sup>24</sup> OJ L 222, 25.8.2009, p. 1

<sup>25</sup> OJ L 198, 30.7.2009, p. 20

- Directive 2002/51/EC of the European Parliament and of the Council of 19 July 2002 on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC<sup>26</sup>;
- ~~— Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles<sup>27</sup> and repealing Council Directive 92/61/EEC; (moved to the beginning of the list)~~
- Directive 2000/7/EC of the European Parliament and of the Council of 20 March 2000 on speedometers for two- or three-wheel motor vehicles and amending Council Directive 92/61/EEC on the type-approval of two- or three-wheel motor vehicles<sup>28</sup>;
- Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles<sup>29</sup>;
- Directive 95/1/EC of the European Parliament and of the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles<sup>30</sup>;
- Council Directive 93/93/EEC of 29 October 1993 on the masses and dimensions of two or three-wheel motor vehicles<sup>31</sup>;
- Council Directive 93/33/EEC of 14 June 1993 on protective devices intended to prevent unauthorised use of two- or three-wheel motor vehicles<sup>32</sup>;

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<sup>26</sup> OJ L 252, 20.9.2002, p. 20

~~<sup>27</sup> OJ L 124/1, 09.05.2002, p. 1~~

<sup>28</sup> OJ L 106, 3.5.2000, p. 1

<sup>29</sup> OJ L 226, 18.8.1997, p. 1

<sup>30</sup> OJ L 52, 8.3.1995, p. 1

<sup>31</sup> OJ L 311, 14.12.1993, p. 76

<sup>32</sup> OJ L 188, 29.7.1993, p. 32

- Council Directive 93/30/EEC of 14 June 1993 on audible warning devices for two-or three-wheel motor vehicles<sup>33</sup>;
- Council Directive 93/14/EEC of 5 April 1993 on the braking of two or three-wheel motor vehicles<sup>34</sup>;

**(21) Since the objective of this Regulation, namely to lay down harmonised rules on the administrative and technical requirements for the approval and market surveillance of L-category vehicles, cannot be sufficiently achieved by the Member States acting alone, and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,**

HAVE ADOPTED THIS REGULATION:

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<sup>33</sup> OJ L 188, 29.7.1993, p. 11

<sup>34</sup> OJ L 121, 15.5.1993, p. 1

# CHAPTER I

## SUBJECT MATTER, SCOPE AND DEFINITIONS

### *Article 1*

#### *Subject matter*

1. This Regulation establishes the administrative and technical requirements for the approval ~~and market surveillance~~ of all new vehicles, **systems, components and separate technical units** referred to in Article 2 (1). **This Regulation also makes provision for the individual approval of vehicles at national level.** <sup>35</sup>
2. This Regulation also establishes the requirements for the **market surveillance** ~~sale and entry into service of~~ **vehicles**, systems, components and separate technical units ~~intended for vehicles approved~~ **subject to approval** in accordance with this Regulation. **In addition, it also establishes the requirements for the market surveillance of parts and equipment for such vehicles.**
3. This Regulation ~~shall be~~ **is** without prejudice to the application of the relevant **Union** legislation ~~of the Union on~~ **road safety** ~~vehicle functional safety and environmental performance.~~

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<sup>35</sup> **UK**: replace with "This Regulation does not apply to the approval of individual vehicles except that Member States granting such approvals shall accept any type-approval of components and separate technical units granted under this regulation instead of under the relevant national requirements." (Q 11/11). **FI**: unclear what provisions for individual approvals concern. Delete sentence (Q 25/11). **NL**: individual approvals not in the scope of this Regulation.

## Article 2

### Scope

1. This Regulation **shall** apply to ~~the type-approval and individual approval of all new~~ two- or three-wheel vehicles and quadricycles as described in Article 4 and Annex I (hereinafter ‘L-category vehicles’), that are intended to travel on public roads, including where designed and constructed in **one or** ~~more than one~~ stages, and to ~~the type-approval and individual approval of the systems, components and separate technical units,~~ **as well as parts and equipments,** designed and constructed for such vehicles.

**It also applies to enduro motorcycles (L3e-E), trial motorcycles (L3e-T) and all terrain vehicles (L7Be)<sup>36</sup> as defined in Article 4 and Annex I of the present Regulation.**

2. This Regulation does not apply to the following vehicles:
  - (a) vehicles with a maximum design speed not exceeding 6 km/h;
  - (b) vehicles exclusively intended for use by the physically handicapped;
  - (c) vehicles exclusively intended for pedestrian control;
  - (d) vehicles exclusively intended for ~~on-road or off-road~~ use in competition;
  - (e) vehicles **designed and constructed** ~~exclusively intended for use by the armed services forces, law enforcement agencies, civil defence, fire services, forces responsible for maintaining public order and emergency medical services, fire brigades or public works bodies;~~

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<sup>36</sup> UK, BG: all-terrain vehicles should be covered by T-category Regulation or by both Regulations, it should be possible that those vehicles are type-approved. COM: including ATVs in the L-category eliminates the confusion: either they are type-approved and subject to L-category Regulation or not, in which case they are governed by the Machinery Directive. This increases the functional safety of those vehicles. COM: see changes in the text.

- (f) agricultural or forestry vehicles subject to Directive 2003/37/EC of the European Parliament and of the Council<sup>37</sup>, machines subject to Directives 2006/42/EC<sup>38</sup> and 97/68/EC of the European Parliament and of the Council<sup>39</sup> and motor vehicles subject to Directive 2007/46/EC of the European Parliament and of the Council<sup>40</sup>;
- (g) vehicles primarily intended for off-road use and designed to travel on unpaved surfaces;
- (h) **pedal** cycles with pedal assistance-which are equipped with an auxiliary electric motor having a maximum continuous rated power of **less than or equal to 0.250 kW**, where the output of the motor is cut off when the cyclist stops pedalling and is otherwise progressively reduced and finally cut off as **before** the vehicle **speed** reaches a speed of 25 km/h<sup>41</sup>;
- (i) self-balancing **vehicles** ~~machines~~;
- (j) vehicles not equipped with at least one seating position;
- (k) vehicles equipped with any seating position of the driver or rider having the R-point height ≤ 540 mm in case of categories L1e, L3e and L4e or an R-point height ≤ 400 mm in case of categories L2e, L5e, L6e and L7e.**

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<sup>37</sup> OJ L 171, 9.7.2003, p. 1. *To be replaced by a reference to the new T-cat Regulation.*

<sup>38</sup> OJ L 157, 9.6.2006, p. 24.

<sup>39</sup> OJ L 59, 27.2.1998, p. 1

<sup>40</sup> OJ L 263, 9.10.2007, p. 1

<sup>41</sup> UK: The requirements for very low power electric pedal cycles (i.e. less than 250 Watts) where power assistance is not dependant on the rider pedalling should not be specified in road vehicle type approval legislation (Q 11/11). COM: there are no type-approval rules with regard to powered cycles <250 W, <25 km/h as these are out of scope of the type-approval legislation due to point (h).

## Article 3

### *Definitions*

For the purposes of this Regulation and the acts listed in Annex II, except as otherwise provided therein, the following definitions shall apply:

1. ‘type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements;
2. ‘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;
3. ‘whole-vehicle type-approval’ means a type-approval whereby an approval authority certifies that **an incomplete**, a complete **or completed** vehicle **type** satisfies the relevant administrative provisions and technical requirements;
4. ‘EU type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of this Regulation;
5. ‘EU type-approval certificate’ means the certificate based on the ~~model~~ **template** set out in the implementing act adopted under this Regulation or the communication form **set out in** ~~accompanying~~ the relevant ~~equivalent~~ UNECE regulations **referred to in this Regulation or its** ~~listed in the delegated acts~~ **Annex II**;
6. ‘system type-approval’ means a type-approval whereby an approval authority certifies that a system built into a vehicle of a specific type satisfies the relevant administrative provisions and technical requirements;
7. ‘separate technical unit type-approval’ means a type-approval whereby an approval authority certifies that a separate technical unit satisfies the relevant administrative provisions and technical requirements in relation to one or more specified types of vehicles;

8. 'component type-approval' means a type-approval whereby an approval authority certifies that a component independently of a vehicle satisfies the relevant administrative provisions and technical requirements;
9. '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;
10. 'individual approval certificate' means a document whereby the approval authority officially certifies that a particular vehicle is approved;
11. 'certificate of conformity' means a the document ~~that is based on the model set out in the implementing act and which is issued by the vehicle manufacturer, which to certify~~ies that a vehicle, at the time of its completion **produced<sup>42</sup> vehicle conforms** corresponds to a the type-approved of vehicle type ~~approved in accordance with this Regulation~~;
12. 'base vehicle' means any vehicle ~~covered by this Regulation~~ which is used at the initial stage of a multi-stage type-approval process;
13. 'incomplete vehicle' means any vehicle which must undergo at least one further stage of completion in order to meet the relevant technical requirements of this Regulation;
14. 'completed vehicle' means a vehicle resulting from the process of multi-stage type-approval which meets the relevant technical requirements of this Regulation;
15. 'complete vehicle' means any vehicle which need not be completed in order to meet the relevant technical requirements of this Regulation;

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<sup>42</sup> FR: keep "completion". (Q 26/11)

16. ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to the requirements of this Regulation or any of ~~the~~ its delegated or implementing acts;
17. ‘component’ means a device subject to the requirements of this Regulation or any of its delegated or implementing acts and ~~which~~ is intended to be part of a vehicle ~~and~~ which may be type-approved independently of a vehicle in accordance with this Regulation and its delegated or implementing acts where those acts make express provision for so doing;
18. ‘separate technical unit’ means a device ~~a combination of devices~~ subject to the requirements of this Regulation or any of its delegated or implementing acts and ~~which~~ is intended to be part of a vehicle, which ~~and~~ may be type-approved separately ~~in accordance with this Regulation and its delegated or implementing acts~~, but only in relation to one or more specified types of vehicle where those acts make express provision for so doing;
- 18a. ‘original parts or equipment’ means parts or equipment which are manufactured according to the specifications and production standards provided by the vehicle manufacturer for the production of parts or equipment for the assembly of the vehicle in question, including those parts or equipment which are manufactured on the same production line as these parts, or equipment and, based on a rebuttable presumption, parts or equipment for which the manufacturer certifies that the parts or equipment match the quality of the components used for the assembly of the vehicle in question and have been manufactured according to the specifications and production standards of the vehicle manufacturer;**
- 18b. ‘parts’ means goods used for the assembly of a vehicle as well as spare parts;**
- 18c. ‘spare parts’ means goods which are to be installed in or on a vehicle so as to replace original parts of that vehicle, including goods such as lubricants which are necessary for the use of a vehicle, with the exception of fuel;**

**18d. ‘equipment’ means any goods other than parts which can be added to or installed on a vehicle.**

19. **‘Functional safety’** means the absence of unacceptable risk of physical injury or of damage to the health of people **or to properties** owing to hazards caused by mal-functional behaviour of mechanical, hydraulic, pneumatic, electrical ~~and~~ or electronic systems, components or separate technical units;

**19a. ‘advanced brake system’ means an anti-lock brake system, a combined brake system or both.** *(moved from explanatory notes)*

**19b. ‘anti-lock brake system’ means a system that senses wheel slip and automatically modulates the pressure producing the braking forces at the wheel(s) to limit the degree of wheel slip.** *(moved from explanatory notes)*

**19c. ‘combined brake system’ means:**

**(a) for vehicle categories L1e and L3e: a brake system where at least two brakes on different wheels are operated by actuation of a single control;**

**(b) for vehicle category L4e: a service brake system where the brakes on at least the front and rear wheels are operated by actuation of a single control (if the rear wheel and sidecar wheel are braked by the same brake system, this is regarded as the rear brake);**

**(c) for vehicle categories L2e, L5e, L6e and L7e: a brake system where the brakes on all wheels are operated by actuation of a single control.** *(moved from explanatory notes)*

**19d. ‘automatically switching on’ means a lighting system turned on when the ignition switch or the engine on-off switch is in the on-position.** *(moved from explanatory notes)*

20. 'pollution control device' means those components of a vehicle that control and/or reduce tailpipe and/or evaporative emissions;

**20a. 'replacement pollution control device' means a device or an assembly of such devices that is intended to replace an original pollution control device and that can be approved as a separate technical unit as defined in the delegated acts to this Regulation.**

21. 'seating position' means: ~~a space declared by the manufacturer as one where the 50<sup>th</sup> percentile human dummy can be installed or a saddle;~~

**(a) a saddle accommodating either the driver or a passenger, which is used by sitting in a forward facing astride position or**

**(b) any seat facing the front which can accommodate at the minimum a person with the size of a anthropomorphic manikin of a 50<sup>th</sup> percentile adult male, in the case of the driver;**

22. 'compression ignition engine' means a combustion engine working according to the principles of the 'Diesel' **cycle** ~~combustion process~~ and is abbreviated as CI engine;

23. 'positive ignition engine' means a combustion engine working according to the principles of the 'Otto' **cycle** ~~combustion process~~ and is abbreviated as PI engine;

24. 'hybrid vehicle' means a powered vehicle equipped with at least two different energy converters and two different energy storage systems (on-vehicle) for the purpose of vehicle propulsion;

25. ‘hybrid electric vehicle’ means a ~~hybrid vehicle that, for the purpose of propulsion, draws energy from both of the following on-vehicle sources of stored energy~~ **a vehicle, including vehicles which draw energy from a consumable fuel only for the purpose of re-charging the electrical energy/power storage device, that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy/power:**
- (a) a consumable fuel,
  - (b) **a battery, capacitor, flywheel / generator or other** ~~an electrical~~ **energy or power** storage device;
26. ‘propulsion’ means a combustion engine, an electric engine, any hybrid application or a combination of these engine types or any other engine type;
- 26a. ‘maximum continuous rated power’ means the maximum thirty minutes power at the output shaft of an electric engine as set out in UNECE regulation 85;**
- 26b. ‘maximum net power’ means the maximum power of a combustion engine available on the test bench at the end of the crankshaft or equivalent component;**
27. ‘defeat device’ means any element of design which senses temperature, vehicle speed, engine speed and/or load, transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control and exhaust after-treatment system and which reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use;

28. ‘durability’ means the ability of components and systems to last so that the **environmental performance as laid down in Article 21 and Annex V** applicable emission limits can still be met after a mileage as defined in Annex VII and so that vehicle functional safety is **ensured** ~~guaranteed over the entire life of a vehicle~~, if the vehicle is used under normal or intended circumstances **and serviced according to the manufacturer's recommendations**;
29. ‘engine capacity’ means:
- (a) for reciprocating piston engines, the nominal engine swept volume,
  - (b) for rotary-piston (Wankel) engines, double the nominal engine swept volume;
30. ‘evaporative emissions’ means the hydrocarbon vapours lost from the fuel storage and supply system of a motor vehicle and are hydrocarbon emissions other than those from tailpipe emissions;
31. ‘SHED test’ means a vehicle test in a sealed house for evaporation determination, in which a special evaporative emission test is conducted ~~as defined in a delegated act~~<sup>43</sup>;
32. ‘gaseous-fuel system’ means a system composed of gaseous fuel storage, fuel supply, metering and control components fitted to an engine in order to allow the engine to run on LPG, CNG or hydrogen as a mono-fuel, bi-fuel or multi-fuel application;
33. ‘**gaseous** pollutant’ means the exhaust gas emissions of carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>) expressed in nitrogen dioxide (NO<sub>2</sub>) equivalent, ~~particulate matter (PM)~~, and hydrocarbons (HC);
34. ‘tailpipe emissions’ means the emission of pollutants at the tailpipe of the vehicle;
35. ‘particulate matter’ means components of the exhaust gas which are removed from the diluted exhaust gas at a maximum temperature of 325 K (52 °C) by means of the filters described in the test procedure for verifying average tailpipe emissions ~~in a delegated act~~;

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<sup>43</sup> NB: the delegation of power on SHED tests is in Article 21(12).

36. ‘World Motorcycle Testing Cycle’ means the world harmonised emission laboratory test cycle WMTC as defined by UNECE global technical regulation **No 2**;
37. ‘manufacturer’ means ~~the~~ **any natural or legal** person ~~or body~~ who is responsible to the approval authority for all aspects of the type-approval, **or** authorisation process, for ensuring conformity of production and who is also responsible for market surveillance concerns for their produced vehicles, systems, components and separate technical units, whether or not the **natural or legal** person ~~or body~~ is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;
38. ‘manufacturer’s representative’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to represent the manufacturer before the approval authority and to act on the manufacturer's behalf in matters covered by this Regulation;
39. ‘importer’ means any natural or legal person established within the Union who ~~sells~~ **places on the market**<sup>44</sup>, ~~registers or is responsible for the entry into service of a~~<sup>45</sup> vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** from a third country on the Union market;
40. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who ~~sells~~ **makes available**, ~~registers or is responsible for the entry into service of a~~<sup>46</sup> vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** on the Union market;
41. ‘economic operator’ means the manufacturer, the manufacturer’s representative, the importer or the distributor;

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<sup>44</sup> MT: this creates a problem for second-hand market, putting used and new vehicles on the same level. COM: new drafting should solve this.

<sup>45</sup> MT: insert "new" (Q 30/11).

<sup>46</sup> MT: insert "new" (Q 30/11).

42. ‘approval authority’ means the authority of a Member State established or appointed by the Member State, and notified to the Commission by the Member State, with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit ~~or of the individual approval of a vehicle~~, for the authorisation process, for issuing and, if appropriate, withdrawing **or refusing** approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding **the** conformity of production, **or of the individual approval of a vehicle**;
43. ‘market surveillance authority’ means an authority of a Member State responsible for carrying out market surveillance on its territory;
- 43a. ‘market surveillance’ means the activities carried out and measures taken by national authorities to ensure that vehicles, systems, components or separate technical units made available on the Union market comply with the requirements set out in the relevant Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;**
44. ‘national authority’ means an approval authority **responsible for approval of vehicles, systems, components or separate technical units covered by this Regulation**, ~~a market surveillance authority~~ or any other authority **involved in and responsible for market surveillance, border control or registration** in a Member State ~~involved in and responsible for type approval, registration, market surveillance or import control~~ **of the entry into the Union market** in respect of vehicles, systems, components or separate technical units, **parts or equipment** covered by this Regulation;
45. ‘technical service’ means an organisation or body designated by the approval authority of a Member State as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections, on behalf of the approval authority, **it being possible for the approval authority itself to carry out those functions**;

**45a. ‘In-service conformity testing’ means testing of a representative sample of vehicles from the market fleet in order to verify that the tailpipe and evaporative emissions and the functional safety and associated safety performance of the vehicle type continue to comply with the requirements of this Regulation, throughout the normal life of the vehicles under normal conditions of use;**

46. ‘self-testing’ means the performance of tests in its own facilities, the registration of the test results and the submission of a report, including conclusions, to the approval authority by a manufacturer that has been designated as a technical service in order to assess compliance with certain requirements;

47. ‘virtual testing method’ means computer simulations, including calculations, to demonstrate whether a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of ~~this Regulation or ©\_delegated and implementing acts~~ **referred to in Article 30(5)**, without requiring the use of a physical vehicle, system, component or separate technical unit;

48. ‘~~o~~**On-board diagnostics system or OBD system**’ is ~~means~~ **means** a ~~monitoring~~ system **which has the capability of** ~~able to identifying~~ the likely area of **malfunction by means of fault codes stored in a computer memory** ~~component or system malfunctioning, storing diagnostic trouble codes and environmental information in a computer memory, reporting these upon the request of a generic scan tool and warning the driver of severe functional safety and/or environmental concerns through illumination of the malfunction indicator light on the instrument panel;~~

49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information ~~shall~~ **includes** all information required for fitting ~~systems, components or separate technical units~~ **of parts and equipment** on vehicles;

50. ‘independent operator’ means undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of ~~motor~~ vehicles, **in particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative fuel vehicles;**
- 50a. ‘authorised repairer’ means a provider of repair and maintenance services for vehicles operating within the distribution system set up by a supplier of vehicles;
51. ~~‘new vehicle’ is a vehicle meeting one of the following conditions:~~
- ~~(a) has never been previously registered, or~~
  - ~~(b) has been registered for less than six months at the time of application for an individual approval;~~
52. ‘end-of-series vehicle’ means any vehicle that is part of a stock which cannot be sold **made available on the market or can no longer be made available on the market,** registered or enter into service owing to the entry into force of new technical requirements against which it has not been approved;
53. ‘powered two-wheeler’ means a powered two-wheel vehicle, including powered two-wheel cycles, two-wheel mopeds and two-wheel motorcycles, and is abbreviated as ‘PTW’;
54. ‘powered tricycle’ means a powered three-wheel vehicle meeting the classification criteria for L5e category vehicles;
55. ‘quadricycle’ means a four-wheel vehicle meeting the classification criteria for L6e or L7e category vehicles;
56. ‘self-balancing machine’ means a vehicle concept that is based on an inherent unstable equilibrium and needs an auxiliary control system to maintain its balance, and which includes powered one-wheel vehicles or powered two-wheel, two-track vehicles;

57. ~~‘on-road quad’ means a four-wheel vehicle designed to be driven on paved, public roads which meets the criteria for light on-road quads, category L6Ae, or heavy on-road quads, category L7Ae;~~
58. ~~‘trailer’ means any non-self-propelled vehicle designed and constructed to be towed by an L-category vehicle;~~
59. ‘twinned wheels’ means two wheels mounted on the same axle **of a L3e motorcycle** which are considered to be one wheel, whereby the distance between the centres of their areas of contact with the ground is equal to or less than 460 mm;
60. ‘registration’ means the administrative authorisation for the entry into service in road traffic of a vehicle, involving the identification of the latter and the issuing to it of a serial number, to be known as the registration number, be it permanently, temporarily or for a short period of time;
61. ‘entry into service’ means the first use, for its intended purpose, in the Union, of a vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** covered by this Regulation;
62. ~~‘sale’ means any sale, from vehicle manufacturer to retailer or the sale to the end user;~~
63. ~~‘to make **making** available on the market’~~ means any supply of a vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
64. ~~‘to place **placing** on the market’~~ means making available a vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** for the first time in the Union;
65. ‘vehicle type’ means a group of vehicles, including variants and versions of a particular category that do not differ in at least the following essential respects:
- (a) category ~~or~~ **and** subcategory;

- (b) manufacturer;
- (c) chassis, frame, sub-frame, floor pan or structure to which major components are attached;
- ~~(d) operating principles of their propulsion;~~
- (e) type designation given by the manufacturer;

66. 'variant' means a vehicle of the same type where:

- (a) the basic characteristics of the bodywork shape are the same;
- (b) they have the same propulsion and propulsion configuration;
- (c) where a combustion engine is part of the propulsion, they have the same engine operating cycle;
- (d) they have the same number and arrangement of cylinders;
- (e) they have the same type of gearbox;
- (f) the difference in mass in running order between the lowest value and the highest value does not exceed 20% of the lowest value;
- (g) the difference in the maximum permissible mass between the lowest value and the highest value does not exceed 20% of the lowest value;
- (h) the difference in the cylinder capacity of the power unit (in the case of a combustion unit) between the lowest value and the highest value does not exceed 30% of the lowest value; **and**
- (i) the difference in the power output of the power unit between the lowest value and the highest value does not exceed 30% of the lowest value; **;**

67. 'version' means a vehicle which consists of a combination of items shown in the information package referred to in Article 27(10); **;**

- 67a. ‘external combustion engine’ means a heat engine in which combustion and expansion chambers are physically separated and where an internal working fluid is heated by combustion in an external source. Heat from the external combustion expands the internal working fluid which then by expanding and acting on the mechanism of the engine, produces motion and usable work;**
- 68. ‘powertrain’ means the components and systems of a vehicle that generate power and deliver it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution environmental protection control devices including pollutant emissions and noise abatement systems, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius); [moved from Article 18]**
69. ‘mono fuel vehicle’ means a vehicle that is designed to run primarily on one type of fuel; A ‘mono fuel gas vehicle’ means a monofuel vehicle that primarily runs on LPG, NG/biomethane, or hydrogen but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 5 litres of petrol;
- 69a. ‘mono fuel gas vehicle’ means a monofuel vehicle that primarily runs on LPG, NG/biomethane, or hydrogen but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 5 litres of petrol;**
- 70. ‘E5’ means a fuel blend of 5% anhydrous ethanol and 95% gasoline;**
- 71. ‘LPG’ means liquefied petroleum gas which is composed of propane and butane liquefied by storage under pressure;**
- 72. ‘NG’ means natural gas containing a very high methane content;**
- 72a. ‘Biomethane’ means a renewable natural gas made from organic sources that starts out as ‘biogas’ but then is cleaned up in a process called ‘biogas to biomethane’ which removes the impurities in biogas such as carbon dioxide, siloxanes and hydrogen sulfides (H<sub>2</sub>S);**

- ~~73. 'H<sub>2</sub>' means hydrogen and only NO<sub>x</sub> emissions shall be determined when the propulsion combusts hydrogen;~~
74. 'bi fuel vehicle' means a vehicle with two separate fuel storage systems that can run part-time on two different fuels and is designed to run on only one fuel at a time;
- 74a. 'bi fuel gas vehicle' means a bi fuel vehicle that can run on petrol and also on either LPG, NG/biomethane or hydrogen;
75. 'flex fuel vehicle' means a vehicle with one fuel storage system that can run on different blends of two or more fuels;
76. 'E85' means a fuel blend of 85% anhydrous ethanol and 15% gasoline;
77. 'flex fuel ethanol vehicle' means a flex fuel vehicle that can run on petrol or a mixture of petrol and ethanol up to an 85 per cent ethanol blend;
78. 'H<sub>2</sub>NG' means a fuel blend of hydrogen and natural gas.
- 78a. 'flex fuel H<sub>2</sub>NG vehicle' means a flex fuel vehicle that can run on different blends of hydrogen and NG/biomethane;
79. 'flex fuel biodiesel vehicle' means a flex fuel vehicle that can run on mineral diesel or a blend of mineral diesel and biodiesel;

- 80. 'B5' means a fuel blend of up to 5% biodiesel and 95% petroleum diesel.**
- 81. 'biodiesel' means a vegetable oil- or animal fat-based diesel fuel consisting of long-chain alkyl esters produced in a sustainable way.**
- (81a) 'pure electric vehicle' means a vehicle powered by:**
- (a) a system consisting of one or more electric energy storage devices, one or more electric power conditioning devices and one or more electric machines that convert stored electric energy to mechanical energy delivered at the wheels for propulsion of the vehicle;**
- (b) an auxiliary electric propulsion fitted to a vehicle designed to pedal.**
- 82. 'pure electric vehicle' means a vehicle powered by an electric power train only, without systems for recharging the electrical energy/power storage device using a consumable fuel.**
- 83. 'hydrogen fuel cell vehicle' means a vehicle powered by a fuel cell that converts chemical energy from hydrogen into electric energy, for propulsion of the vehicle;**
- 84. 'R-point' or 'seating reference point' means a design point defined by the vehicle manufacturer for each seating position and established with respect to the three-dimensional reference system.**

*Article 4*

***Vehicle categories***

1. L-category vehicles comprise powered two-, three- and four-wheel vehicles as categorised in **this Article** ~~the following paragraphs~~ and Annex I, including powered cycles, two- and three-wheel mopeds, two- and three-wheel motorcycles, motorcycles with side-cars, light and heavy on-road quads, and light and heavy **quadri-mobiles** ~~mini-cars~~.

2. For the purposes of this Regulation, the following vehicle categories and subcategories **shall** apply, as described in Annex I:

(a) Category L1e vehicle (light two-wheel powered vehicle), sub-categorised into:

(i) L1Ae vehicle (powered cycle)<sup>47</sup>;

(ii) L1Be vehicle (two-wheel moped).

(b) Category L2e vehicle (three-wheel moped) **sub-categorised into:**

**(i) L2e-P vehicle (three-wheel moped designed for passenger transport);**

**(ii) L2e-U vehicle (three wheel moped designed for utility purposes).**

(c) Category L3e vehicle (two-wheel **or twinned wheel** motorcycle), sub-categorised by:

(i) motorcycle performance<sup>48</sup>, further sub-categorised into:

– **L3e - A1** vehicle (low-performance motorcycle);

– **L3e - A2** vehicle (medium-performance motorcycle);

– **L3e - A3** vehicle (high-performance motorcycle).

**(ia) special use<sup>49</sup>:**

– **L3e - A1E, L3e-A2E or L3e-A3E enduro motorcycles;**

– **L3e - A1T, L3e-A2T or L3e-A3T trial motorcycles.**

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<sup>47</sup> RO: replace L1Ae and L1Be with L1e-A and L1e-B (Q 2/12).

<sup>48</sup> OJ L 403, 30.12.2006, recast Driving Licence Directive 2006/126/EC, p. 21, performance definitions, categories A1 and A2.

<sup>49</sup> FR: scrutiny reservation.

~~(ii) maximum designed vehicle speed:~~

~~— lower than or equal to 130 km/h;~~

~~– higher than 130 km/h.~~

(d) Category L4e vehicle (two-wheel motorcycle with side-car)<sup>50</sup>.

(e) Category L5e vehicle (powered tricycle), sub-categorised into:

(i) ~~Subcategory L5Ae vehicle (tricycle),~~ **vehicle mainly designed for passenger transport**<sup>51</sup>;

(ii) ~~Subcategory L5Be vehicle (commercial tricycle), further sub-categorised in :~~

~~— L5Be – U vehicle: utility tricycle exclusively designed for the carriage of goods;~~

~~— L5Be – P vehicle: vehicle mainly designed and used for passenger transport.~~

(f) Category L6e vehicle (light quadricycles), sub-categorised into:

(i) L6Ae vehicle (light on-road quad)<sup>52</sup>;

(ii) L6Be vehicle (light **quadri-mobile** ~~mini-car~~), further sub-categorised into:

– L6Be – U vehicle: utility vehicle exclusively designed for the carriage of goods;

– L6Be – P vehicle: vehicle mainly designed ~~and used~~ for passenger transport.

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<sup>50</sup> RO: create sub-divisions for category L4e as well (Q 2/12): add: " sub-categorised by motorcycle performance into:

- L4e-A1 vehicle (low-performance motorcycle);  
- L4e-A2 vehicle (medium-performance motorcycle);  
- L4e-A3 vehicle (high-performance motorcycle)."

COM: this is indirectly addressed in Annex I, criterion (4) "complying with the classification and sub classification criteria for L3e vehicles and...".

<sup>51</sup> RO: replace L5Ae and L5Be with L5e-A and L5e-B (Q 2/12).

<sup>52</sup> RO: replace L6Ae and L6Be with L6e-A and L6e-B, as well as L6Be-U and L6Be-P with L6e-BU and L6e-BP (Q 2/12).

(g) Category L7e vehicle (heavy quadricycles), sub-categorised into<sup>53</sup>:

(i) ~~Subcategory-L7Ae~~ vehicle (heavy on-road quad)<sup>54</sup>;

**(ii) L7Be vehicle (all terrain vehicle) subcategorised into;**<sup>55</sup>

**- L7Be-ATV: All Terrain Vehicle (ATV);**

**- L7Be-SbS: Side-by-Side vehicle (SbS);**

(iii) ~~Subcategory-L7BCe~~ vehicle (heavy **quadri-mobile** ~~mini-car~~), sub-categorised into<sup>56</sup>:

- L7BCe – U vehicle: utility vehicle exclusively designed for the carriage of goods;

- L7BCe – P vehicle: vehicle mainly designed ~~and used~~ for passenger transport.

3. The L-category vehicles listed in paragraph 2 are further classified according to the propulsion of the vehicle into the following sub-categories:

(a) propelled with an internal combustion engine:

- compression ignition (CI);

- positive ignition (PI);

(b) propelled with an external combustion engine, a turbine or a rotary piston engine, whereby, for the purpose of complying with environmental and functional safety requirements, a vehicle equipped with such a propulsion is considered the same as a vehicle propelled with a PI internal combustion engine;

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<sup>53</sup> DE: reservation on L7e category because some types of vehicles are not included (quads of more than 15 KW).

<sup>54</sup> RO: replace L7Ae, L7Be, L7Ce, L7Ce-U and L7Ce-P with respectively L7e-A, L7e-B, L7eC, L7e-CU and L7e-CP (Q 2/12).

<sup>55</sup> UK, BG: Delete 2(g)(ii). ATVs should be considered either as T category under agricultural regulation or placed in one of the existing L7 categories if intended for use on the road. AM 38, and 117-119 to Annex I on ATVs and SbSs.

<sup>56</sup> BG: reservation on this subdivision.

- (c) propelled by an engine that runs on pre-compressed air and does not emit higher levels of pollutants and/or inert gases than the levels present in ambient air, whereby, with regard to functional safety requirements and fuel storage and supply, such a vehicle is considered to be a vehicle operated on gaseous fuel;
  - (d) propelled with an electric engine;
  - (e) a hybrid vehicle that combines any propulsion configuration referred to in the preceding subparagraphs (a), (b), (c) or (d) or any multiple combination of these propulsion configurations including multiple combustion and/or electric engines.
4. As regards the ~~categorisation~~ **classification** of L-category vehicles in paragraph 2, a vehicle that does not come under a certain category because it exceeds at least one of the criteria stipulated for that category falls into the next category whose criteria it meets. This applies to the following groups of categories and subcategories:
- (a) category L1e with its subcategories L1Ae and L1Be and category L3e with its subcategories L3e - A1, L3e - A2 and L3e - A3;
  - (b) category L2e and category L5e with its subcategories L5Ae and L5Be;
  - (c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories L7Ae, ~~and L7Be~~ **and L7Ce**;
  - (d) any other logical sequence of categories and/or subcategories proposed by the manufacturer and approved by the type-approval authority.
- 5. Notwithstanding the (sub-)classification criteria set-out in paragraphs 1 to 4 and Annex I, additional subcategories shall apply as set out in Annex V, in order to harmonise environmental test procedures at the international level by referring to UNECE regulations and UNECE global technical regulations.**

Article 4a

Mass in running order determination

The mass in running order of an L-category vehicle shall be determined by measuring the mass of the unladen vehicle ready for normal use and:

- (a) include the mass of liquids and;
- (b) include the mass of standard equipment in accordance with the manufacturer's specifications and;
- (c) include the mass of 'fuel' in the fuel tank(s) that shall be filled to at least 90 % of its or their capacity(ies):
  - (i) if a vehicle is propelled with a 'liquid fuel' this shall be considered as 'fuel' under point (c) or;
  - (ii) if a vehicle is propelled with a liquid 'fuel / oil mixture':
    - (1) if fuel to propel the vehicle and lubrication oil are pre-mixed then this 'pre-mixture' shall be considered as 'fuel' under point (c);
    - (2) if fuel to propel the vehicle and lubrication oil are stored separately then only 'fuel' propelling the vehicle shall be considered as 'fuel' under point (c);

or;

- (iii) if a vehicle is propelled by a gaseous fuel, a liquefied gaseous fuel or is running on compressed air, the mass of 'fuel' in the gaseous fuel tank(s) under point (c) may be set to 0 kg;

and:

- (d) include the mass of the bodywork, the cabin, the doors and;**
- (e) include the masses of glazing, the coupling, the spare wheel(s) as well as the mass of tools and;**
- (f) exclude the mass of the driver (75 kg) and passenger (65 kg ) and;**
- (g) exclude the mass of the machines or equipment installed on the load platform area;**
- (h) in the case of a hybrid or fully electric-propelled vehicle, exclude the mass of the propulsion battery/ies and;**
- (i) in the case of (a) mono- , bi- or multi-fuel vehicle(s), exclude the mass of a gaseous-fuelling system as well as the mass of storage tanks for gaseous fuel and;**
- (j) in the case of pre-compressed air propulsion, exclude the mass of storage tank(s) to store compressed air.**

## CHAPTER II

### GENERAL OBLIGATIONS

#### *Article 5*

##### *~~General~~ Obligations of Member States and national authorities*

1. Member States shall establish ~~and~~ or appoint the ~~type-approval~~ authorities competent in matters concerning approval and the market surveillance authorities competent in matters concerning market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities ~~in accordance with Article 68.~~

The notification of the ~~type-approval~~ and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. The Commission shall publish on its website a list and details of the approval authorities.

2. ~~National authorities~~ Member States shall permit ~~sale~~ placing on the market, registration ~~and~~ or entry into service of; only such vehicles, components and separate technical units that satisfy the requirements of this Regulation.
3. ~~National authorities~~ Member States shall not prohibit, restrict or impede ~~the sale~~ placing on the market, ~~the~~ registration or entry into service of vehicles, systems, components or separate technical units; ~~or their sale or their use on the road~~ on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units ~~entering~~ **being placed on** the Union market in accordance with Chapter III of Regulation (EC) No 765/2008 **of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products.**<sup>57</sup>

*Article 6*

***General ~~o~~Obligations of approval authorities***

1. Approval authorities shall ensure that manufacturers applying for type<sup>58</sup>-approval comply with their obligations under this Regulation.
2. Approval authorities shall approve only **such** vehicles, systems, components or separate technical units that satisfy the requirements of this Regulation.

***Article 6 a***

***Market surveillance measures***

- 1. For type-approved vehicles, systems, components and separate technical units market surveillance authorities shall perform, on an adequate scale, appropriate documentary checks, taking into account established principles of risk assessment, complaints and other information.**

**Market surveillance authorities may require economic operators to make such documentation and information available as deemed necessary for the purpose of carrying out their activities.**

**Where economic operators present certificates attesting conformity, market surveillance authorities shall take due account of such certificates.**

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<sup>57</sup> **OJ L 218, 13.8.2008, p. 30.**

<sup>58</sup> "type" should be re-inserted in the whole text if individual approvals are excluded from scope.

**2. For parts and equipment other than those covered in paragraph 1 Article 19 (1) of Regulation (EC) No 765/2008 applies in its entirety.**

*Article 7*

***Obligations of manufacturers***

1. Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are sold **placed on the market** or are entering into service, these are manufactured and approved in accordance with the requirements set out in this Regulation and the delegated and implementing acts adopted under this Regulation.
  - 1a.** In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. Any manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of ~~these~~ **the modified** components and systems.
2. Manufacturers who modify the incomplete vehicle **in** such **a manner** that it qualifies as a different category of vehicle, with the consequence that the legal requirements already assessed in a previous stage of approval have changed, are also responsible for compliance with the ~~changed~~ **applicable** requirements **to the category of vehicles for which the modified vehicle qualifies.**
3. For the purposes of approval of vehicles, systems, components or separate technical units covered by this Regulation manufacturers established outside the Union shall appoint a single representative established within the Union to represent them before the approval authority.
4. **Manufacturers established outside the Union** They shall furthermore appoint a **single** representative **established within the Union** for the purposes of market surveillance, which may be the representative referred to in the ~~second~~ paragraph **3** or one additional representative.

5. Manufacturers shall be responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not they are directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.
6. **In accordance with the specific provisions of this Regulation and the delegated and implementing acts adopted under this Regulation, m**Manufacturers shall ensure that procedures are in place for series production to remain in conformity **with the approved type**. Changes in design of a vehicle, system, component or separate technical unit or characteristics and changes in the requirements to which a vehicle, system, component or separate technical unit is declared to conform shall be adequately taken into account.
7. In addition to the statutory marking and type-approval marks fixed to their vehicles, ~~systems~~, components or separate technical units in accordance with Article 37, manufacturers shall indicate their name, registered trade name or registered trade mark and the address **in the European Union** at which they can be contacted on their vehicles, ~~systems~~, components or separate technical units **made available on the Union market** or, where that is not possible for ~~systems~~, components or separate technical units, on the packaging or in a document accompanying the ~~system~~, component or separate technical unit. ~~The address must indicate a single point at which the manufacturer can be contacted.~~
8. Manufacturers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

Article 8

***Obligations of manufacturers concerning ~~conformity of a vehicle, system, component or separate technical unit~~ their products that are not in conformity or do present a serious risk***

1. Manufacturers who ~~suspect~~ ~~consider~~ ~~or have reason to believe~~ that ~~when~~ their vehicle, system, component or separate technical unit ~~which~~ that has been sold ~~placed on the market~~ placed on the market or entered ~~ed~~ into service is not in conformity with this Regulation or the delegated and implementing acts adopted under this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.

**The manufacturer shall immediately inform the approval authority which granted the approval, giving details, in particular, of the non-compliance and of any corrective action taken.**

2. Where the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** presents a **serious** risk, manufacturers shall immediately inform<sup>59</sup> the market surveillance and approval authorities of the Member States in which the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** was ~~sold~~ **made available on the market** or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.<sup>60 61</sup>

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<sup>59</sup> FR, MT: a specific format is needed. COM: Article 22 of Reg. 765/2008 (RAPEX) will apply.

<sup>60</sup> DE: create new Article 8a with paras. 2 to 4 and modify them as follows (Q19/11):  
"1. Where the vehicle, system, component or separate technical unit presents a serious risk, manufacturers shall immediately inform **his approval authority and** the market surveillance **authorities** of the Member States in which the vehicle, system, component or separate technical unit was made available or had entered into service to that effect, giving details, in particular, of the **serious risk** and any corrective measures taken.  
2. Manufacturers shall keep the information package referred to in Article 28(1) and in addition the vehicle manufacturer shall keep a copy of the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years after the placing on the market of the vehicle and for a period of at least 5 years as from the placing on the market for a ~~system~~, component or separate technical unit.  
3. Manufacturers shall, following a reasoned request from a competent Member State authority, provide it through the type-approval authority with a copy of the EU type-approval certificate demonstrating conformity of the vehicle, system, component or separate technical unit, in a language which can be easily understood by that authority. Manufacturers shall cooperate with the Member State authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the **serious** risks posed by their vehicles, systems, components or separate technical units which have been placed on the market, registered or entered into service."

<sup>61</sup> FI: replace with: "2. Where the vehicle, system, component or separate technical unit presents a **serious** risk, manufacturers shall immediately inform the market surveillance and approval authorities of the Member States in which the vehicle, system, component or separate technical unit was approved and ensure sold **made available on the market** or had entered into service to that effect, the availability of all the information needed especially giving details, in particular, of the non-conformity and any corrective measures taken. Type approval authority will based on this information immediately notify itself or through the market surveillance authority in its territory to the Commission in accordance with article 22 of Regulation (EC) No 765/2008." (Q 25/11).

3. Manufacturers shall keep the information ~~folder package~~ referred to in Article ~~25-27(10)~~ and **in addition the vehicle manufacturer shall keep a copy of the** certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years **after the placing on the market of the vehicle and for a period of at least 5 years after the placing on the market for a system, component or separate technical unit.**
4. Manufacturers shall, following a substantiated **reasoned** request from a competent ~~national~~ **Member State** authority, provide it ~~with all the information and documentation~~ **that authority through the type-approval authority or the authorisation referred to in Articles 53(1) and 53(2)** necessary to demonstrate ~~ing the~~ conformity of the vehicle, system, component or separate technical unit, in **a language which can be easily understood by** ~~one of the official languages of the Member State of that authority.~~ Manufacturers shall cooperate with the ~~national~~ **Member State** authority, ~~at its request,~~ on any action taken **in accordance with Article 20 of Regulation (EC) No 765/2008** to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been ~~sold~~ **placed on the market**, registered or entered into service.<sup>62</sup>

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<sup>62</sup> BG: scrutiny reservation.

Article 9

***Obligations of manufacturers's representatives concerning market surveillance***<sup>63</sup>

The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate received from the manufacturer. This mandate shall allow ~~the~~ **a** representative to do at least the following:

- (~~1a~~) ~~keep~~ **have access to** the information ~~folder~~ referred to in Article 25 and the certificates of conformity referred to in Article 36 ***so that they can be placed*** at the disposal of the approval authorities for a period of at least 10 years ***after the placing on the market of the vehicle and for a period of at least 5 years after the placing on the market for a system, component or separate technical unit.***
- (~~2b~~) following a ~~substantiated~~ **reasoned** request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity **of production** of a vehicle, system, component or separate technical unit;<sup>64</sup>
- (~~3c~~) cooperate with the market surveillance ~~and/or~~ approval authorities<sup>65</sup>, at their request, on any action taken to eliminate the **serious** risk posed by vehicles, systems, components, ~~or~~ separate technical units, **parts or equipment** covered by their mandate.

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<sup>63</sup> DE: This Art. should apply only to type-approved products.

<sup>64</sup> DE: Delete this para. (Q 19/11). IT. supports. COM, FI: point (a) is essential.

<sup>65</sup> DE: replace with "[...] and his approval authority, if applicable [...]" (Q 19/11)

Article 10

~~General~~ Obligations of importers

1. Importers shall sell ~~place on the market,~~ or register or be responsible for entry into service only compliant vehicles, systems, components or separate technical units ~~on the Union market~~ **which have either received EU type-approval<sup>66</sup> or which fulfil the requirements for national or individual approval, or parts or equipment entirely subject to the requirements of Regulation (EC) No 765/2008.**
2. Before the sale ~~placing on the market,~~ registration or entry into service of a **type-approved** vehicle, system, component or separate technical unit, importers shall ensure that the vehicle, system, component or separate technical unit is EU type approved. ~~Importers shall ensure that there~~ **re is an** information package ~~complies~~ **ying** with the requirements of Article 27(10)<sup>67</sup>, that the vehicle, system, component or separate technical unit bears the required type-approval mark **and complies with Article 7(7). In the case of a vehicle, the importer shall verify that the vehicle** is accompanied by the required **certificate of conformity** documents, ~~complies with Article 7(7) and that the manufacturer has complied with the requirements of Article 7(6).~~

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<sup>66</sup> CZ: replace this last phrase with the following:

"... which have either received EU type-approval or for which a national type-approval of small series or an individual approval pursuant to this Regulation was granted and such approval was subsequently received by the authority of the respective Member State."

<sup>67</sup> DE: delete " that there **re is an** information package ~~complies~~ **ying** with the requirements of Article 27(10)" (Q19/11). Only the manufacturer can fulfil this obligation. Administrative burden for the manufacturer and the importer. Redundant for type-approved products. Support FR.

- 3.<sup>68</sup> Where importers consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval **or individual approval**, they shall not ~~sell~~ **place on the market, allow its entering into service** or register the vehicle, system, component or separate technical unit until it has been brought into conformity.
- Furthermore, where they **suspect** ~~consider or have reason to believe~~ that the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** presents a **serious** risk, they shall inform the manufacturer, **and** the market surveillance ~~and approval~~ authorities.
- For type-approved vehicles, systems, components and separate technical units they shall also inform the approval authority that has granted the approval to that effect.**
4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment**, or, where this is not possible ~~for systems, components or separate technical units~~, on its packaging or in a document accompanying the system, component, ~~or~~ separate technical unit, **part or equipment**.
5. Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by the required instructions and information, as required in accordance with Article ~~58~~ **59**, in the official languages of the Member States concerned.
6. Importers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

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<sup>68</sup> FI: delete paras. 3., 4. and 7. (Q 25/11).

7. When deemed appropriate with regard to the **serious** risks presented by a vehicle, system, component, ~~or separate technical unit,~~ **part or equipment**, importers shall, to protect the health and safety of consumers, investigate and, if necessary, keep a register of complaints and recalls of ~~non-conforming~~ vehicles, systems, components, ~~or separate technical units,~~ **parts or equipment** and keeping distributors informed of such monitoring.

*Article 11*

***Obligations of importers concerning ~~conformity~~<sup>69</sup> of a vehicle, system, component or separate technical unit their products that are not in conformity or do present a serious risk***

1. Importers who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have sold **placed on the market**, registered or are responsible for the entry into service is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.<sup>70</sup>

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<sup>69</sup> DE: replace "conformity" with "market surveillance" (Q 19/11). Support FI (Q25/11).

<sup>70</sup> DE: delete para. 1 and replace as follows (Q 19/11) Support FI (Q25/11).:

"1. When making a vehicle, system, component or separate technical unit available on the market, importers shall act with due care in relation to the requirements of this Regulation.

2. Where importers suspect that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not make available, register or enter into service the vehicle, system, component or separate technical unit until it has been brought into conformity.

Importers who suspect that a vehicle, system, component or separate technical unit which they have made available on the market or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall inform the manufacturer or the manufacturer's representative to make sure that the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, if appropriate, are taken in accordance with Article 8(1)."

2. Where a vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** presents a **serious** risk<sup>71</sup>, importers shall immediately inform **thereof** the market surveillance and approval<sup>72</sup> authorities of the Member States in which they have made the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** available **on the market** ~~to that effect~~, giving details, in particular, of the ~~non-conformity~~ **serious risk** and any corrective measures taken.<sup>73</sup>
3. Importers shall, for a period of 10 years **after the placing on the market of the vehicle and for a period of at least 5 years as from the placing on the market for a system, component or separate technical unit**, keep a copy of the certificate of conformity at the disposal of the market surveillance and approval authorities and ensure that the information package as referred to in Article 27(10) can be made available to those authorities, upon request.
4. Importers shall, following a ~~substantiated~~ **reasoned** request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in ~~one of the official languages of the Member State of~~ **a language which can be easily understood by** that authority<sup>74</sup>. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** which they have ~~sold~~ **placed on the market**, ~~registered or are responsible for entry into service of a vehicle, system, component or separate technical unit.~~

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<sup>71</sup> UK: questions the notion of risk in this context.

<sup>72</sup> DE: delete "and approval" (Q 19/11).

<sup>73</sup> FI: one single contact point should exist for economic operators.

<sup>74</sup> NB: From NLF, see for e.g. construction products (Article 11(8)), Regulation 305/2011 of 4.11.2011, OJ L 88, p.5.

Article 12

*General ~~o~~ Obligations of distributors*

1. Distributors shall act with due care in relation to the requirements applicable in the case of the sale making available on the market, ~~registration or entry into service~~ of a vehicle, system, component, ~~or~~ separate technical unit, part or equipment.
2. Before ~~selling~~ making available on the market, ~~registration~~ ering or the entry into service of a vehicle, system, component or separate technical unit, distributors shall verify that the vehicle, system, component or separate technical unit bears the required statutory plate marking or type-approval mark, that it is accompanied by the required documents and by instructions and safety information in the official languages of the Member State in which the vehicle, system, component or separate technical unit is to be sold made available on the market, ~~registered or enters into service~~, and that the manufacturer and the importer have complied with the requirements set out in Articles ~~7(6), 7(7)~~ 10(2), and 10 (4) and 37 (1) and (2).
3. Distributors shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.<sup>75 76</sup>

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<sup>75</sup> DE: too many obligations on distributors. There is the certificate of conformity. Not needed for components. Number of type approval. Differentiate between type approval (these procedures are too heavy in addition to type approval) and non type approved non conform products where market surveillance should focus.

<sup>76</sup> FR: need to address the issue of supply of vehicles in parts, where remounting becomes production. AT: support. Differentiate which economic operator would be importer/distributor.

Article 13

***Obligations of distributors concerning ~~conformity of a vehicle, system, component or separate technical unit~~ their products that are not in conformity or do present a serious risk***

1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not ~~sell~~ **make available**, ~~or register~~ **or enter into service** the vehicle, system, component or separate technical unit ~~and shall prevent its entry into service~~ until it has been brought into conformity.
2. Distributors who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have ~~sold~~ **made available on the market** or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall **inform the manufacturer or the manufacturer's representative to** make sure that the corrective measures<sup>77</sup> ~~are taken~~ necessary to bring that vehicle, system, component or separate technical unit into conformity, ~~to withdraw it or to recall it, as if~~ appropriate, **are taken in accordance with Article 8(1) or 11(1)**.

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<sup>77</sup> FI: difficult for small distributors. Need for one contact point.

3. Where the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** presents a **serious** risk, distributors shall immediately inform ~~to that effect~~ **thereof**, and ~~giving~~ **give** details, in particular, of the ~~non-conformity~~ **serious risk** and of any corrective measures taken **by the manufacturer**, the market surveillance and approval authorities of the Member States in which they sold **made available on the market**, ~~registered or in which distributors were responsible for the entry into service of the vehicle, system, component, or~~ separate technical unit, **part or equipment** as well as the manufacturer and the importer **of any action taken**.
4. Distributors shall, following a ~~substantiated~~ **reasoned** request from a national authority, ~~provide it with~~ **ensure that the manufacturer provide**<sup>78</sup> **the national authority with the information specified in article 8 (4) or that the importer provide the national authority with the information specified in Article 11 (3)** all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit. They shall cooperate with that authority, at its request, on any action taken **in accordance with Article 20 of Regulation (EC) No 765/2008** to eliminate the risks posed by the vehicle, system, component, ~~or~~ separate technical unit, **part or equipment** which they have sold **made available on the Union market** ~~or registered or for which they were responsible for its entry into service.~~

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<sup>78</sup> DE: the distributor does not have the power to oblige the manufacturer to provide such information. FI: authentic documents are anyway kept by the approval authority.

Article 14

**Cases in which ~~Additional~~ obligations of manufacturers apply to importers and distributors** <sup>79</sup>

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Articles 7 to 9, where the importer or distributor sells **makes available on the market**, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark or modifies<sup>80</sup> a vehicle, system, component or separate technical unit already sold **made available on the market**, registered or entered into service in such a way that compliance with the applicable requirements may be affected.

Article 15

***Identification of economic operators***

Economic operators shall, on request, identify the following to the market surveillance and approval authorities, for a period of 10 years **for a vehicle and for a period of 5 years for a system, component, separate technical unit, part or equipment**:

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

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<sup>79</sup> DE: delete Article 14 (Q 19/11).

<sup>80</sup> AT, NL, SI: opposed to this addition. DE, UK: assembling is often in conformity with producer. The change should relate to changing the features of a type-approval. BG: a vehicle already entered into service cannot be considered new.

# CHAPTER III

## SUBSTANTIVE REQUIREMENTS

### *Article 16*

#### *General substantive requirements*

1. L-category vehicles and systems, components and separate technical units intended for such vehicles shall comply with the requirements listed in Annexes II to VIII **applicable to the relevant vehicle (sub)-categories.**
- 1a. L-category vehicles or their systems, components or separate technical units, whose electromagnetic compatibility is fully addressed in the delegated act regarding vehicle construction and the implementing act adopted under this Regulation, shall not be subject to the requirements of Directive 2004/108/EC on the approximation of the laws of the Member States relating to electromagnetic compatibility<sup>81</sup>.**

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<sup>81</sup> **OJ L 390, 31.12.2004, p. 24–37.**

2. In order to **complete the L-category vehicle type-approval requirements laid down in this Regulation** ensure a high level of safety and environmental protection, the Commission shall **adopt delegated acts in accordance with Article 76 concerning the** lay down detailed technical requirements **and test procedures as summarised in Annex II (A), (B) and (C)**<sup>82</sup>, **thereby ensuring a high level of safety and environmental protection as defined in the relevant provisions of this Regulation**<sup>83</sup> including test procedures and limit values where applicable, only for requirements other than the environmental limits and thresholds listed in Annex VI and VII to this Regulation, by means of delegated acts in accordance with Articles 76, 77 and 78.<sup>84</sup> <sup>85</sup> **The first set of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

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<sup>82</sup> FR: add: "except technical requirement listed in point C1." (Q 4/12)

<sup>83</sup> *In order to define that high level of safety relates to Annex VIII / Annex II Part B.*

<sup>84</sup> FR: reservation depending on Article 76, concerning some detailed technical requirements it should be decided either by delegated acts or by Ordinary legislative procedure. (Q 26/11)

IT, UK: support: essential requirements (e.g. on limit values) should be included in the provisions of this Regulation.

<sup>85</sup> UK: add a new point 3 as follows:

"3. Any measures adopted in accordance with paragraph 2 shall be preceded by an evaluation resulting in a report and strive for a fair balance between the following elements:

(a) the existence of a serious risk to the safety or environmental performance of the technical requirements under consideration; and

(b) the effect n consumers and manufacturers (including in the after-market) of the imposition under this Article of any additional requirements." (Q 11/11)

## Article 17

### **Prohibition of defeat devices**

The use of defeat devices that reduce the effectiveness of safety, electromagnetic compatibility, the on-board diagnostics system, sound abatement or ~~of~~ pollutant emission abatement systems shall be prohibited. An element of design shall not be considered a defeat device if any of the following conditions is met:

- (1a) the need for the device is justified in terms of protecting the engine against damage or accident and ensuring safe operation of the vehicle;
- (2b) the device does not function beyond the requirements of engine starting;
- (3c) the operating conditions are included to a substantial extent in the test procedures for verifying if the vehicle complies with this Regulation and with its delegated and implementing acts.

## Article 18

### *Measures regarding modifications to the powertrain of vehicles*<sup>86</sup>

1. ~~For the purposes of this Article, 'p~~**Powertrain**~~' means the components and systems of a vehicle that generate power and deliver it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution environmental protection control devices including pollutant emissions and noise abatement systems, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius). [moved to Article 3 (68)].~~

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<sup>86</sup> UK: scrutiny reservation. FR, UK: define better increased anti-tampering measures.

2. **Vehicle manufacturers shall equip** L-category vehicles, **with the exception of subcategories L3e-A3 and L4e-A3,** shall be equipped with designated **features** measures to prevent tampering of a vehicle's powertrain, ~~to be laid down in a delegated act~~ by means of a series of technical requirements and specifications with the aim:
- (a) to prevent modifications that may prejudice safety, in particular<sup>87</sup> by increasing vehicle performance through tampering with the powertrain in order to increase the maximum torque and/ or power and/or maximum designed vehicle speed **which have been duly established during the type-approval procedure as followed by the manufacturer of the vehicle** as declared by the manufacturer of a vehicle upon type approval, and/or
  - (b) to prevent damage to the environment.
3. The Commission shall **adopt delegated acts in accordance with Article 76 concerning** lay down the specific requirements regarding the measures referred to in paragraph 2 **and in order to facilitate compliance with paragraph 5 of this Article** by means of a delegated act adopted in accordance with Articles 76, 77 and 78. **The first set of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**<sup>88</sup>
4. After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold **placed on the market,** registered or entered into service, including the latest amendments to the requirements.

<sup>87</sup> FI: link with Article 52(3) for parts and equipment? Original parts are not subject to control. Competitive disadvantage of other producers.

<sup>88</sup> FR: Replace paragraph 3 of Article 18 by: "3- The Commission shall make not later than 1st January 2013 a proposal to the European Parliament and the Council, about the specific requirement regarding the measures referred to in paragraph 2- of this Article." (Q 4/12)

**Where the vehicle manufacturer designs the powertrain of a vehicle type in such a way as to allow for its modification so that a vehicle no longer conforms to the approved type, but would correspond to an additional variant or version, the vehicle manufacturer shall include the relevant information for each variant or version so created in the application and each variant or version shall be explicitly type-approved. If the modified vehicle falls into a new category or subcategory, application shall be made for a new type-approval.**

**5. Without prejudice to paragraph 2, in order to avoid modifications or adjustments with adverse effects on the functional safety or on the environmental performance of the vehicle, the manufacturer shall endeavour to prevent through best engineering practice that such modifications or adjustments are technically possible, unless such modifications or adjustments are explicitly declared and contained in the information folder and thus covered by the type-approval.**<sup>89</sup>

#### *Article 19*

##### *General requirements of on-board diagnostic systems*

1. ~~Four years after the date referred to in the second subparagraph of Article 82(2), all new vehicles in subcategories L1Be, L3e, L5e, L6Ae and L7Ae shall be equipped with the first stage of an on-board diagnostic (OBD) system which monitors and reports on electric circuit continuity, shorted and open electric circuits and circuit rationality of the engine and vehicle management systems (OBD I).~~
2. ~~Six years after the date referred to in the second subparagraph of Article 82(2), all new vehicles in subcategories L6Be, and L7Be~~ **and L7Ce** shall be equipped with OBD I.
3. ~~Eight years after the date referred to in the second subparagraph of Article 82(2), all new vehicles shall be equipped with OBD I.~~<sup>90</sup>

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<sup>89</sup> *Re-phrased to clarify that the obligation is on manufacturers, not users. UK: scrutiny reservation.*

<sup>90</sup> *UK: reinstate and amend as in Q 11/11.*

4. ~~Following confirmation in a decision adopted by the Commission in accordance with Article 21(54), eight years after the date referred to in the second subparagraph of Article 82(2), all new vehicles in (sub-)categories L1Be, L3e, L5e, L6Ae and L7Ae shall in addition also be equipped with the second stage of an on-board diagnostic system (OBD II) which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study referred to in article 21(4) and (5).~~

**4a. From the application dates set out in Annex IV, L-category vehicles shall be equipped with an on-board diagnostic (OBD) system which complies with the functional requirements and test procedures<sup>91</sup> as laid down in the delegated acts, referred to in paragraph 6 of this Article and according to the application dates as set out to in Annex IV to this Regulation.**

5. ~~The detailed OBD emission thresholds are laid down~~ **From the dates set out in 1.8.1 of Annex IV, vehicle (sub-)categories L3e, L4e, L5Ae L6Ae and L7Ae shall be equipped with an OBD stage I system which monitors for any electric circuit continuity failure, shorted electric circuits or rationality failure of the emissions control system and reports those failures which result in the emission thresholds as laid down in part B (1) of Annex VI(B) being exceeded. Vehicle (sub-) categories L1Ae, L5Be, L6Be, L7Be and L7Ce are exempted from the functional and environmental requirements related to OBD stage I within the application time of Euro 4 as laid down in Annex IV.**

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<sup>91</sup> UK: delete "test procedures".

- 5a. From the dates set out in 1.8.2 of Annex IV, vehicle (sub-)categories L3e to L7e shall be equipped with an OBD stage I system which monitors for any electric circuit continuity failure, shorted electric circuits or rationality failure of the emissions control system and which is triggered when the emission thresholds as laid down in part B (2) of Annex VI are being exceeded. OBD stage I systems for these vehicle (sub-)categories shall also report the triggering of any operating mode which significantly reduces engine torque. Vehicle subcategory L1Ae<sup>92</sup> is exempted from the environmental requirements (Test Type VIII) related to OBD stage I.**
- 5b. From the dates set out in 1.8.3 of Annex IV and subject to the results of the environmental effect study as referred to in paragraphs 4 and 5 of Article 21, vehicle (sub-)categories L3e, L5e, L6Ae and L7Ae shall in addition be equipped with an OBD stage II system which monitors and reports emissions control system failures and degradation which results in the OBD emission thresholds as laid down in part B (2) of Annex VI being exceeded.**<sup>93</sup>
- 6. In order to harmonise the on-board diagnostic system reporting of functional safety or emission control system faults and facilitate effective and efficient repair of a vehicle, the Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning** Powers are conferred on the Commission to adopt, in accordance with Article 76, 77 and 78 a delegated act laying down the detailed technical requirements related to on-board diagnostics, including functional OBD requirements and test procedures for the subjects listed in paragraphs 4 to 5 **4a to 5b and as referred to in Annex II(C8)** in order to ensure a high level of functional safety, environmental protection and the same standardised level of access to repair and maintenance information for all vehicle repairers.

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<sup>92</sup> SI: replace in this paragraph subcategory L1Ae by subcategory L1e (Q 22/11).

<sup>93</sup> UK: delete para. 5b.

Article 20

*Requirements for the functional safety of vehicles*

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. ~~The vehicle functional safety shall be guaranteed over the entire life of a vehicle, if the vehicle is used under normal or intended circumstances.~~
  - 1a. The manufacturer shall ensure that the functional safety of the vehicle shall endure throughout the normal life of the vehicle under normal conditions of use. The manufacturer shall provide a statement in the information folder confirming that the endurance of the systems, parts and equipment critical for functional safety is ensured through appropriate testing and use of good engineering practice.**
2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in Annexes II and VIII and comply with the test procedures and performance requirements as laid down in a delegated act **referred to in paragraph 4.**
- 2a. Components of vehicles, whose hazards of electrical nature are fully addressed in the delegated or implementing acts adopted under this Regulation, shall not be subject to the requirements of Directive 2006/95/EC on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits.**
- ~~3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units insofar as they are declared applicable to the relevant vehicle category by this Regulation. [text already in para. 2.]~~

4. In order to ensure that a high level of **functional** safety is obtained, the Commission shall **adopt delegated acts<sup>94</sup> in accordance with Article 76** ~~lay down~~ **on the** specific requirements **listed in Annex II Part B** regarding the functional safety of vehicles, **and where applicable,** **base itself on the enhanced functional safety requirements laid down in Annex VIII** including test procedures and limit values, by means of a delegated act in accordance with Articles 76, 77 and 78.<sup>95</sup> **The first set of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**
- 4a. The Commission shall adopt in a second step no later than [insert date: five years after the date specified in Article 82(2)] delegated act in accordance to Article 76, in order to harmonise the normal life requirements and tests to ensure vehicle structure integrity as listed in Annex II Part B.17.**
- 5. The Commission shall be empowered to adopt an implementing act in order to lay down a template for the manufacturer's statement. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

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<sup>94</sup> UK: need for Ordinary legislative procedure and impact assessment for these new measures. COM: reservation on the need for this procedure for changes of technical nature.

<sup>95</sup> FR: reservation. This should be decided by Ordinary legislative procedure, after an impact assessment (Q 26/11). DE: requirements should be specified. COM: detailed technical specification to be set out in delegated act on functional safety, this will include by large current approval requirements but now grouped as "functional safety items". Ordinary legislative procedure with associated impact assessment is too heavy, high risk of not meeting the proposed application timing of Art. 82 and Annex IV.

Article 21

**Requirements for environmental performance**

1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the impact on the environment. Manufacturers shall ensure that type-approved vehicles meet the environmental **performance** requirements **as set out in Annexes II, V, VI, VII and VIIa and within the durability mileage** ~~over vehicle life as set out in Annexes V, VI and VII.~~
2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the test procedures and test requirements **as set out in Annex V within the application dates set out in Annex IV to this Regulation** to be laid down in a delegated act referred to in paragraph 12.
3. Manufacturers shall ensure that type-approval requirements for verifying durability requirements are met. At the choice of the manufacturer one of the following durability test procedures ~~may~~ **shall** be used to provide evidence to the type-approval authority that the environmental performance of a type-approved vehicle is durable:
  - (a) actual durability testing **with full mileage accumulation**:<sup>96</sup>

**The** testing of vehicles **shall physically accumulate the full** ~~by covering a distance set out in part A of Annex VII and~~ **shall be tested in accordance with the procedure laid down in test type V as set out in the delegated act referred to in paragraph 12. The emission test results up to and including the full distance set out in part A of Annex VII shall be lower than the environmental limits set out in part A of Annex VI. demonstrate to the type-approval authority that the environmental requirements set out in this Regulation and its delegated and implementing acts are met during mileage accumulation of the vehicle in regular intervals and at the end of mileage accumulation;**

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<sup>96</sup> UK: replace point (a) by the following text:  
"(a) actual durability testing of vehicles by covering at least half of the distance set out in part A of Annex VII. The results of emissions tests conducted during this mileage accumulation and, where appropriate, extrapolated to the full distance in part A of Annex VII must demonstrate that the tailpipe emissions limits set out in this Regulation are met during and at the end of mileage accumulation;" (Q 11/11).

(b) **actual durability testing with partial mileage accumulation:**  
**The test vehicles shall physically accumulate a minimum of 50% of the full distance set out in part A of Annex VII and shall be tested in accordance with the procedure laid down in test type V as set out in the delegated act referred to in paragraph 12. As specified in that act, the test results shall be extrapolated up to the full distance set out in part A of Annex VII. Both the test results and the extrapolated results shall be lower than the environmental limits set out in part A of Annex VI.**

(c) **mathematical durability procedure:**

**For each emission constituent, the product of the** multiplying **of** the deterioration factor set out in part B of Annex VII and the environmental test result of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line; ~~the calculation results shall be lower than the environmental limit from~~ **set out in** part A of Annex VI, ~~and prove the following:~~

~~— manufacturer shall in this procedure demonstrate to the type-approval authority the environmental performance of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line, equipped with rapidly aged systems and components;~~

~~— wWhen using this procedure the manufacturer shall provide evidence to the type-approval authority and prove the validity of the correlation between the two durability procedures set out in points (a) and (b) **of this paragraph.**<sup>97</sup>~~

4. By 1 January 2016 **[add date: 3 years after the date referred to in Article 82(2)]** at the latest, the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V.

<sup>97</sup> UK: replace point (b) by the following text (i.e.: suppress the two indents):  
"(b) by multiplying standard deterioration factors, adopted by the Commission according to the procedures set out in Article 74 and the tailpipe emissions test results of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line. The calculated results shall be lower than the tailpipe emissions limits set out in part A of Annex VI." (Q 11/11) FR: support (Q 26/11). NL: scrutiny reservation.

It shall collate and evaluate the latest scientific data, scientific research findings,<sup>98</sup> modelling and cost efficiency with a view to establishing definitive policy measures by confirmation **and final establishment** of the Euro 5 enforcement dates (Euro 6 dates for L3e motorcycles) laid down in Annex IV and the Euro 5 (Euro 6 for L3e motorcycles) environmental requirements laid down in Annexes V, **in parts A3, B2 and C2 of Annex VI** and **in** Annex VII concerning Euro 5 (Euro 6 for L3e motorcycles) durability mileages and deterioration factors.

5. Based on the findings ~~of the environmental effect study~~ **referred to in paragraph 4 of this Article**, the Commission shall ~~confirm~~ **by [add date: 4 years after the date referred to in Article 82(2)] present to the European Parliament and the Council a report on the following**:
- (a) the enforcement dates of the Euro 5 level (Euro 6 for category L3e motorcycles) referred to in Annex IV;
  - (b) the Euro 5 emission limits (Euro 6 for category L3e motorcycles) referred to in **part A3 of Annex VI(A3)** and the OBD thresholds in **part B2 of Annex VI(B2)**;
  - (c) that all new **types of** vehicles in (sub-)categories L3e, L5e, L6Ae and L7Ae **shall**, in addition to OBD stage I, ~~shall~~ also be equipped with OBD stage II at the Euro 5 level (Euro 6 for category L3e motorcycles);
  - (d) the durability mileages for the Euro 5 level (Euro 6 for category L3e motorcycles) referred to in **part A of Annex VII(A)** and the deterioration factors for the Euro 5 level (Euro 6 for L3e motorcycles) referred to in **part B of Annex VII(B)**; *[moved from (f)]*

**The Commission shall make any appropriate legislative proposals in the light of that report.**

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<sup>98</sup> UK: modify this text as follows: ". . . modelling and cost and monetised environmental benefit of motorcycle emissions controls." (rest is deleted) (Q 11/11)

**5a.<sup>99</sup> Basing itself on the results of the environmental effect study, the Commission shall adopt a delegated act in accordance with Article 76 stipulating**

- (d) ~~that **whether** in-service conformity testing requirements shall be introduced at the Euro 5 level (Euro 6 for L3e motorcycles), **and, if so,** for which (sub-)categories of L-category vehicles this in-service conformity testing shall be introduced and by when it shall become mandatory; for all L-category vehicle categories. "In-service conformity" means testing of representative vehicles from the market fleet in order to verify if the technical measures taken by the manufacturer continue to be such as to ensure that the tailpipe and evaporative emissions are effectively limited and the functional safety measures and associated safety performance levels are actually met, pursuant to this Regulation, throughout the normal life of the vehicles under normal conditions of use.~~
- (e) ~~which of the (sub-)categories L1Ae, L1Be, L2e, L5Be, L6Be, and L7Be **and L7Ce** for the Euro 5 level should only be subject to SHED testing or alternatively **and which** should only be subject to fuel tank and tubing permeation testing, with the test limits listed in **part C2 of** Annex VI(C2);~~
- (f) ~~the durability mileages for the Euro 5 level (Euro 6 for category L3e motorcycles) referred to in **part A of** Annex VII(A) and the deterioration factors for the Euro 5 level (Euro 6 for L3e motorcycles) referred to in **part B of** Annex VII(B).; [moved to 5(d)]~~
- (g) ~~to determine **whether the introduction of** the feasibility, the associated enforcement date and for which (sub-)categories off-cycle emission requirements **is feasible, and, if so, for which (sub-)categories these requirements should** shall be introduced **and the appropriate implementation date** beyond the Euro 5 level (Euro 6 for L3e motorcycles);~~

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<sup>99</sup> BE, BG, IT, UK: need for Ordinary legislative procedure on those measures. UK: delete point 5 (Q 11/11).

6. **Manufacturers shall ensure that L- category vehicles comply with the applicable test requirements regarding environmental performance for approval and extensions as laid down in Annex Va.** Fully electric propelled vehicles and/or vehicles propelled only with pre-compressed air are excluded from the environmental requirements listed in Annex V, test type I to VIII. These vehicles shall comply with the functional requirements of OBD, as laid down in a delegated act **referred to in Article 19(6)** in order to repair these vehicles efficiently in case of malfunction.
- 6a. With regards to test type I, the relevant emission limit for test type I for L3e-AxE (Enduro, x=1, 2 or 3) and L3e-AxT (Trial, x= 1, 2 or 3) motorcycles shall be the sum of L<sub>2</sub> (THC) and L<sub>3</sub> (NOx) of Annex VI (A). The emission test results (NO<sub>x</sub> + THC) shall be smaller than or equal to this limit (L<sub>2</sub> + L<sub>3</sub>).<sup>100</sup>**
7. ~~Gaseous fuelled vehicles shall comply with type approval emission limits and with the OBD emission thresholds for positive ignition (PI) engines. They shall also comply with the associated test procedures and requirements as defined in a delegated act as referred to in paragraph 12. Mono-, bi- or multi-fuel gaseous propelled vehicles and/or hybrid electric vehicles are excluded from SHED test requirements for evaporative emissions. Electric hybrid and/or gaseous fuelled vehicles partially propelled with a PI engine running on gasoline, gasoline blends or ethanol shall only comply with fuel tank and fuel supply line permeability requirements as laid down in a delegated act referred to in paragraph 12.~~
8. ~~Vehicles propelled with a CI engine that consumes only low-volatile diesel or diesel-equivalent fuels shall be excluded from the evaporative emission test limits and requirements.~~

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<sup>100</sup> DE: scrutiny reservation. FR: this is an additional criterion for not allowing circulation on public roads.

9. Vehicles of category L4e ~~shall~~ **must** meet the environmental requirements laid down in Annex V for vehicles of category L3e, whereby ~~at the choice of the manufacturer~~ for test types I, IV, VII and VIII of Annex V either ~~only~~ the **complete assembly of** base powered vehicle is tested **with the sidecar being fitted or only the base powered vehicle** without the side car being fitted ~~or the complete assembly~~ **as appropriate**.

10. ~~**For the purposes of this paragraph, ‘r**~~Replacement pollution control device’ means a device or an assembly of such devices that is intended to replace an original pollution control device and that can be approved as a separate technical unit as defined in the ~~[delegated and implementing]~~ acts to this Regulation. *[moved to Article 3 (20a)]*

Manufacturers shall ensure that all replacement pollution control devices ~~sold~~ **placed on the market** or at the entry into service in the European Union, are type-approved in accordance with this Regulation.

~~**10b. L-category vehicles or their systems, components or separate technical units, whose electromagnetic compatibility is fully addressed in the delegated or implementing acts adopted under this Regulation, shall not be subject to the requirements of Directive 2004/108/EC on the approximation of the laws of the Member States relating to electromagnetic compatibility.**~~ *[moved to new Article 16 (1a)]*

11. The requirements referred to in paragraphs 1 to 10 shall apply to vehicles, systems, components and separate technical units in accordance with Annex II.

12. In order to ensure a high level of environmental protection, the Commission shall **be empowered to adopt delegated acts in accordance with Article 76 concerning** ~~lay down~~ the detailed technical specifications on environmental requirements ~~including test procedures~~ for the subjects listed **referred to** in paragraphs **1, 2, 3, 4 and 5a and 6 including test procedures** ~~by means of a delegated act in accordance with Articles 76, 77 and 78.~~

Article 22

***Additional environmental requirements with regards to greenhouse gas emissions, ~~and fuel consumption and electric energy consumption and electric range~~***

1. CO<sub>2</sub> (Carbon dioxide) emissions shall be determined in the applicable laboratory emission test cycle by the manufacturer and reported **by the manufacturer** to the approval authority. Fuel consumption **and/or electric energy consumption and electric range** shall be either calculated based on the type-approval emission laboratory results or measured, **witnessed by the technical service** and reported to the approval authority.
2. The CO<sub>2</sub> measurement result, ~~and~~ the calculated or measured fuel consumption, **electric energy consumption and electric range** shall be included in the information folder **as specified in the implementing act referred to in Article 25(24)**, and ~~both~~ **the relevant information** shall also be indicated on the certificate of conformity.

In addition to the indication on the certificate of conformity, the manufacturers shall ensure that the CO<sub>2</sub> emission, ~~and~~ fuel consumption, **electric energy consumption and electric range** data are provided to the buyer of the vehicle at the time of purchase of a new vehicle, in a format which they consider appropriate.

3. The Commission shall **be empowered to adopt delegated acts in accordance with Article 76 concerning lay down Test type VII test procedure requirements regarding** the CO<sub>2</sub> emission measurement, ~~and~~ fuel consumption, **electric energy consumption and electric range** calculation ~~or and~~ measurement methods ~~by means of a delegated act, adopted in accordance with Articles 76, 77 and 78.~~

# CHAPTER IV

## EU TYPE-APPROVAL PROCEDURES

### *Article 23*

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

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

**In addition, the manufacturer of vehicle categories as laid down in paragraph 4 may choose the** multi-stage approval.

**Only the single-step type-approval procedure is applicable** for the type-approval of systems, components or separate technical units, ~~the single-step type-approval procedure shall apply.~~

2. Step-by-step type-approval shall consist in the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units forming part of the vehicle, and which leads, at the final stage, to the approval of the whole vehicle.
3. Single-step type-approval shall consist in the approval of a vehicle as a whole by means of a single operation.

**3a. Mixed type-approval is a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.**

4. In a multi-stage type-approval procedure, one or more approval authorities certify that, depending on the state of completion, an incomplete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements of this Regulation.

Multi-stage type-approval shall be granted in respect of a type of incomplete or completed vehicle which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II, having regard to the state of completion of the vehicle.

The type-approval for the final stage of completion shall be granted **only** after the type-approval authority has verified that the type-approval(s) issued for the incomplete vehicle certify that the vehicle type approved at the final stage meets **at that time** all **applicable** technical requirements; **this shall include a documentary check of all requirements covered by a type-approval for an incomplete vehicle granted in the course of a multistage procedure, even where granted for a different (sub-)category of vehicle** applicable at the time when the type-approval(s) were issued, to the category of vehicle for which the type-approval for the completed vehicle is granted.

The multi-stage approval referred to in **the second subparagraph** point (e) of paragraph 1 shall apply only to utility vehicles of sub-categories **L2e - U, L4e, L5Be - U, L6Be - U and L7BCe - U.**<sup>101</sup>

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<sup>101</sup> NL: questions the limitation to certain vehicles, proposes the deletion of this subparagraph (Q 24/11). Support DE. CZ: why not include L6 BeP and L7BeP as well? COM: limits on purpose, opposed to reducing them.

5. The choice of approval procedure shall not affect the applicable **substantive** requirements with which the approved vehicle type has to comply at the time of issuing of the whole-vehicle type-approval.
6. **In order to ensure a uniform application of this Article, the Commission shall adopt the** ~~Implementing powers are conferred on the Commission in order to lay down templates for the details of the~~ **detailed** arrangements with regard to type-approval procedures **by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~in Article 73.~~ **The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

*Article 24*

*Application for type-approval*

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

*Article 25*  
***Information folder***

1. The applicant shall provide to the approval authority an information folder.
2. The information folder shall include the following:
  - ~~(a1)~~ an information document ~~in accordance with the template established by the Commission pursuant to Article 73;~~
  - ~~(b2)~~ all data, drawings, photographs and other information ~~required in the implementing act adopted pursuant to Article 73;~~
  - ~~(c3)~~ for vehicles, indication of the procedure chosen in accordance with Article 23(1);
  - (d) any additional information requested by the type approval authority in the context of the application procedure.**
3. The information folder may be supplied on paper or in electronic format **as admissible by the technical service and by the approval authority.**
- 4. The Commission shall lay down templates for the information document and for the information folder by means of implementing acts that shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

Article 26

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

1. An application for step-by-step type-approval shall be accompanied by an information folder in accordance with Article 25 and by the complete set of type-approval certificates required pursuant to each of the applicable acts **and UNECE regulations** listed in Annex II.

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

2. An application for single-step type-approval shall be accompanied by an information folder in accordance with Article 25 containing the relevant information in relation to the acts listed in Annex II.

- 2a. In the case of a mixed type-approval procedure, the information folder shall be accompanied by one or more type-approval certificates required pursuant to each of the applicable separate acts and UNECE regulations referred to in the delegated acts adopted under this Regulation and shall include, insofar as no type-approval certificate is presented, the relevant information required in the implementing measures to this Regulation, in relation to the acts listed in Annex II.**

3. Without prejudice to paragraphs 1, 2 **and 2a**, the following information shall be supplied for the purposes of multi-stage type-approval:
- (a) in the first stage, those parts of the information folder and the EU type-approval certificates which are relevant to the state of completion of the base vehicle;
  - (b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates which are relevant to the current stage of construction, together with a copy of the EU type-approval certificate for the vehicle issued at the preceding stage of construction and full details of any changes or additions made to the vehicle.

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

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

# CHAPTER V

## CONDUCT OF EU TYPE-APPROVAL PROCEDURES

### *Article 27*

#### *General provisions*

- 1 Approval authorities shall grant an EU type-approval only after verifying the conformity of production procedures referred to in Article 31 and the compliance of the type of vehicle, system, component or separate technical unit with the applicable requirements.
- 2 EU type-approvals shall be granted in accordance with ~~Articles 28 and 29, 30, 31 and 32~~ **this Chapter.**
- 3 If an approval authority finds that a type of vehicle, system, component or separate technical unit, though conforming to the required provisions, presents a serious risk to safety or may seriously harm the environment or public health, it may refuse to grant EU type-approval. In this case, it shall immediately send to the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.
- 4 EU type-approval certificates shall be numbered in accordance with a harmonised system **laid down by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~as laid down in the implementing act adopted in accordance with Article 73.~~ **The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

5. The approval authority shall, within one month, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved **by means of a common secure electronic exchange system**<sup>102</sup>. The copy may **also** take the form of a **secure** electronic file.
6. The approval authority shall inform without delay the approval authorities of the other Member States of its refusal or withdrawal of any vehicle approval, together with the reasons for its decision.
7. At three-monthly intervals, the approval authority shall send to the approval authorities of the other Member States a list of the EU type-approvals it has granted, amended, refused to grant or withdrawn for systems, components or separate technical units during the preceding period.
8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within one month of receiving that request, send to the former a copy of the **requested** EU type-approval certificate ~~in question requested~~, together with the attachments **by means of a common secure electronic exchange system**. The copy may **also** take the form of a **secure** electronic file.
9. If so requested by the Commission, the approval authority shall submit the information referred to in paragraphs 5 to 8 to the Commission as well.

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<sup>102</sup> FR, IT, UK: support in principle, but need for a robust legal framework. This implies detailed implementing measures. FR: need for EU harmonisation, secure system with balanced costs. COM: making mandatory of a database to exchange data cannot be covered under one of the type-approval pillar Regulations (Appropriateness of legal base ?). This should be a horizontal act as it involves all 3 pillars. COM is not in position to impose this currently voluntary commitment on MS.

10. The approval authority shall put together an information package consisting of the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of carrying out their functions. The information package shall contain an index listing of the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages and the format of each document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. **The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.**

*Article 28*

*Specific provisions concerning the ~~issuing of EU whole-vehicle~~ EU type-approval certificate*

1. The EU type-approval certificate shall contain, as attachments, the following:
- (a) the information package referred to in Article 27(10);
  - (b) the test results;
  - (c) the name(s) and specimen(s) of the signature(s) of the person(s) authorised to sign certificates of conformity and a statement of their position in the company;
  - (d) in the case of an EU whole vehicle type-approval, a filled-out specimen of the certificate of conformity.**

2. The EU type-approval certificate shall be issued on the basis of the template laid down by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). ~~in implementing act<sup>103</sup> adopted in accordance with Article 73.~~ The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].
3. In respect of each type of vehicle, the approval authority shall:
- (a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto, ~~in accordance with the template for the type-approval certificate;~~
  - (b) compile the index to the information package;
  - (c) issue the completed certificate, together with its attachments, to the applicant without delay.

**The Commission shall lay down the template for the test results sheet referred to in point a) of this paragraph by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

4. In the case of an EU type-approval for which, in accordance with Article ~~38~~ 39, restrictions have been imposed as to its validity, or certain provisions of this Regulation or the delegated and implementing acts adopted under this Regulation have been waived, the EU type-approval certificate shall specify those restrictions or waivers.

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<sup>103</sup> FR: general reservation on implementing and delegated acts. Need for further scrutiny for these new procedures overall in the text.

5. **Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information document with the references to the test reports, established by the implementing act referred to in Article 30(1), for which no EU type-approval certificate is available.**
6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish a list of applicable requirements or acts and append that list to the EU type-approval certificate. **The Commission shall adopt the template for such a list by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

*Article 29*

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

1. EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II.
2. An EU type-approval for a component or separate technical unit shall be granted in respect of a component or separate technical unit that conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant separate acts listed in Annex II.
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 acts listed in Annex II.

4. Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance with the requirements only when the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the EU type-approval of the component or the separate technical unit shall be restricted accordingly.

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

Where 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 30*

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

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

The test procedures referred to in the first subparagraph and the specific equipment and tools prescribed to perform those tests shall be those laid down in the relevant acts listed in Annex II.

**The format of the test report shall comply with the general requirements as laid down by the Commission in an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

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

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

4. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 at the request of the manufacturer with respect to those requirements ~~listed~~ **established** in the delegated acts ~~adopted~~ **referred to in paragraph 6** under this Regulation.
5. Virtual testing methods shall fulfil the conditions set out in the delegated acts **referred to in paragraph 6** ~~adopted under this Regulation~~.

6. In order to ensure that the results obtained through virtual testing<sup>104</sup> are as meaningful as those obtained through physical testing, the Commission shall **be empowered to adopt delegated acts in accordance with Article 76 concerning** ~~lay down~~ the requirements which can be subject to virtual testing and the conditions under which the virtual testing must **shall** be performed, ~~by means of a delegated act in accordance with Articles 76, 77 and 78.~~<sup>105</sup> *When adopting those, the Commission shall take as a basis the requirements and procedures provided for in Annex XVI to Directive 2007/46/EC **on "Specific conditions required from virtual testing methods and regulatory acts for which virtual testing methods may be used by a manufacturer or a technical service."**, as appropriate.*[AM 65]

#### *Article 31*

#### *Conformity of production arrangements*

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

- 1a. An approval authority which grants a whole-vehicle type-approval shall take the necessary measures to verify that certificates of conformity issued by the manufacturer conform to Article 36. To that end, the approval authority shall verify that a sufficient number of samples of certificates of conformity conform to Article 36 and that the manufacturer has made adequate arrangements to ensure that the data in the certificates of conformity are correct.**

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<sup>104</sup> FR: a list of virtual tests may be necessary. COM: technology is changing, it is better to have this list in a delegated act.

<sup>105</sup> FR: reservation. This should be decided by Ordinary legislative procedure.

2. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if **needed**, ~~need be~~ in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 **and 1a** continue to be adequate ~~so~~ and that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type **and certificates of conformity continue to comply with Article 36.**
3. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests ~~required for the~~ **compliance with the** regulatory requirements that ~~are the subject of the EU type-approval,~~ **set out in the relevant type-approval legislation** on samples taken at the premises of the manufacturer, including production facilities. ~~The details of the verification procedures will be set out in an implementing act adopted under this Regulation in accordance with Article 73.~~
4. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 **and 1a** are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied, or are no longer considered to be adequate, even though production is continued, it shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or shall withdraw the type-approval.
5. **The Commission shall adopt** ~~The powers to adopt the implementing act laying down the detailed arrangements with regard to conformity of production~~ **by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~are conferred on the Commission in accordance with Article 73 of this Regulation.~~ **The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

# CHAPTER VI

## AMENDMENTS TO EU TYPE-APPROVALS

### *Article 32*

#### *General provisions*

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

That approval authority shall decide which of the procedures laid down in Article 33 is to be followed.

Where necessary, the approval authority may decide, after consulting the manufacturer that a new EU type-approval is to be granted.

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

The procedures referred to in Article 33 ~~31~~ shall apply only if, on the basis of those inspections or tests, the approval authority concludes that the requirements for EU type-approval continue to be fulfilled.

*Article 33*

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

1. If particulars recorded in the information package have changed, without requiring inspections or tests to be repeated, the amendment shall be designated a 'revision'.

In such cases, the approval authority shall issue the revised page of the information package as necessary, marking each revised 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 amendment shall be designated an 'extension' when particulars recorded in the information package have changed and any of the following occurs:
  - (a) further inspections or tests are required;
  - (b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;
  - (c) new requirements under any act listed in Annex II applicable to the approved vehicle type or to the approved system, component or separate technical unit become applicable.

In the case of an extension, the approval authority shall issue a revised EU type-approval certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. The approval certificate shall clearly show 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 date 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 34*

***Issue and notification of amendments***

1. In the case of an extension, all relevant sections of the EU type-approval certificate, the attachments thereto, and the index to the information package shall be updated. The updated certificate and its attachments shall be issued to the applicant without delay.
2. In the case of a revision, the revised documents or the consolidated, updated version, as appropriate, including the revised index to the information package, shall be issued by the approval authority to the applicant without delay.
3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States in accordance with the procedures set out in Article 27.

## CHAPTER VII

### VALIDITY OF EU TYPE-APPROVAL

#### *Article 35*

#### ***Termination of validity***

1. EU type-approvals shall be issued for an unlimited duration.
2. An EU type-approval of a vehicle shall cease to be valid in any of the following cases:
  - (a) new requirements in any act applicable to the approved vehicle type become mandatory for the sale **making available on the market**, registration or entry into service of ~~new~~ vehicles, and it is not possible to update the type-approval accordingly;
  - (b) production of the approved vehicle is definitively discontinued voluntarily;
  - (c) the validity of the approval expires by virtue of a special restriction in accordance with Article 38;
  - (d) the approval has been withdrawn according to Articles 31(4) or 51(1).**
3. Where only one variant within a type or one version within a variant becomes invalid, the EU type-approval of the vehicle in question shall lose validity only in so far as the particular variant or version is concerned.

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

Upon receiving the notification referred to in the first subparagraph, the approval authority which granted the EU type-approval for the vehicle shall inform the approval authorities of the other Member States accordingly within one month.

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

The approval authority that granted the EU type-approval 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 ~~46~~ 39.

The communication referred to in the second subparagraph shall specify, in particular, the date of production and the vehicle identification number of the last vehicle produced.

## CHAPTER VIII

### CERTIFICATE OF CONFORMITY AND MARKINGS

#### *Article 36*

#### *Certificate of conformity*

1. The manufacturer, in its capacity as the holder of a ~~whole~~-vehicle type-approval, shall deliver a certificate of conformity as a paper document<sup>106</sup> to accompany each vehicle, whether complete, incomplete or completed, which is manufactured in conformity with the approved vehicle type.

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

~~**A duplicate of the certificate of conformity shall be issued only by the manufacturer upon request of the owner of the vehicle, the vehicle manufacturer shall, during a period of 10 years after the production date of the vehicle, issue a duplicate of the certificate of conformity to the vehicle owner, against a payment not exceeding the cost of issuing it of a reasonable fee. The word 'duplicate' shall be clearly visible on the face of any duplicate certificate.**~~ *[Sub-para. moved from para. 10]*

2. The manufacturer shall use the template for the certificate of conformity **adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~given in implementing measures adopted by the Commission in accordance with Article 73.~~ **The certificate of conformity shall be designed to prevent forgery. To that end, the implementing act shall provide that the paper used in the certificate shall be protected by several security printing features. The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

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<sup>106</sup> UK: if an electronic registration system is in place, no need for a paper version.

3. Unless a different agreement has been concluded with the buyer of the vehicle, ~~the~~ certificate of conformity shall be drawn up in one of the ~~an~~ official languages of the Union. Any Member State may request the certificate of conformity to be translated into its own official language or languages where the vehicle is purchased.
4. ~~The certificate of conformity shall be designed to prevent forgery. To that end, the paper used shall be protected either by coloured graphics or by a watermark in the form of the manufacturer's identification mark. [Moved to Article 36(4), including AT suggestion]~~
- 4a. The person(s) authorised to sign certificates of conformity shall be in the manufacturer's organisation and shall be duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to the conformity of the production of the vehicle.**
5. The certificate of conformity shall be completed in its entirety. ~~It and shall~~ only ~~not~~ contain restrictions as regards the use of the vehicle other than those as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2), provided for in the implementing act adopted in accordance with Article 73. The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].
6. In the case of an incomplete or completed vehicle, the manufacturer shall fill-in only those items 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.
7. The certificate of conformity, ~~as set out in the implementing act adopted under this Regulation,~~ shall, for vehicles approved in accordance with Article ~~38(2)~~ 39(2), display in its title the phrase 'For complete/completed vehicles, type-approved in application of Article ~~38~~ 39 of Regulation (EU) No .../... [this Regulation] (provisional approval)'.

8. ~~The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles type approved in accordance with Article ~~40~~ 41, display in its title the phrase ‘For complete/completed vehicles type approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table set out in the implementing act, denoting, in respect of each year of production, the position of that vehicle within the production sequence for that year.~~
9. Without prejudice to ~~the provisions of~~ paragraph 1, the manufacturer may transmit ~~data or information contained in~~ the certificate of conformity by electronic means to the **registration national authorities of the Member State**.
10. ~~A duplicate<sup>107</sup> of the certificate of conformity may **shall** be issued only by the manufacturer. The word ‘duplicate’ shall be clearly visible on the face of any duplicate certificate. [Moved to para. 1, sub-para. 3]~~

#### Article 37

#### ***Statutory plate with the appropriate marking of vehicles and type-approval mark of components or separate technical units***

1. The manufacturer of a vehicle shall affix to each vehicle manufactured in conformity with the approved type a statutory plate **with the appropriate marking** required by the relevant ~~delegated or~~ implementing act **pursuant to paragraph 3 of this Article** listed in Annex II.
2. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or separate technical unit manufactured in conformity with the approved type the type-approval mark required by the relevant ~~delegated or~~ implementing act **adopted pursuant to this Regulation or the relevant UNECE regulation** listed in Annex II.

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<sup>107</sup> EP: regroup "duplicates" in one Article.

3. Where no such type-approval mark is required for a component or separate technical unit, the manufacturer shall affix at least the trade name or trade mark of the manufacturer, the type number ~~and/or~~ an identification number.
- 4 ~~3~~. The ~~EU~~ statutory plate ~~with appropriate marking~~ and<sup>108</sup> ~~EU~~ type-approval mark shall be in accordance with the model set out **by the Commission by means of implementing acts.** **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~in the implementing act laid down in article 73 adopted under this Regulation.~~ **The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**

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<sup>108</sup> ES: delete the reference to EU statutory plate in para 4. FI: need to clarify the concrete provisions.

# CHAPTER IX

## EXEMPTIONS FOR NEW TECHNOLOGIES OR NEW CONCEPTS

### *Article 38*

#### *Exemptions for new technologies or new concepts*<sup>109</sup>

1. The manufacturer may apply for an EU type-approval in respect of<sup>110</sup> a type of **vehicle**, system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts listed in Annex II.
2. The approval authority shall grant the EU type-approval referred to in paragraph 1 when all of the following conditions are met:
  - (a) the application states the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with one or more acts listed in Annex II;
  - (b) the application describes the safety and environmental implications of the new technology and the measures taken in order to ensure at least an equivalent level of safety and environmental protection as that provided by the requirements from which exemption is sought;
  - (c) test descriptions and results are presented which prove that the condition in point (b) is met.

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<sup>109</sup> FI: applies to systems or vehicles? Replace with: "The manufacturer may apply for an EU type-approval for a vehicle that incorporates new technologies in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts listed in Annex II." (Q 25/11) COM: include vehicles, but keep systems as well.

<sup>110</sup> AT: replace with "whole vehicle type-approval having" and delete "in respect of" (Q 27/11). Add "whole vehicle" and paras. 2 and 4 as well since the exemption should concern the whole vehicle type-approval for the vehicle type itself.

3. The granting of **such** an **EU type approval** exemption ~~for~~ for new technologies or new concepts shall be subject to authorisation by the Commission. **That authorisation shall be given in the form of an implementing act adopted in accordance with the examination procedure referred to in Article 74(2)** ~~granted by way of a decision adopted in accordance with the procedure referred to in Article 74(2).~~
4. Pending the decision on authorisation by the Commission, the approval authority may **already issue** ~~grant a provisional~~ **the EU type approval**, **but it shall be provisional**, valid only in the territory of ~~that~~ Member State ~~in question~~, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission<sup>111</sup> and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.
- The provisional nature and the limited territorial validity shall be apparent from the heading of the type-approval certificate and the heading of the certificate of conformity. Implementing powers are conferred on the Commission in order to provide for harmonised templates for the type-approval certificate and the certificate of conformity.**
5. Other approval authorities may decide to accept **in writing** the provisional approval referred to in paragraph 4 within their territory.
6. Where appropriate, the authorisation by the Commission referred to in paragraph 3 shall also specify whether it is subject to any restrictions. In all cases, the type-approval shall be valid for at least 36 months.

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<sup>111</sup> DE: need to clarify in the drafting that it refers to EU provisional authorisations (not national as for small series vehicles). COM: keep current system. Two new features: change of approval numbering and approval certificates: see how to deal with information linked to exemptions.

7. If the Commission decides to refuse authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 4 that the provisional approval will be revoked six months after the date of the Commission's refusal.

However, vehicles manufactured in conformity with the provisional approval before it ceases to be valid may be ~~sold~~ **placed on the market**, registered or entered into service in any Member State that accepted the provisional approval.

#### *Article 39*

#### ***Subsequent ~~need to~~ adaptation of legal requirements delegated and implementing acts***

1. Where the Commission authorises the granting of an exemption pursuant to Article 38, it shall, ~~where necessary,~~ **immediately** take the necessary steps to adapt the delegated or implementing acts concerned to technological developments.

Where ~~an~~ **the** exemption under Article 38 relates to a UNECE regulation, the Commission shall propose an amendment to the **relevant** UNECE regulation in accordance with the procedure applicable under 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.

2. As soon as the relevant acts have been amended, any restriction ~~linked to~~ **in** the Commission decision authorising the exemption shall be lifted.

If the necessary steps to adapt the delegated or implementing acts have not been taken, the Commission may, at the request of the Member State which granted the approval, authorise by means of a decision **in the form of an implementing act** adopted in accordance with the **examination** procedure-referred to in Article 74(2) the Member State to extend the type-approval.

# CHAPTER X

## VEHICLES PRODUCED IN SMALL SERIES

### *Article 40*

#### *National type-approval of small series*<sup>112</sup>

1. The manufacturer may apply for a **national** type-approval of small series of a type of vehicle within the quantitative annual limits set out in Annex III.
- ~~2.~~ These limits shall apply to the sale **making available on the market**, registration or entry into service of vehicles of the approved type on the ~~Union~~ market **of each Member State** in a given year.

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<sup>112</sup> UK: link with Article 2 and scope.  
DE: requests re-examination of Article 40 and Annex III as several notions contained in Articles 40 to 46 have not been properly defined (Q 16/11 REV 1). See also Article 22 (or 23) of Directive 2007/46/EC. On the principle, it could be acceptable to have EU and national type-approval of small series.

~~2.~~ For the type-approval of small series the approval authority may, if it has reasonable grounds to do so, **of vehicles referred to in paragraph 1, Member States may** waive one or more of the provisions **substantive requirements laid down in the provisions** of one or more of the **delegated** acts listed in Annex II, provided that **they lay down relevant** it specifies alternative requirements.

~~3.~~ The a '**Alternative requirements'** **means administrative provisions and technical requirements which aim to** referred to in paragraph 1 shall ensure a level of functional safety, and environmental protection **and occupational safety** which is equivalent as far as possible **to the greatest extent practicable** to **the level** that provided for by the relevant act or acts listed in **provisions in** Annex II.

**For the type of vehicles referred to in paragraph 1, Member States may waive one or more of the administrative provisions of this Regulation or the implementing acts adopted under this Regulation.**

**The provisions referred to in this paragraph shall only be waived where a Member State has reasonable grounds for doing so.**

~~4.3.~~ For the **national** type-approval of vehicles under this Article, systems, components or separate technical units which are type-approved in accordance with the acts listed in Annex II shall be accepted.

4. The type-approval certificate for vehicles type-approved in accordance with this Article shall be drafted in accordance with the **template referred to in Article 28(2)** ~~model set out in implementing act adopted pursuant to Article 73~~, but shall not bear the heading 'EU vehicle type-approval certificate' and shall specify the content of the waivers granted pursuant to paragraph 1. Type-approval certificates shall be numbered in accordance with the **harmonised system referred to in Article 27(4)**.~~implementing act adopted pursuant to Article 73.~~

**4a. The type approval certificate shall specify the nature of the waivers granted pursuant to paragraph 2 subparagraph 1 and paragraph 2 subparagraph 3.**

5. The validity of a national type-approval of small series shall be restricted to the territory of the Member State whose approval authority granted the approval.

**5a.** However, at the request of the manufacturer, a copy of the type-approval certificate and its attachments shall be sent by registered mail or by electronic mail to the approval authorities of the Member States designated by the manufacturer.

**5b.** Within ~~3~~ **three** months of receipt of the request referred to in ~~sub~~paragraph ~~5a-2~~, the approval authorities of the Member States designated by the manufacturer shall decide whether or not they accept the type-approval. They shall formally communicate their decision to the approval authority which granted the national type-approval of small series.

**5c.** The approval authorities of the Member States shall accept the national type-approval unless they have reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to their own.

6. At the request of an applicant ~~of a national type-approval of small series~~ who wishes to ~~sell~~ **place on the market or**, register or to be responsible for the entry into service of a vehicle **with national type-approval of small series** in another Member State **than the one designated by the manufacturer**, the approval authority which **of this Member State shall request the approval authority that** granted a **the** national type-approval of small series shall **to** provide **the national authority of the other Member State** that applicant with a copy of the type-approval certificate including the information package. **Paragraphs 5b and 5c shall apply.** ~~The type-approval authority of the other Member State shall permit the sale, registration or entry into service of a vehicle unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.~~

# CHAPTER XI

## INDIVIDUAL APPROVALS <sup>113</sup>

### Article 41

#### *Individual approvals*

1. **An application for individual approval shall be submitted by the manufacturer or by the owner of the vehicle. It may also be submitted by a person, established in the Union, acting on behalf of the owner of the vehicle.** At the request of the owner of the vehicle **or of a person acting on his behalf established in the Union**, approval authorities shall grant an individual approval ~~to~~ **for** a vehicle which conforms to the description appended to the application and complies with the provisions of this Regulation.
2. In the individual approval procedure, approval authorities shall ~~certify~~ **verify** that the vehicle complies with the relevant acts listed in Annex II.<sup>114</sup>
3. An individual approval shall apply to a particular vehicle, whether it is unique or not<sup>115</sup>.
4. Applications for individual approval shall cover a maximum of 5<sup>116</sup> vehicles of the same type **per calendar year, per applicant and per Member State.**

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<sup>113</sup> UK: delete Chapter XI. Including individual approvals in the Regulation would place a heavy burden on individuals and small companies. The added cost is disproportionate with the potential benefits. In some MS there may be insufficient demand for such a scheme whereas MS that already have schemes in place will be obliged to modify them. However, UK could accept IVA within the scope of the Regulation provided it is clear that MS can retain existing national schemes. (see Q 11/11).

<sup>114</sup> UK: delete para. 2. DE, FR: need to harmonise technical requirements or exclude individual approvals from the scope of this Regulation. SE: keep the system as in 2007/46/EC. COM: it was not the intention to have delegated acts for individual approvals. FR: in a Regulation, this provision is not directly applicable together with Article 42(1). Alternative requirements should be harmonised if individual approvals are in the scope of this Regulation.

<sup>115</sup> amd. 75: add: "***and in particular to unique vehicles built by private individuals.***"

<sup>116</sup> NL: reservation (multi-stage). DK: no need for a limit, only for Article 42. delete "type". FR: scrutiny reservation. MT: problem for the second-hand market. Why "5"? COM: open to reassess. Need to avoid creating a loophole.

5. After granting the type approval, the approval authority shall without delay issue the individual approval certificate. **The approval authority shall grant the individual approval if the vehicle conforms to the description appended to the application and satisfies the applicable technical requirements and shall without delay issue the individual approval certificate.** *[moved up from para. 6]*
6. The format of the individual approval certificate shall be based on the template for the EU type-approval certificate **referred to in Article 28(2) and shall contain at least the information corresponding to the information of the certificate of conformity for the EU type-approved vehicles, thus allowing for the registration of the vehicle in accordance with Article 43 (3) necessary to complete the application for registration provided for in Council Directive 1999/37/EC<sup>117</sup>.** ~~as set out in an implementing act adopted pursuant to Article 73 and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC.~~

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

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<sup>117</sup> **Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).**

7. This Article shall apply to vehicles which, at the time of the application for individual approval, have not previously been sold **placed on the market** or of which the entry into service ~~did~~ **has** not happen yet **taken place**, involving identification and the issuing of a registration number, including temporary or short-term registration or professional registration, or have only been sold **placed on the market**, registered or have been entering into service for less than six months<sup>118</sup>. **In the absence of a registration document, the competent authority shall refer to available documented evidence of date of manufacture or documented evidence of first purchase.**
- ~~8. This Chapter may apply to vehicles which have been type approved in accordance with this Regulation and which have been modified before being sold **placed on the market**, registered or before the entry into service of the vehicle. (see Article 44(1))~~

#### Article 42

#### *Exemptions for individual approvals*

1. An approval authority may exempt **maximum five** the vehicles **per applicant** from compliance with requirements laid down in ~~one or more of the acts listed in Annex II,~~ provided that the approval authority imposes alternative requirements<sup>119</sup> and has reasonable grounds for such exemption.<sup>120</sup>
- ~~2.~~ The alternative requirements shall ensure a level of functional safety, ~~and~~ environmental protection **and occupational safety** which is equivalent as far as possible **to the greatest extent practicable** to the ~~at~~ **level** provided for by the relevant act listed in Annex II.

<sup>118</sup> amd. 77: add: "***or to unique vehicles built by private individuals***".

<sup>119</sup> FI: add: "in particular such as those laid down in Chapter III and Annex VIII."

<sup>120</sup> SE: align with Article 24(1) of the Framework Directive 2007/46/EC : (Q 32/11)

"1. Member States may exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Directive or with one or more of the regulatory acts listed in Annex IV or Annex XI, provided that they impose alternative requirements. The provisions referred to in subparagraph 1 shall only be waived where a Member State has reasonable grounds for so doing."

amd. 78: add: "***An exemption of this kind may be granted in particular for unique vehicles built by private individuals, in order to keep costs to an acceptable level.***" RO: support.

2. Approval authorities shall not carry out destructive tests. They shall use any relevant information provided by the applicant of an individual approval to establish compliance with the alternative requirements.<sup>121</sup>

~~2a.~~ Approval authorities shall accept any EU type approval for a system, component or separate technical unit instead of the alternative requirements.

~~3.~~ The approval authority shall grant the individual approval if the vehicle conforms to the description appended to the application and satisfies the applicable technical requirements and shall without delay issue the individual approval certificate.

~~The format of the individual approval certificate shall be based on the template of the EU type approval certificate referred to in Article 28(2) and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC<sup>122</sup>.~~

~~Individual approval certificates shall not bear the heading "EU vehicle approval". An individual approval certificate shall bear the vehicle identification number of the vehicle concerned. [Redundant with Art 41(6)]~~

#### Article 43

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

1. The validity of an individual approval shall be restricted to the territory of the Member State in which it was granted.

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<sup>121</sup> amd. 79: " ***The alternative requirements for unique amateur-built vehicles shall ensure a satisfactory level of functional safety and environmental protection which is reasonable and fair to that provided for by the relevant subject listed in Annex II.***" RO: support.

<sup>122</sup> OJ L 138, 1.6.1999, p. 57.

2. For the purpose of sale **placing on the market**, registration ~~and~~ **or** entry into service in another Member State of a vehicle which has been granted an individual approval, the approval authority that granted the approval shall, on request, provide the applicant of an individual approval with a statement of the technical provisions against which the vehicle was approved and any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.
3. With regard to a vehicle which has been granted an individual approval by an approval authority of one Member State **and registered** in accordance with the provisions of Article 34 **41**, the other Member States shall permit the sale **placing on the market**, registration ~~and~~ **or** entry into **service** of a vehicle unless they have reasonable grounds to believe that the technical provisions against which the vehicle was approved are not equivalent to their own<sup>123</sup>.
4. ~~At the request of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which complies with the provisions of this Regulation. In such a case, approval authorities shall accept the individual approval and shall permit the sale **placing on the market**, registration and **or** entry into service of this vehicle. (see Article 41)~~

#### *Article 44*

##### *Specific provisions concerning individual approvals*

1. The provisions of this Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before their ~~first sale~~ **placing on the market**, registration or entry into service.

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<sup>123</sup> See EP amds 80-84, aiming at justifying intended decisions, as provided for in non-harmonised movement of products under Regulation 764/2008 (mutual recognition).

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

## CHAPTER XII

### **SALE MAKING AVAILABLE ON THE MARKET,** **REGISTRATION AND OR ENTRY INTO SERVICE**

#### *Article 45*

#### *Sale Making available on the market, registration or ~~and~~ entry into service of vehicles*

1. Without prejudice to **the provisions of** Articles **48** ~~41~~ and **49** ~~42~~, vehicles for which EU whole-vehicle type-approval is mandatory or for which the manufacturer has obtained such type-approval under this Regulation shall **only** be ~~sold~~ **made available on the market**, registered or may enter into service only if they are accompanied by a valid certificate of conformity issued in accordance with Article 36.

In the case **where such ~~of incomplete~~ vehicles are incomplete**, ~~the sale~~ **making available on the market** or entry into service of such vehicles is permitted, but the authorities responsible for vehicle registration of the Member States may refuse to allow the ~~permanent~~<sup>124</sup> registration and use on the road of such vehicles.

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<sup>124</sup> ES: reservation on this deletion (see Directive 2007/46).

2. ~~As regards small series vehicles, the number of vehicles sold **made available on the market**, registered and their entry into service in the Union in the course of a single year shall not exceed the number of units set out in Annex III. [Redundant with Article 40(1)]~~
3. ~~Paragraph 1 shall not apply to vehicles intended for use by the armed **services**, forces or by civil **defence** protection, fire-fighting or public order services **and forces responsible for maintaining public order** or to vehicles type-approved in accordance with Articles 40 or 43. [See Article 2(2)(e)]~~
4. ~~At the request of the owner of the vehicle, **an** approval authorityies shall grant an individual approval to a vehicle which complies with the provisions of this Regulation. In such a case, **other** approval authorities shall accept the individual approval and shall permit the vehicle to be sold **placed on the market**, registered and permit the entry into service of the vehicle.~~

#### Article 46

#### *~~Sale~~**Making available on the market**<sup>125</sup>, registration ~~and~~ **or** entry into service of end-of-series vehicles*

1. Subject to the end-of-series limits and time limit specified in paragraphs 2 and 4, vehicles conforming to a type of vehicle whose EU type-approval is no longer valid may **no longer** be **made available on the market**, registered **or entered into service**.

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

2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of ~~twelve~~ **twenty-four** months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of ~~eighteen~~ **thirty** months from that date.

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<sup>125</sup> DE, CZ: delete "making available"/"made available" in the whole Article (Q19/11).

3. A manufacturer who wishes to benefit from the provisions of paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are **either** to be **made available on the market**, registered **or are entering into service**. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements.

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

4. The amount of end-of-series vehicles shall not exceed 10 % of the number of vehicles registered in the two preceding years or **100** vehicles per Member State<sup>126</sup>, whatever is the highest.<sup>127</sup>

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<sup>126</sup> BE: set a limit for the Union.

<sup>127</sup> UK: replace with :

"4. The maximum number of end-of-series vehicles put into service in each Member State shall be restricted in one of the following ways to be chosen by the Member State:

- the amount of end-of-series vehicles shall not exceed 10% of the number of vehicles registered in the two preceding years or [10] vehicles per Member State whatever is the highest; or

- vehicles shall be restricted to those for which a valid certificate of conformity was issued on or after the date of manufacture and which remained valid for at least three months after its date of issue but subsequently lost its validity because of coming into force of a regulatory act." (Q 11/11)

5. Before their ~~making available on the market, registration or entry into service~~, the manufacturer shall issue a new certificate of conformity for end-of-series vehicles qualifying the vehicles as "end-of-series" and indicating the number and the Member State of first registration in conformity with the template for the certificate of conformity ~~referred to in Article 28(2)~~, established by the Commission in accordance with Article 73.

**A special entry qualifying the vehicles as "end-of-series" shall be made on the certificate of conformity of the vehicles put into service under this procedure.**

6. Member States shall ensure that the number of vehicles to be **made available on the market**, registered **or entering into service** under the procedure set out in this Article is effectively monitored.
7. This Article shall apply only to discontinuation due to termination of validity of the type-approval in the case referred to in Article 35(2).

Article 47

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

1. Components or separate technical units may **only** be ~~sold~~ **made available on the market** ~~and~~ **or the entry** into service ~~is allowed only~~ if they comply with the requirements of the relevant ~~delegated~~ acts listed in Annex II and are properly marked in accordance with Article 37.
2. Paragraph 1 shall not apply in the case of components or separate technical units which are specifically constructed or designed for new vehicles not covered by this Regulation.
3. By way of derogation from paragraph 1, Member States may permit the ~~sale~~ **making available on the market or ~~and~~ entry** into service of components or separate technical units which have been exempted from one or more provisions of this Regulation under Article 38 or are intended for mounting on vehicles covered by approvals granted under Articles 40 and 41 that concern the component or separate technical unit in question.
4. By way of derogation from paragraph 1, and unless otherwise provided for in this Regulation or in one of its delegated acts, Member States may permit the ~~sale~~ **making available on the market** or entry into service of components or separate technical units which are intended for mounting on vehicles which, when ~~sold~~ **made available on the market** or ~~at the entry~~ **entered** into service, were not required to be EU type-approved by this Regulation or by Directive 2002/24/EC.

## CHAPTER XIII

### SAFEGUARD CLAUSES <sup>128</sup>

#### *Article 48*

#### *Procedure for dealing with vehicles, systems, components or separate technical units presenting a serious risk at national level <sup>129</sup>*

1. Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a vehicle, system, component or separate technical unit covered by this Regulation presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, the approval authorities that granted the approval shall carry out an evaluation in relation to the vehicle, system, component or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the market surveillance and/or approval authorities.<sup>130</sup>

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<sup>128</sup> DE, ES, FR, IT, BG: scrutiny reservation on the whole Chapter.

<sup>129</sup> DE, CZ: delete "at national level" (Q 19/11, Q 25/11).

<sup>130</sup> DE: delete this last sentence (Q 19/11).

Where, in the course of that evaluation, ~~the market surveillance and/or~~ approval authorities **that granted the approval** find~~s~~ that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the vehicle, system, component or separate technical unit into compliance with those requirements, to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, commensurate with the nature of the risk.

The approval authorities **that granted the approval** shall inform the relevant technical service of the measures taken in accordance with the first and second subparagraphs.<sup>131</sup> Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.

2. Where the approval authorities consider that non-conformity is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and the action required of the economic operator.
3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all non-compliant vehicles, systems, components or separate technical units that it has ~~sold~~ **placed on the market**, registered or is responsible for its entry into service ~~throughout~~ **in** the Union.

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<sup>131</sup> DE: delete this sentence (Q 19/11).

4. Where the economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the national authorities shall take all appropriate measures to prohibit or restrict the ~~sale~~ **making available on the market**, registration or entry into service of non-compliant vehicles, systems, components or separate technical units on their national market, to withdraw them from that market or to recall them.
5. The national authorities shall inform the Commission and the other Member States, without delay, of those measures.

The information provided shall include all available details, in particular the data necessary for the identification of the non-compliant vehicle, system, component or separate technical unit, its origin, the nature of the non-conformity alleged and the risk involved, the nature and duration of the national measures taken, and the arguments put forward by the relevant economic operator. In particular, the approval authorities shall indicate whether the non-conformity is due to either of the following:

- (a) failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, the protection of the environment or to other aspects of the protection of public interests covered by this Regulation; ~~or~~
  - (b) shortcomings in the relevant acts listed in Annex II.
6. Member States ~~other than the Member State initiating the procedure~~ shall within one month inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.

7. Where, within one month of receipt of the information referred to in paragraph 6, ~~no~~ **an** objection has been raised by either another Member State or the Commission in respect of a measure taken by a Member State, that measure shall be ~~deemed justified~~ **evaluated by the Commission according to Article 49**.<sup>132</sup>
8. Member States shall ensure that appropriate restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned, such as withdrawal of the vehicle, system, component or separate technical unit from their market, without delay.

*Article 49*

***Union safeguard procedure***<sup>133</sup>

1. Where, during the procedure set out in **paragraphs 3 and 4 of Article 44** ~~48~~, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the **Union** legislation ~~of the Union~~, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is **considered** justified or not.  
  
The Commission shall communicate its decision to all Member States and to the relevant economic operator or operators.
2. If the national measure is considered justified **by the Commission**, all Member States shall take the measures necessary to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall ~~withdraw~~ **evaluate** the measure **again**.<sup>134</sup>

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<sup>132</sup> DE: delete this para. (Q 19/11). DE: replace "deemed justified" with "evaluated by the Commission according to article 49", also replace in the 1st sentence of para. (1) "no objection" with "an objection" (Q 9/12).

<sup>133</sup> DE: delete Article 49 (Q 19/11). UK: risk of overlapping legislation. NL: scrutiny-reservation. COM: Articles 48 to 50 are part of a package. The system is lighter than current Article 29 of Directive 2007/46 which involves systematically the other Member States and the Commission.

<sup>134</sup> DE: replace with: " If the national measure is considered justified **by the Commission**, all Member States shall **are encouraged to** take the measures necessary to ensure that the non-

3. Where the national measure is considered justified and is attributed to shortcomings in this Regulation or in delegated or implementing acts adopted under this Regulation, the Commission shall propose appropriate measures as follows:
- (a) where delegated or implementing acts adopted under this Regulation are concerned, the Commission shall propose the necessary amendments to the act concerned;
  - (b) where UNECE regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE regulations in accordance with the procedure applicable under the Revised 1958 Agreement.

*Article 50*

***Compliant vehicles, systems, components or separate technical units that present a serious risk***

1. Where, having performed an evaluation under Article ~~49~~ **48**(1), a ~~national authority~~ **Member State** finds that vehicles, systems, components or separate technical units, although they comply with the applicable requirements or are properly marked, present a serious risk to safety or may seriously harm the environment or public health, ~~that national authority~~ **it**<sup>135</sup> shall require the relevant economic operator to take all appropriate measures to ensure that the vehicle, system, component or separate technical unit concerned, when ~~sold~~ **placed on the market, or** registered or after its entry into service, no longer presents that risk, to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, commensurate with the nature of the risk. The **Member State** may, ~~for a maximum period of six months~~, refuse **to register** such vehicles **as long as the vehicle manufacturer has not taken all these appropriate measures**.

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compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw **evaluate** the measure **again**." (Q 9/12)

<sup>135</sup> **FR, IT:** There are already procedures in place. It is up to the initial type approval authority to launch the recall procedure. Any type approval authority would be allowed to stop placing on the market of products for a risk, which would destabilise the market. Decision 768/2008/EC is not relevant here for *ex ante* type approved products.

2. For a vehicle, system, component or separate technical unit as referred to in paragraph 1, the economic operator shall ensure that corrective action is taken in respect of all such vehicles, systems, components or separate technical units ~~sold~~ **placed on the market**, registered or ~~at the entry~~ **entered** into service in the Union.
3. The Member State shall within one month inform the Commission and the other Member States of all available details, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national measures taken.
4. The Commission shall, without delay, consult the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission shall decide whether the national measure is **considered** justified or not, and where necessary, propose appropriate measures.
5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.<sup>136</sup>

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<sup>136</sup> DE: Delete paras. (4) and (5) as they increase the time of procedures. COM should not interfere with Member States decisions (Q 19/11, Q 25/11). COM: disagree: experience in 2010 showed that EU action did not delay the process. There are two steps: Article 48 (national safeguard procedure) and Article 50 (EU safeguard procedure, when there are consequences for other Member States). DE, FR, IT, UK to propose alternative drafting.

*Article 51*

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

1. Where new vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, the approval authority which granted the EU type-approval shall take the necessary measures, including the withdrawal of type-approval, to ensure that ~~production~~ vehicles, systems, components or separate technical units **in production**, as the case may be, are brought into conformity with the approved type. ~~The approval authorities shall inform the approval authorities of the other Member States of the measures taken within one month.~~  
*[already in Article 51(6) second sub-para.]*
  
2. For the purposes of paragraph 1, deviations from the particulars in the EU type-approval certificate or the information package shall be deemed to constitute failure to conform to the approved type. ~~A vehicle shall not be deemed to deviate from the approved type where tolerances are permitted by the relevant regulatory acts listed in Annex II and those tolerances are respected.~~
  
3. If an approval authority demonstrates that new vehicles, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark issued in another Member State do not conform to the approved type, it may ask the approval authority which granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type. On receipt of such a request, the approval authority which granted the EU type-approval shall take the requisite action as soon as possible and at the latest within **three months** of the date of the request.

4. The approval authority shall request the approval authority which granted the EU type-approval for a system, component, separate technical unit or incomplete vehicle 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) for an EU vehicle type-approval, where the non-conformity of a vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit;
  - (b) for a multi-stage type-approval, where the non-conformity of a completed vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit that forms part of the incomplete vehicle or to the non-conformity of the incomplete vehicle itself.
5. On receipt of such a request, the approval authority concerned shall take the necessary action, if necessary in conjunction with the approval authority making the request, as soon as possible and at the latest within **three months** of the date of the request.
6. Where non-conformity is established, the approval authority of the Member State that granted the EU type-approval for **a the** system, component or separate technical unit or for the incomplete vehicle shall take the measures set out in paragraph 1.

The approval authorities shall inform each other within **one month** of any withdrawal of EU type-approval and of the reasons therefor.

7. If the approval authority that granted the EU type-approval disputes the non-conformity 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 52<sup>137</sup>

~~Systems, components or separate technical units~~ Placing on the market and entry into service of parts or equipment ~~which that may pose a serious risk to the correct functioning of essential systems~~

1. ~~Systems, components or separate technical units~~ Parts or equipment that may pose a ~~significant~~ serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance may ~~shall~~ not be sold placed on the market, registered or enter into service and shall be prohibited unless they have been authorised by an approval authority in accordance with ~~paragraph 4 of this Article and~~ Article 53(1) and (2).
2. In order to ensure the uniform application of paragraph 1, ~~t~~The Commission shall be empowered to adopt delegated implementing acts<sup>138</sup> ~~in accordance with Article 76 concerning~~ establish to draw up a list of such parts or equipment on the basis of the ~~systems, components or separate technical units covered by paragraph 1~~<sup>139</sup> by means of ~~delegated acts in accordance with Articles 76, 77 and 78, taking into~~ account of available information, and in particular information communicated by the Member States, regarding on the following:
  - (a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with the ~~systems, components or separate technical units~~ parts or equipment in question;

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<sup>137</sup> IT, UK, BG: Stick rather to Articles 31 and 32 of Directive 2007/46/EC which are more clear (clarify rather definitions 6, 7, 16, 17 and 18). IT: in particular keep Article 31(3). FR: Need for implementation measures of 2007/46/EC. COM: Annex XIII, list of parts, was not completed and the exercise is infinite. This is the ground for the proposed change.

<sup>138</sup> UK: replace with "implementing acts". This might affect the scope of the Regulation. NL: preference for implementing acts all over the text. COM: tbc.

<sup>139</sup> UK: add: "Any decision to place parts or components on this list shall be preceded by an impact assessment resulting in a report and strive for a fair balance between the following elements:".

- (b) the **possible** effect on consumers and after-market manufacturers of the imposition under this Article of a possible authorisation requirement for ~~systems, components or separate technical units~~ **parts or equipment**.

**Those implementing acts shall be adopted in accordance with the procedure laid down in Article 74.**

3. ~~Original components' are vehicle parts manufactured according to the specifications and production standards provided by the vehicle manufacturer for the production of components for the assembly of the vehicle in question, including those components which are manufactured on the same production line as these components, and, based on a rebuttable presumption, components for which the manufacturer certifies that they match the quality of the components used for the assembly of the vehicle in question and have been manufactured according to the specifications and production standards of the vehicle manufacturer; the same applies to separate technical units.~~

Paragraph 1 shall not apply to original ~~systems, components or separate technical units~~ **parts or equipment** and to ~~systems, components or separate technical units~~ **parts or equipment** that are type-approved in accordance with the provisions of one of the acts listed in Annex II, except where the approval relates to aspects other than those covered in paragraph 1.

Paragraph 1 shall not apply to ~~systems, components or separate technical units~~ **parts or equipment exclusively** produced for **racing** vehicles **not** intended ~~exclusively~~ for **use** racing on **public** roads. ~~If systems, components or separate technical units on a list in a delegated act to this Regulation have a dual use, for vehicles intended exclusively for racing on roads and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers.~~ **If parts or equipment included in a list established by an implementing act referred to in paragraph 2 have a dual use for racing and on the road, these parts or equipment may not be made available to the general public for use in on-road vehicles unless they comply with the requirements of this Article. Where appropriate, the Commission shall adopt provisions for identifying the parts or equipment referred to in this paragraph.**

4. The Commission shall, ~~to the extent necessary~~, lay down the model and numbering system for the certificate referred to in third subparagraph of Article 53(21) as well as all aspects relating to the procedure **referred to in that Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).** ~~by means of implementing act in accordance with Article 73.~~ **The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].**
- 4a.** The Commission, shall **be empowered to** adopt, ~~by means of~~ delegated acts in accordance with Article 76 **concerning** and subject to the conditions laid down in Articles 77 and 78, lay down the requirements which such **the parts and equipment referred to in paragraph 1** **shall** components must fulfil, ~~the marking, packaging and the appropriate tests~~ by means of delegated acts in accordance Articles 76, 77 and 78.
5. These requirements ~~referred to in paragraph 4~~ may be based on the acts listed in Annex II or may consist of a comparison of the ~~system, component or separate technical unit~~ **parts or equipment with the environmental or safety** performance of the original vehicle, or of any of its parts, as appropriate. In either case the requirements shall ensure that the ~~systems, components or separate technical units~~ **parts or equipment** do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.

Article 53

~~Systems, components or separate technical units~~ which Parts or equipment that may pose a significant serious risk to the correct functioning of essential systems — related requirements

1. For the purposes of Article 52(1), the manufacturer of ~~systems, components or separate technical units~~ parts or equipment shall submit to the approval authority an application accompanied by a test report drafted by a designated technical service which certifies that the ~~systems, components or separate technical unit~~ parts or equipment for which authorisation is sought comply with the requirements referred to in Article 52(4a). The manufacturer may submit only one application per type per part to only one approval authority.

If so requested by the competent authority of another Member State, the approval authority which has given the authorisation shall, within one month of receiving that request, send to the former a copy of the requested authorisation certificate together with the attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file. [parallel with Article 27(8)]

2. The application shall include details of the manufacturer of ~~the systems, components or separate technical units~~ parts or equipment, the type, identification and part numbers of the ~~systems, components or separate technical units~~ parts or equipment, the vehicle manufacturer's name, type of vehicle and, if appropriate, year of construction or any other information permitting the identification of the vehicle to which the ~~systems, components or separate technical units~~ parts or equipment are to be fitted.

When the approval authority is satisfied, taking account of the test report and other evidence, that the ~~systems, components or separate technical units~~ parts or equipment in question comply with the requirements referred to in Article 52(4), it shall ~~issue a certificate to the manufacturer without delay. This certificate shall authorise the~~ ~~systems, components or separate technical units~~ parts or equipment to be sold placed on the Union market and to be entered ~~the entry into service in the Union~~ subject to the second subparagraph of paragraph ~~2~~ 3.

**The approval authority shall issue a certificate to the manufacturer without unjustified delay.**

**2a. The Commission shall be empowered to adopt an implementing act in order to lay down a template and numbering system for the certificate referred to in the third subparagraph of Article 53(2) as well as all aspects relating to the procedure of authorisation referred to in the present Article. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).**

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

The manufacturer shall be responsible for ensuring that the ~~systems, components or separate technical units~~ **parts or equipment** are produced and continue to be produced under the conditions under which the ~~certificate~~ **authorisation** was issued.

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

Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the ~~systems, components or separate technical units~~ **parts or equipment** are brought back into conformity. If necessary, it shall withdraw the authorisation.

5. Approval authorities from different Member States shall bring any disagreement in relation to the ~~certificates~~ **authorisation** referred to in the ~~third~~ **second** subparagraph of paragraph ~~1~~ **2** to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, including, where necessary, requiring the withdrawal of the authorisation, after having consulted the approval authorities.

6. Until the list referred to in Article 52(2) has been established, Member States may maintain national provisions dealing with ~~systems, components or separate technical units~~ **parts or equipment** which may affect the correct functioning of systems essential for the safety of the vehicle or its environmental performance.

*Article 54*

***Recall of vehicles, systems, components or separate technical units***

1. Where a manufacturer who has been granted an EU whole-vehicle type-approval is obliged, in accordance with Regulation (EC) **No** 765/2008 to recall vehicles ~~sold~~ **placed on the market**, registered or for which ~~entry into service~~ the manufacturer was responsible **for the entry into service**, because a system, component or separate technical unit fitted to the vehicle presents a serious risk to safety, public health or environmental protection, whether or not duly approved in accordance with this Regulation, or because a part not subject to any specific requirements under type-approval legislation presents a serious risk to safety, public health or environmental protection, that manufacturer shall immediately inform the approval authority that granted the vehicle approval thereof.
2. Where a manufacturer of systems, components or separate technical units, who has been granted an EU type-approval is obliged, in accordance with Regulation (EC) **No** 765/2008, to recall systems, components or separate technical units which have been ~~sold~~ **placed on the market** or for which the manufacturer was responsible for the entry into service, because these present a serious risk to safety, occupational safety, public health or environmental protection, whether or not duly approved<sup>140</sup> in accordance with this Regulation, the manufacturer shall immediately inform the approval authority that granted the approval.

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<sup>140</sup> DE: replace "duly approved" with "subject to type-approval" (Q 19/11).

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

The approval authorities shall ensure that the ~~measures~~ **remedies** are effectively implemented in their respective territories.<sup>141</sup>

4. If the remedies are considered to be insufficient or not implemented quickly enough by the approval authority concerned, it shall inform the approval authority that granted the ~~EU~~ vehicle **EU** type-approval without delay.

The approval authority that granted the EU type-approval shall then inform the manufacturer. If the manufacturer does not propose and implement effective corrective measures, the approval authority which granted the EU type-approval shall take all protective measures required, including the withdrawal of the EU type-approval. In the case of withdrawal of the EU type-approval, the approval authority shall notify **thereof** the manufacturer, the approval authorities of the other Member States and the Commission by registered letter or equivalent electronic means within **one month**.

#### *Article 55*

##### *Notification of decisions and remedies available*

1. All decisions taken pursuant to the provisions of this Regulation and all decisions refusing or withdrawing EU type-approval, refusing registration, prohibiting or restricting the **sale placing on the market**, registration, **or** entry into service requiring withdrawal from the market shall state in detail the reasons on which they are based.

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<sup>141</sup> DE: on paras (2) and (3): The responsibilities of type approval and market surveillance authorities need to be clarified; type approval authorities should not do market surveillance. FR, supported by IT: here are the provisions of Directive 2007/46 where initial type approval authorities have a focal role.

2. Any such decision shall be notified to the party concerned, who shall, at the same time, be informed of the remedies available to it under the laws in force in the Member State concerned and of the time limits allowed for the exercise of such remedies.

# CHAPTER XIV

## INTERNATIONAL REGULATIONS

Article 56<sup>142</sup>

*UNECE regulations ~~compulsory for the purposes of~~ required for EU type-approval*

1. UNECE regulations **or amendments thereto** to which the Union has acceded and which are listed in this Regulation or in the delegated acts adopted under this Regulation shall be part of the **requirements for the** EU type-approval of a vehicle.

**1a. The approval authorities of the Member States shall accept approvals granted in accordance with those UNECE regulations and, where applicable, the relevant approval marks, in place of the corresponding approvals and approval marks granted in accordance with this Regulation and its delegated acts.** [*moved from Article 57(2)*]

2. When the Union has decided to apply on a compulsory basis ~~acceded to~~ **voted in favour of** a UNECE regulation **or amendments thereto** for the purpose of EU vehicle type-approval ~~in accordance with Article 4(4) of Council Decision 97/836/EC, the Commission shall adopt amend the Annexes to this Regulation as appropriate, by means of a delegated act in accordance with~~ **Article 76 in order to make the UNECE regulation or its amendments compulsory, as appropriate** ~~Articles 76, 77 and 78.~~

~~The~~ delegated act amending the ~~Annexes to this Regulation~~ shall specify the dates of compulsory application of the UNECE regulation or its amendments **and shall include transitional provisions where appropriate.**

**[The Commission shall adopt separate delegated acts reflecting the accession to UNECE regulations or the adoption of amendments thereto.]**

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<sup>142</sup> FR: reservation on this Article.

*Article 57*

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

1. ~~The UNECE regulations listed in **Annexes V, VI, VII and VIII** to this Regulation **or in the delegated acts adopted under this Regulation** shall be considered as equivalent to the corresponding **provisions of this Regulation and its** delegated acts in as much as they share the same scope and subject matter.~~
  
2. ~~The approval authorities of the Member States shall accept approvals granted in accordance with those UNECE regulations and, where applicable, the relevant approval marks in lieu of the corresponding approvals and approval marks granted in accordance with this Regulation and its delegated acts. [moved to Article 56 (1a)]~~
  
3. ~~Where the Union has decided to apply, for the purposes of paragraph 1, a new UNECE regulation or a UNECE regulation as amended, the Commission shall **be empowered to adopt delegated acts in accordance with Article 76 concerning the amendment of** the **A** ~~annexes **V, VI, VII and VIII** to this Regulation or **of** the delegated acts **adopted under this Regulation** as appropriate, by means of a delegated act in accordance with **Article 76** 76, 77 and 78. [redundant with Article 56(1) modified]~~~~

# CHAPTER XV

## PROVISION OF TECHNICAL INFORMATION

### *Article 58*

#### *Information intended for users*

1. The manufacturer may not supply any technical information related to the particulars provided for in this Regulation, its implementing acts or delegated acts listed in Annex II **which** ~~where such information~~ diverges from the particulars approved by the approval authority.
2. Where an implementing or delegated act listed in Annex II so provides, the manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions linked to the use of a vehicle, a system, a component or a separate technical unit.
3. **The** ~~That~~ information **referred to in paragraph 2** shall be supplied in the official languages of the Member State where the vehicle is to be ~~sold~~ **placed on the market**, registered ~~and~~ **or** is to be entering into service. It shall be provided, after acceptance by the approval authority, in the owner's manual.

### *Article 59*

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

1. The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all particulars which are necessary for EU type-approval of components or separate technical units; ~~or are necessary~~ to obtain an authorisation under Article ~~52~~ 46, including, where applicable, drawings referred to in the **delegated** acts listed in Annex II.

The vehicle manufacturer may impose a binding agreement on the manufacturers of components or separate technical units to protect the confidentiality of any information which is not in the public domain, including information related to intellectual property rights.<sup>143</sup>

2. The manufacturer of components or separate technical units, in its capacity as the holder of an EU type-approval certificate which, in accordance with Article 22(4), includes restrictions on use or special mounting conditions or both, shall provide all the detailed information thereon to the vehicle manufacturer.

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

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<sup>143</sup> UK: delete the 2nd subparagraph of point 1 and amend the 1st subparagraph as follows : "The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all particulars which are necessary in order to develop compatible replacement components and obtain EU type-approval of components or separate technical units according to Article 29." (Q 11/11). COM: see Art. 38(1)(2) of Dir. 2007/46/EC.

# CHAPTER XVI

## ACCESS TO ~~VEHICLE~~ REPAIR AND MAINTENANCE INFORMATION<sup>144</sup>

### *Article 60*

#### *Manufacturers' obligations*

1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this access shall be granted in a manner which is non-discriminatory compared to the **provision given or** access granted to authorised dealers and repairers.<sup>145</sup>
2. Until the Commission has adopted a common standard, the information referred to in paragraph 1 shall be submitted in a consistent manner that can be processed by independent operators with reasonable effort.

Manufacturers shall also make training material available to independent operators and authorised dealers and repairers.

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<sup>144</sup> IT: delete Chapter XVI (Q 5/11). ES: scrutiny reservation. FR: reservation on Chapter XVI (Q 26/11): huge burden and risks of tampering increased through this access whereas it should be avoided for safety reasons. COM: these new provisions are necessary because of the increasing complexity of products, the need for information of consumers and market surveillance authorities, as well as the market structure.

<sup>145</sup> UK: add a sentence : "The requirements of this Article and of Article 61 shall not apply in respect of vehicles approved according to Article 40." (Q 20/11). COM: reservation.

3. The information referred to in paragraph 1 shall include as a minimum all of the following:
- (a) ~~the~~ **an unequivocal** ~~unique~~ vehicle identification number;
  - (b) service handbooks including repair and maintenance records **and service schedules**;
  - (c) technical manuals **and technical service bulletins**;
  - (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements<sup>146</sup>);
  - (e) wiring diagrams;
  - (f) diagnostic trouble codes, including manufacturer-specific codes;
  - (g) the software identification and calibration verification numbers applicable to a vehicle type;
  - (h) information concerning, and delivered by means of, proprietary tools and equipment;
  - (i) data record information and two-directional monitoring and test data;
  - (j) work units.
4. Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation **to the extent that** ~~in cases where~~ they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.
5. The vehicle repair and maintenance information shall always be available, except as required for ~~the~~ maintenance **purposes** of the information system.

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<sup>146</sup> UK: add "and bulk data on components fitted to individual vehicles" (Q 11/11). COM: reservation.

6. For the **purposes of** manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested **manufacturer or repairer of** component, diagnostic tool or test equipment ~~manufacturer or repairer.~~
7. For the **purposes of** design and manufacture of automotive equipment for alternative-fuel vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.
8. When applying for EU type-approval or national type-approval, the manufacturer shall provide the approval authority with proof of compliance with this Regulation **relating** ~~in relation to access to vehicle repair and maintenance information and~~ to the information **required in this Article** ~~referred to in paragraph 5.~~

In the event that such information is not available, or does not conform to this Regulation and its delegated **and implementing** acts, at that point in time **when applying for EU type-approval or national type-approval**, the manufacturer shall provide it within six months from the date of type-approval.

**The Commission shall be empowered to adopt an implementing act in order to lay down a template of a certificate on access to vehicle OBD and vehicle repair and maintenance information providing such proof of compliance to the type-approval authority. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).**

~~Implementing powers are conferred... in order to lay down a template of a certificate providing such proof of compliance to the type approval authority~~

9. If such proof of compliance is not provided within ~~that~~ the period referred to in the second subparagraph of paragraph 8, the approval authority shall take appropriate measures to ensure compliance.
10. The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers.
11. Where ~~the~~ repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall have access ~~free of charge~~ to such records free of charge and shall be able to enter information on ~~the~~ repair and maintenance which they have performed.
12. The Commission shall be empowered to adopt delegated acts in accordance with Article 76 laying down the details of the requirements with regard to access to repair and maintenance information ~~by means of a delegated act in accordance with Articles 76, 77 and 78.~~

#### *Article 61*

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

1. In the case of step-by-step type-approval or of, ~~including~~ multi-stage type-approval, the manufacturer responsible for the respective ~~each individual~~ type-approval shall also be responsible for communicating repair information relating to the particular system, component or separate technical unit or to the particular stage to both the final manufacturer and independent operators.
2. The final manufacturer shall be responsible for providing information about the whole vehicle to independent operators.

Article 62

*Fees for access to vehicle repair and maintenance information*

1. Manufacturers may charge reasonable and proportionate fees for access to vehicle repair and maintenance information covered by this Regulation. A fee shall not be ~~considered~~ reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses it ~~the information~~.
2. Manufacturers shall make available vehicle repair and maintenance information on a daily, monthly, and yearly basis, ~~whereby~~ with fees for access to such information ~~may vary~~ing in accordance with the respective periods of time for which access is granted.<sup>147</sup>

Article 63

*Penalties*<sup>148</sup> Forum on Access to Vehicle Information

- ~~1. Member States shall provide for penalties for infringement by manufacturers of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [6 months after publication of this Regulation] and shall notify the Commission 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 approval procedures or procedures leading to a recall;~~
  - ~~(b) falsifying test results for type approval or in-service conformity;~~~~

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<sup>147</sup> FI: add: "Accessing information shall not require purchasing any manufacturer specific soft- or hardware." (Q 25/11)

<sup>148</sup> Moved to Article 78a (final provisions).

- ~~(e) withholding data or technical specifications which could lead to recall or withdrawal of type approval;~~
- ~~(d) use of defeat devices;~~
- ~~(e) refusal to provide access to information.~~

**The scope of application of the activities carried out by the Forum on Access to Vehicle Information established in accordance with Article 13(9) of Commission Regulation (EC) No 692/2008<sup>149</sup> shall be extended to the vehicles covered by this Regulation.**

**On the basis of evidence of deliberate or unintentional misuse of vehicle OBD and vehicle repair and maintenance information, the Forum shall advise the Commission on measures to prevent such misuse of information.**

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<sup>149</sup> OJ L 199, 28.7.2008, p.1

# CHAPTER XVII

## DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES <sup>150 151</sup>

### Article 64

#### *Requirements relating to technical services*

1. For the purposes of designation pursuant to Article 66 and notification pursuant to Article 68, technical services shall meet the requirements laid down in paragraphs 2 to 11 **of this Article**.
2. **Without prejudice to Article 66a(1) aA** technical service shall be established under the national law of a Member State<sup>152</sup> and have legal personality.
3. A technical service shall be a third-party body independent of the **process of design, manufacturing, provision, assembly, use or maintenance of** vehicle, system, component or separate technical unit it assesses.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of vehicles, systems, components or separate technical units which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.

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<sup>150</sup> BG, FI (Q 25/11), IT, DE: reservation on the whole Chapter. NL: scrutiny reservation. Only Articles 66, 67 and 68 should remain and be aligned to Articles 41, 42 and 43 of Directive 2007/46/EC. COM: adding Decision 768/2008/EC market surveillance mechanisms to Directive 2007/46/EC procedures aims at reinforcing market surveillance in view of the compliance problems encountered now in the L-category market. The alignment might be less needed for tractors.

<sup>151</sup> BG: legal consistency of Article 5(2) of Regulation 765/2008 and the present Chapter? In the absence of specific provisions in this Regulation, Regulation 765/2008 applies.

<sup>152</sup> *NB: this does not prevent the possibility to use a technical service established in another Member State.*

4. A technical service, its top-level management and the personnel responsible for carrying out the assessment tasks may not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles, systems, components or separate technical units which they assess, nor the authorised representative of any of those parties. This shall not preclude the use of assessed vehicles, systems, components or separate technical units that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.

A technical service, its top-level management and the personnel responsible for carrying out the assessment, testing or inspection tasks may not be directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those vehicles, systems, components or separate technical units, or represent the parties engaged in those activities. They may not engage in any activity that may conflict with their independence of judgment or integrity in relation to the assessment activities for which they are notified. This shall in particular apply to consultancy services.

Technical services shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Technical services and their personnel shall carry out the assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.
6. Technical services shall be capable of carrying out all the conformity assessment tasks assigned to them and for which they have been notified, whether those tasks are carried out by the technical service itself or on its behalf and under its responsibility.

7. At all times and for each assessment task and each kind or category of vehicles, systems, components or separate technical units for which it has been notified, technical services shall have at its disposal the ~~necessary~~ **following**:
- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the assessment task;
  - (b) descriptions of the procedures for the assessment task, ensuring the transparency and reproducibility of those procedures, whereby the technical service shall have appropriate policies and procedures as well as appropriate policies and procedures in place that distinguish between tasks it carries out as a technical service and other activities;
  - (c) procedures for the performance of **their activities in the area of type-approval and conformity of production** which take due account of ~~the size of an undertaking, the sector in which it operates, its structure,~~ the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question, and the mass or serial nature of the production process.
8. Technical services shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.
9. The personnel responsible for carrying out conformity assessment activities shall have the following:
- (a) sound technical and vocational training covering all the conformity assessment activities for which the technical service has been notified;
  - (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

- (c) appropriate knowledge and understanding of the safety and environmental requirements and other relevant provisions of this Regulation and the acts listed in Annex II;
  - (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.
10. The impartiality of the technical services, their top-level management and the assessment personnel shall be guaranteed.
  11. The remuneration of the top-level management and assessment personnel of a technical service shall not depend on the number of assessments carried out or on the results of those assessments.
  12. Technical services shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.
  13. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State ~~in which~~ **where the technical service is carrying out** its activities ~~are carried out~~ **or where the type-approval has been issued**. Proprietary rights shall be protected.

*Article 65*

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

1. ~~Activities~~ **Technical services** may be subcontracted **some of their activities** or **have these activities** carried out by a subsidiary only with the agreement of ~~the manufacturer~~ **their designating approval authority**.

2. Where a technical service subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 64 and shall inform the ~~notifying~~ **designating approval** authority accordingly.
3. Technical services shall take full responsibility for the tasks performed by any subcontractors or subsidiaries, wherever these are established.
4. Technical services shall keep at the disposal of the ~~notifying~~ **designating approval** authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under this Regulation.

*Article 66*

***Designation of technical services***

1. Technical services designated by approval authorities for the purposes of this Article shall comply with the provisions of this Regulation.
2. ~~The~~ **T**echnical services shall carry out themselves or supervise the tests required for approval or inspections as set out in this Regulation or in one of the acts listed in Annex II, except where alternative procedures are permitted. The technical services may not conduct tests or inspections for which they have not been duly designated.
3. Technical services shall fall into one or more of the five<sup>153</sup> following categories of activities, depending on their field of competence:
  - (a) category A, technical services which carry out in their own facilities the tests referred to in this Regulation and in the acts listed in Annex II;

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<sup>153</sup> ES: replace "five" with "four" (Q 21/11). Support CZ, NL. Parallel with Article 41 of Directive 2007/46/EC. AT, COM: opposed. Category E allows for smaller units. One technical service can fall in one or more categories.

- (b) category B, technical services which supervise the tests referred to in this Regulation and in the acts listed in Annex II, where such tests are performed in the manufacturer's facilities or in the facilities of a third party;
  - (c) category C, technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;
  - (d) category D, technical services which supervise or perform tests or inspections for the surveillance of conformity of production;
  - (e) category E, technical services in charge of individual approvals.<sup>154</sup>
4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex II. In addition, technical services shall comply with the standards laid down in the delegated act referred to in Article 66b ~~paragraph 11~~ which are relevant for the activities they carry out. **However, such compliance is not required for the purposes of the last stage of a multi-stage type-approval as referred to in Article 44(2).**
5. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 3.

**5a. Technical services of a third country, other than those designated in accordance with Article 66a, may be notified for the purposes of Article 68 only if such an acceptance of technical services is provided for by a bilateral agreement between the Union and the third country concerned.**

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<sup>154</sup> ES, NL, CZ: delete (e) as not necessary: it included in (a) and (b). Align to the wording of Article 41 of Directive 2007/46/EC (see text in Q 17/11 and Q 21/11). AT, COM: keep (e). Category (e) allows for smaller units. One technical service can fall in one or more categories. NL: depends on the scope of the Regulation.

Article 66a

Accredited in-house technical services of the manufacturer

61. An accredited in-house ~~body~~ **technical service** of a manufacturer may be used ~~designated as a technical service~~ to carry out assessment activities for the undertaking of which it forms part only for category A activities with regard to technical requirements for which self-testing is allowed by a delegated act adopted under this Regulation. That ~~body~~ **technical service** shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, production, supply, installation or maintenance of the vehicles, systems, components or separate technical units it assesses.
72. An accredited in-house ~~body~~ **technical service** shall meet the following requirements:
- (a) it shall be accredited in accordance with ~~Regulation (EC) No 765/2008~~ **Article 66b**;
  - (b) the **accredited in-house technical service** ~~body~~ and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form part which ensure their impartiality and demonstrate it to the relevant national accreditation body;
  - (c) neither the **accredited in-house technical service** ~~body~~ nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the vehicles, systems, components or separate technical units they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities;
  - (d) the **accredited in-house technical service** ~~body~~ shall supply its services exclusively to the undertaking of which it forms part.

- ~~83.~~ An accredited in-house **technical service** body shall not be notified to ~~the Member States or the Commission,~~ for the purposes of Article 68 but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the notifying authority at the request of that authority.<sup>155</sup>
- ~~94.~~ A manufacturer or a subcontracting party acting on its behalf may be designated as a technical service only for category A activities with regard to technical requirements for which self-testing is allowed in a delegated act adopted under this Regulation. (*redundant with para. 1*)
- ~~10.~~ Technical services of a third country, other than those designated in accordance with paragraph ~~69~~, may be notified for the purposes of Article 68 only under a bilateral agreement between the Union and the third country in question. (*moved to Article 66(5a),*)

### **Article 66b**

#### **Procedures for performance standards and assessment of technical services**

- ~~11.~~ In order to ensure that these services meet the same high level of performance standards in all Member States, the Commission shall **be empowered to adopt delegated acts in accordance with Article 76 concerning** ~~lay down~~ the standards with which the technical services have to comply and the procedure for the assessment of technical services ~~by means of a delegated act in accordance with Articles 76, 77 and 78.~~

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<sup>155</sup> ES, AT: replace para. with the following: "An accredited in-house **technical service** body shall be notified to the Commission." (Q 21/11). DE: little number of such in-house technical services in practice.

Article 67

*Assessment of the skills of technical services*

1. The competent authority shall draw up an assessment report demonstrating that the ~~designated and notified~~ **candidate** technical service has been assessed for its compliance with the requirements **of this Regulation and the delegated acts adopted under this Regulation.**<sup>156</sup>
2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the provisions laid down in a delegated act ~~adopted under this Regulation~~ **referred to in Article 66b.** The assessment report shall be reviewed after a maximum period of three years.<sup>157</sup>
3. The assessment report shall be communicated to the Commission upon request.<sup>158</sup> **In such cases, and w**Where the assessment is not based on an accreditation certificate issued by a national accreditation body attesting that the technical service fulfils the requirements of this Regulation, the notifying authority shall provide the Commission<sup>159</sup> ~~and the other Member States~~ with documentary evidence which attests the technical service's competence and the arrangements in place to ensure that the technical service is monitored regularly and ~~will continue to satisfy~~ **ifies** the requirements of this Regulation and its delegated acts.

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<sup>156</sup> DE, ES, NL, AT: add the following sub-para.: "This may include a certificate of accreditation issued by an accreditation body." (Q 19/11, Q 21/11), same as Directive 2007/46/EC, be there or not an accreditation, same validity of type-approval authorities and same procedures. FR, IT: reservation on this addition. Accreditation certificate can be emitted by another organism. If a technical service is designated directly by the type-approval authority (that can always access tests), what need for accreditation? COM: whenever a technical service has an accreditation certificate, authorities have to take into account that certificate.

<sup>157</sup> BG: clarify legal relationship with Article 5(2) of Regulation 765/2008. In the absence of specific provisions in this Regulation, Regulation 765/2008 applies.

<sup>158</sup> ES, IT: delete the rest of the para. (Q 21/11).

<sup>159</sup> DE: delete "the Commission and".

4. ~~An~~ **The** approval authority that intends to be designated as a technical service shall demonstrate compliance through documentary evidence. This shall include an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from ~~within~~ the same organisation provided that they are managed separately from personnel undertaking the assessed activity.
5. An accredited in-house ~~body designated as a~~ technical service shall comply with the relevant provisions of this Article.

*Article 68*

***Procedures for notification*** <sup>160</sup>

1. Member States shall notify to the Commission the name, the address including electronic address, the responsible persons and the category of activities for each designated technical service, as well as any subsequent modifications thereto. The notification shall state for which subjects listed in Annex II the technical services have been designated.
2. A technical service may conduct the activities referred to in Article 66**(3)** for the purposes of type-approval for the Member State which designated it only if it has been notified beforehand to the Commission ~~and where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification where~~ **an accreditation certificate** ~~is not used.~~

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<sup>160</sup> ES: align to the wording of Article 43 of Directive 2007/46/EC (see text in Q 17/11).

3. The same technical service may be designated and notified by several Member States irrespective of the category of activities it conducts<sup>161</sup>.
4. The Commission ~~and the other Member States~~ shall be notified of any subsequent relevant changes to the notification.
5. Where a specific organisation or competent body carrying out an activity not included in those referred to in Article 66(3) needs to be designated in application of an act listed in Annex II, the notification shall be made in accordance with this Article.
6. **The Commission shall publish on its website a list and details of the approval authorities and technical services. [list of approval authorities already in Article 5(1)]**

*Article 69*

***Changes to ~~notifications~~ designations***

1. Where a notifying authority **Member State** has ascertained or has been informed that a technical service no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the notifying authority **Member State** shall restrict, suspend or withdraw notification **designation** as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The notifying authority **Member State** shall immediately inform the Commission<sup>162</sup> ~~and the other Member States~~<sup>163</sup> accordingly. **The Commission shall modify accordingly the information published referred to in Article 68(6).**

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<sup>161</sup> ES: add "provided that such technical service has been previously appointed by the Member State where it has its main headquarters." (Q 21/11)

<sup>162</sup> DE, ES: delete "and the other Member States" (Q 19/11, Q 21/11).

<sup>163</sup> BG: this text is in the New Legislative Framework. COM: this text is a *lex specialis* that can deviate from the NLF.

2. In the event of restriction, suspension or withdrawal of ~~notification~~ **designation**, or where the technical service has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that technical service are either processed by another technical service or kept available for the competent notifying and market surveillance authorities at their request.

*Article 70*

***Challenge to the competence of technical services*** <sup>164</sup>

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, regarding the competence of a technical service or the continued fulfilment by a technical service of the requirements and responsibilities to which it is subject.
2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the ~~notification~~ **designation** or the maintenance of the competence of the technical service concerned.
3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.
4. Where the Commission ascertains that a technical service does not meet or no longer meets the requirements for its ~~notification~~ **designation**, it shall inform the notifying Member State accordingly and request<sup>165</sup> it to take the necessary corrective measures, including the withdrawal of the ~~notification~~ **designation** if necessary.

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<sup>164</sup> DE, ES: delete Article 70 (Q 19/11, Q 21/11). FR, IT, COM: opposed to this deletion.

<sup>165</sup> DE: replace with "encourage" (Q 9/12).

Article 71

*Operational obligations of technical services* <sup>166</sup>

1. Technical services shall carry out conformity assessments in accordance with the assessment procedures provided for in this Regulation.
  - 1a. Technical services shall at all times allow their designating approval authority to witness the technical service during the conformity assessment as appropriate.**
2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Technical services shall perform their activities **in the area of type-approval and conformity of production** taking due account of ~~the size of an undertaking, the sector in which it operates, its structure,~~ the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question and the mass or serial nature of the production process.
3. ~~In so doing, they~~ **When carrying out conformity assessment, technical services** shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the vehicle, system, component or separate technical unit with the provisions of this Regulation.
4. Where a technical service finds that requirements laid down in this Regulation have not been met by a manufacturer, it shall **report this to the type-approval authority with a view to** require ~~the~~ **that** manufacturer to take appropriate corrective measures and ~~shall request the type-approval authority~~ **subsequently** not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the technical service.<sup>167</sup>

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<sup>166</sup> DE, BG: delete Article 71 (Q 19/11, Q 21/11).

<sup>167</sup> FI: reservation, this is not testing for type-approval.

5. Where, in the course of monitoring conformity of production following the issue of a type-approval certificate, a technical service finds that a vehicle, system, component or separate technical unit no longer complies with this Regulation, it shall **report this to the type-approval authority with a view to** require ~~the~~ that manufacturer to take appropriate corrective measures and, **if necessary**, shall request the type-approval authority to suspend or withdraw the type-approval certificate **unless appropriate corrective measures have been taken to the satisfaction of the technical service** if necessary. **The type-approval authority shall take the appropriate measures as foreseen in Article 31.**
6. ~~Where corrective measures are not taken or~~ **are not considered to be satisfactory**, do not have the required effect, the technical service shall request **report this to** the type-approval authority **in order** to restrict, suspend or withdraw the type-approval certificate, as appropriate.

Article 72

**Information obligations of technical services**

1. Technical services shall inform the approval authority of the following:
  - (a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;
  - (b) any circumstances affecting the scope of and conditions for their ~~notification~~ **designation**;
  - (c) any request for information which they have received from market surveillance authorities regarding their assessment activities;
2. On request from ~~the approval~~ **their designating** authority, **technical services shall provide information on the** assessment activities ~~shall be performed~~ within the scope of their ~~notification~~ **designation** and **on** any other activity performed, including cross-border activities and subcontracting.
3. ~~Technical services shall provide the other technical services notified under this Regulation which carry out similar assessment activities covering the same vehicle, system, component or separate technical unit with relevant information on issues relating to negative and, on request, positive assessment results.~~

## CHAPTER XVIII

### IMPLEMENTING MEASURES AND DELEGATION <sup>168</sup>

#### *Article 73*

#### *Implementing measures*

**For the purposes of achieving the objectives of this Regulation and** in order to lay down uniform conditions for the implementation of this Regulation, the Commission shall, in accordance with the procedure referred to in Article 74(2), adopt implementing acts laying down **the following** implementing measures ~~to establish the following~~:

**(aa) a template for the manufacturer's statement regarding the endurance of functional safety critical systems, parts and equipment referred to in Article 20(5);**

- (a) ~~the details of the~~ **detailed** arrangements with regard to type-approval procedures ~~in accordance with~~ **referred to in** Article 23(6) ;
- (b) templates for the information folder and **for** the information document ~~in accordance with~~ **referred to in** Article 25(2) ;
- (c) a numbering system of EU type-approval certificates ~~in accordance with~~ **referred to in** Article 27(4);

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<sup>168</sup> FR, supported by ES, IT, UK: general reservation on the division between the provisions that should be contained in the Regulation, implementing measures or delegated acts. Further analysis needed. e.g.: environment protection measures could be in delegated acts since they transpose Geneva-based decisions, whereas security and functional security aspects should not be left to annexes only: essential security requirements should be defined in the Regulation. Besides, the delegation should be limited in time (Article 76) and be well defined and not vague or general (Article 75).

- (d) a template for an EU type-approval certificate ~~in accordance with~~ **referred to in Article 28 (2);**
- (da) a template for the test results sheet appended to the EU type-approval certificate referred to in Article 28(3);**
- (db) a template of the list of applicable requirements or acts referred to in Article 28(6);**
- (dc) the general requirements for the format of test report referred to in Article 30(1);**
- (e) the detailed ~~s of the~~ arrangements with regard to conformity of production ~~in accordance with~~ **referred to in Article 31(5);**
- (f) the template of a certificate of conformity ~~in accordance with~~ **referred to in Article 36(2);**
- (fa) the list of restrictions on the certificate of conformity as regards the use of the vehicle referred to in Article 36(5);**
- (g) the model of the EU type-approval mark ~~in accordance with~~ **referred to in Article 37(4);**
- (h) an authorisation to grant EU type-approval exempting new technologies or new concepts referred to in Article 38(3);**
- (i) an authorisation to a Member State to extend the type-approval referred to in Article 39(2);**
- (j) a list of parts and equipment as referred to in Article 52(2);**
- (k) the model and the numbering system for the certificate referred to in third subparagraph of Article 53(2) as well as all aspects relating to the procedure of authorisation referred to in that Article;**

**(l) the template of a certificate providing proof of compliance to the type approval authority as referred to in Article 60(8).**

*Article 74*

***Committee procedure***

1. The Commission shall be assisted by the Technical Committee – Motor Vehicles [established ~~under~~ by Article 40 of Directive 2007/46/EC]. **That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
2. Where reference is made to this paragraph, Article **5 of Regulation (EU) No 182/2011 shall apply.**

**Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.** ~~5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.~~

*Article 75*

***Amendment of the Annexes*** <sup>169</sup>

1. **Without prejudice to the other provisions of this Regulation relating to the amendment of its Annexes, the Commission shall also be empowered to** ~~may adopt amendments to the Annexes of this Regulation by means of delegated acts in accordance with Articles 76, 77 and 78~~ **concerning the amendments to:**

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<sup>169</sup> DE, IT: reservation. CZ, FI, FR: scrutiny reservation. FR, IT: when amendments concern the scope they must be decided by the Ordinary legislative procedure. DE: we must specify precisely what will come under the delegated acts.

~~(0i) Annex I of this Regulation as regards the creation of further subcategories as laid down in chapter 6.3 of UN Global Technical Regulation No. 2<sup>170</sup>; (transferred to Art. 4(5) )~~

~~(i) Annexes II<sup>171</sup> and V of this Regulation in order to introduce documents references and corrigenda;~~

~~(ii) Parts (C) and (D) of Annex VI<sup>172</sup> in order to take account of the results of the study referred to in Article 21(4) and adoption of UN regulations.<sup>173</sup>~~

~~2. When, pursuant to Decision 97/836/EC, new UNECE regulations or amendments to existing UNECE regulations to which the Union has acceded are adopted, the Commission shall, by means of delegated act in accordance with Articles 76, 77 and 78 amend Annex II to this Regulation accordingly.~~

#### *Article 76<sup>174</sup>*

##### *Exercise of delegation*

1. The powers to adopt the delegated acts **is conferred on the Commission subject to the conditions laid down in this Article.**

**1a. The delegation of power** referred to in Articles **4(5), 16(2), 18(3), 19(6), 20(1a), 20(4), 21(5a), 21(12), 22(3), 30(6), 52(4a), 56(2), 57(3), 60(12), 66b and 75 (1)**<sup>175</sup> shall be conferred on the Commission **for a period of five**<sup>176</sup> **years from ...** \*.

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<sup>170</sup> <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29registry/gtr02.html>

<sup>171</sup> FR: delete "II" (Q 26/11).

<sup>172</sup> FR: add "except limit values" (Q 26/11).

<sup>173</sup> FI: scrutiny reservation.

<sup>174</sup> DE: this Article should be re-examined after all technical specifications have been fixed. DE,

FR: scrutiny reservation.

<sup>175</sup> FR: delete in paras 1a, 1b and 3 the following references: **16(2), 18(3), 19(6), 20(4), 21(12), 22(3), 30(6), 52(2) and (4a), 56(2), 57(3), 60(12), 66b and 75 (1)** (Q 26/11).

<sup>176</sup> ES, FR, IT: replace "five" with "two".

\* **Date of entry into force of this Regulation.**

**The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year<sup>177</sup> period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. for an indeterminate period of time.<sup>178</sup>**

- 1b. The delegation of power referred to in Articles 4(5), 16(2), 18(3), 19(6), 20(1a), 20(4), 21(5a), 21(12), 22(3), 30(6), 52(2) and (4a), 56(2), 60(12), 66b and 75 (1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 3. A delegated act adopted pursuant to Article 4(5), 16(2), 18(3), 19(6), 20(1a), 20(4), 21(5a), 21(12), 22(3), 30(6), 52(2) and (4a), 56(2), 60(12), 66b and 75 (1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.** ~~The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 77 and 78.~~

<sup>177</sup> ES, FR, IT: replace "five" with "two".

<sup>178</sup> ES, FR, IT: delete last sentence ("The delegation of power . . . end of each period").

*Article 77*

***Revocation of delegation***

1. ~~The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 may be revoked at any time by the European Parliament or by the Council.~~
2. ~~The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.~~
3. ~~A revocation decision shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.~~

*Article 78*

***Objections to delegated acts***

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

## CHAPTER XIX

### FINAL PROVISIONS

Article ~~78a~~ 63

Penalties\* <sup>179</sup>

1. **Member States shall provide for penalties for infringement by economic operators of the provisions of this Regulation and its delegated or implementing acts. They shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [6 months after publication of this Regulation]<sup>180</sup> and shall notify the Commission without delay of any subsequent amendment affecting them.**
  
2. **The types of infringements which are subject to a penalty shall inter alia include:**
  - (a) **making false declarations during approval procedures or procedures leading to a recall;**
  
  - (b) **falsifying test results for type-approval or in-service conformity;**
  
  - (c) **withholding data or technical specifications which could lead to recall, refusal<sup>181</sup> or withdrawal of type-approval;**

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\* Moved from ex-Article 63.

<sup>179</sup> IT: delete this Article (Q 5/11).

<sup>180</sup> UK: 24 months. BG: the date referred to in Article 64(2).

<sup>181</sup> DE, IT: scrutiny reservation. Need for other sanctions as well. COM: "shall include" means that the list is not exhaustive, "inter alia" added for clarification. BG, FI: sanctions should apply to **all** requirements of the Regulation since here sanctions apply only to those trying to comply. They should also apply to importers and distributors/retailers. COM: "economic operators" covers them all.

- (d) use of defeat devices;**
- (e) refusal to provide access to information;**
- (f) economic operators making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents or markings in that intention.**

*Article 79*

*Transitional provisions*

1. **Without prejudice to other provisions of this Regulation,** this Regulation shall not invalidate any EU type-approval granted to vehicles or to systems, components or separate technical units before the date specified in Article 82(2).
- 1a. **Save where provided otherwise, EU type approvals granted to vehicles, systems, components or separate technical units under the acts referred to under Article 81(1) shall remain valid until the dates specified in Annex IV for existing types of vehicles.**
2. Approval authorities shall continue to grant extension of approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 in accordance with Directive 2002/24/EC and any of the directives listed in Article 81(1). **However, such approvals shall not be used for the purposes of obtaining a whole vehicle type approval under this Regulation.**<sup>182</sup>
3. **By way of derogation from Directive 2002/24/EC, type-approval shall also be granted for vehicles which comply with the provisions of this Regulation and its delegated acts on environmental and propulsion requirements as referred to in Annex II Part A before [OJ: please insert date referred to in Article 82(2)].**

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<sup>182</sup> *To be clarified in other parts of this document that it is not required to re-test the vehicle if the requirements have not changed versus the old directive.*

**4. National authorities shall not prohibit, restrict or impede the registration, placing on the market or entry into service of vehicles complying with the approved type.**

*Article 80*

*Report*

1. No later than ~~1 January 2018~~ **[OJ please insert date: five years after the date referred to in Article 82(2)]** Member States shall inform the Commission of the application of the type-approval procedures laid down in this Regulation.
2. On the basis of the information supplied under paragraph 1, the Commission shall **present a** report to the European Parliament and the Council on the application of this Regulation no later than **[OJ: please insert date: 6 years after the date referred to in Article 82(2)].** **In particular, the report shall consider whether on the basis of experience gained with the application of this Regulation it would be appropriate to provide in Chapter X also for EU type-approval of small series. If this is considered necessary, the Commission shall present a proposal to this effect.**

*Article 81*

*Repeal*

1. **Without prejudice to Article 79(2),** Directives 93/14/EEC, 93/30/EEC, 93/33/EEC, 93/93/EEC, 95/1/EC, 97/24/EC, 2000/7/EC, 2002/24/EC, 2002/51/EC, 2009/62/EC, 2009/67/EC, 2009/78/EC, 2009/79/EC, 2009/80/EC and 2009/139/EC are hereby repealed **with effect** from **[OJ: please insert date:<sup>183</sup>** the date **specified** referred to in Article 82(2)].
2. References to the repealed ~~and~~ Directives shall be construed as references to this Regulation and shall be read, as regards Directive 2002/24/EC, in accordance with the correlation table set out in Annex IX.

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<sup>183</sup> ES: replace with : "one year after the date specified in Article 82(2)", cf. Article 17 of Regulation 715/2007 on emissions. COM: Reg. 715/2007 was a different case, it only replaced separate legislation. This Regulation replaces all previous L-cat legislation.

Article 82

*Entry into force and application*

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

2. It shall apply from 1 January 2014<sup>184</sup> <sup>185</sup>.

~~3. If on 1 January 2014, this Regulation and the delegated act on environmental and propulsion performance requirements have entered into force, but the Regulation and its delegated acts are not yet applicable and if a vehicle manufacturer so requests, national authorities may, until this Regulation becomes applicable, not refuse to grant type approval under Directive 2002/24/EC on grounds relating to environmental and propulsion performance requirements where the vehicle concerned complies with this Regulation and the delegated act on environmental and propulsion performance requirements [provided that all the other requirements of Directive 2002/24/EC and the separate directives adopted there under are fulfilled].~~

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<sup>184</sup> BG, DE, ES, FR: reservation. IT: replace with the following: "2. It shall apply from 1 January 2014, or twelve months after the date of entry into force of this Regulation and all its delegated acts, whichever is the later." (Q 5/11). DE: the mandatory date for new type-approvals must correspond with the dates in Annex IV. SI: 1 January 2015. IT, FR, DE, UK, ES, NL: request for legal clarification why a precise date is necessary and if a provision should not impose on the Commission to present a proposal to modify this date if it does not manage to adopt all delegated acts and implementing measures on 1 January 2013. *NB: to accommodate for the application of the Regulation when all necessary delegated acts and implementing measures are adopted, provisions have been inserted in all relevant Articles specifying that "the Commission shall for the first time no later than 1 January 2013 adopt delegated acts/implementing measures...".*

<sup>185</sup> DE: add the following sentence: "From the day of entry into force of this Regulation, national authorities may not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle where the vehicle concerned complies with this Regulation, its delegated and implementing acts, if a manufacturer requests". (Q 16/11 REV 1)

~~**National authorities may equally not prohibit the registration, making available on the market or entry into service of a new vehicle complying with the approved type.**~~ [see new paragraphs 3. and 4. in Article 79]

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

Done at [...], [...]

*For the European Parliament*

*The President*

[...]

*For the Council*

*The President*

[...]

## TABLE OF CONTENTS

ANNEX I – Vehicle categories and sub-categories

ANNEX II – List of requirements for the purposes of EU vehicle type-approval

ANNEX III – Limits for small series

ANNEX IV – Timetable for the application of this Regulation in respect of type-approval

ANNEX V – Overview of environmental tests and requirements

ANNEX VI<sup>186</sup> – Emission limit values for type-approval and conformity of production

(A) Pollutant emission limits;

(B) On-board diagnostics emission thresholds;

(C) Evaporative emission limits;

(D) Sound-level limits.

ANNEX VII – Durability of pollution control devices

**ANNEX VIIa - Application of environmental performance test requirements for approval and extensions**

ANNEX VIII – Enhanced functional safety requirements

ANNEX IX – Correlation table

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<sup>186</sup> UK: delete Parts B and C of Annex VI.

**Vehicle categories and vehicle types**

Category	Category name	Common classification criteria
L1e-L7e	All L-category vehicles <sup>187</sup>	<b>(1) length ≤ 4000 mm or ≤ 3000 mm for L6Be vehicles or ≤ 3700 mm for L7Ce vehicles, and</b> <b>(2) width : ≤ 2000 mm , or ≤ 1000 mm for L1e vehicles, or ≤ 1500 mm for L6Be and L7Ce vehicles and</b> <b>(3) height ≤ 2500 mm and</b>
L1e	Light two-wheel powered vehicle	<del>(4)</del> <b>(4) two wheels and powered by a propulsion as listed under Article 4(3) and</b> <del>(5)</del> <b>(5) engine capacity ≤ 50 cm<sup>3</sup> if a PI <u>internal combustion</u> engine forms part of the vehicle's propulsion configuration <u>and</u></b> <b>(6) maximum design vehicle speed ≤ 45 km/h<sup>188</sup> and</b> <b>(7) maximum continuous rated or net power<sup>(1)</sup> ≤ 4000 W<sup>189</sup> and</b> <b>(8) maximum mass = technically permissible mass declared by the manufacturer and<sup>190</sup></b>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L1Ae	Powered cycle	<del>(9)</del> <b>(9) <u>cycles designed to pedal</u> primary aim to aid pedalling and vehicle equipped with an auxiliary propulsion <u>with the primary aim to aid pedalling</u> and</b> <del>(4)</del> <b>(4) maximum design speed ≤ 25 km/h and</b> <del>(10)</del> <b>(10) output of auxiliary propulsion is progressively reduced and finally cut off as vehicle reaches <u>at a vehicle</u> speed of ≤ 25 km/h and</b> <del>(11)</del> <b>(11) the auxiliary propulsion has a maximum continuous rated <u>or net</u> power<sup>(1)</sup> ≤ 1000 kW and</b> <del>(12)</del> <b>(12) powered three- <u>or four-</u> wheel cycles complying with supplemental specific <u>sub</u>-classification criteria (3), (4), (5), and (6) <u>(9)</u> <u>to (11)</u> are classified as being technically equivalent to <u>two-wheel</u> powered <u>two-wheel</u> cycles.</b>

<sup>187</sup> NB: No 1 – 3: Directive 93/93/EC, chapter 3, specific requirements, existing TA classification criteria.

<sup>188</sup> RO: for all Annex I, use the following wording: " maximum designed vehicle speed ≤ .... km/h, indicated by a maximum vehicle speed plate fitted at the rear of the vehicle (with tamper-proof speed limit) and" (Q 2/12).

<sup>189</sup> RO: add: " in the case of a vehicle propelled with an electric engine" (Q 2/12).

<sup>190</sup> IT: point (8) is not necessary. COM: mass needs to be indicated, see Directive 93/93/EC.

L1Be	Two-wheel moped	<del>(3) maximum designed <b>vehicle</b> speed <math>\leq 25-45</math> km/h and</del> <del>(4) maximum continuous rated <b>total</b> power<sup>(1)</sup> <math>\leq 4000</math> kW.</del> <sup>191</sup> <b>(9) any other vehicle of the L1e category that cannot be classified according to the criteria (9) to (11) of sub-category L1Ae.</b>
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NB refer to the last page of Annex VIII for an overview of the notes to the Annexes

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<sup>191</sup> FR: Replace 4000 W with 5000 W for safety reasons (insertion in the traffic), 4 kW is not enough, especially for PI engines, and new compared to current system (Q 26/11).

Category	Category name	Common classification criteria
L2e	Three-wheel moped	<p>(4) three wheels and powered by a propulsion as listed under Article 4(3) and</p> <p>(5) engine capacity <math>\leq 50 \text{ cm}^3</math> if a PI <b>combustion</b> engine <b>or engine capacity <math>\leq 500 \text{ cm}^3</math> if a CI combustion engine</b> forms part of the vehicle's propulsion configuration and</p> <p>(6) maximum design <b>vehicle</b> speed <math>\leq 45 \text{ km/h}</math> and</p> <p>(7) maximum continuous rated <b>or net</b> power<sup>(1)</sup> <math>\leq 4000 \text{ W}</math><sup>193</sup> <b>and</b></p> <p><b>(8) mass in running order <math>\leq 270 \text{ kg}</math> and<sup>194</sup></b></p> <p><b>(9) equipped with a maximum of two seating positions, including the seating position for the driver and</b></p>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
<u>L2e-P</u>	<u>Three-wheel moped for passenger transport</u>	<b>(10) three-wheel moped complying with the common classification criteria of category L2e other than those complying with the specific classification criteria for three-wheel moped for utility purposes L2e-U.</b>
<u>L2e-U</u> <sup>195</sup>	<u>Three-wheel moped for utility purposes</u>	<p><b>(10) exclusively designed for the carriage of goods with an open or enclosed, virtually even and horizontal loading bed that meets the following criteria:</b></p> <p><b>(a) <math>\text{length}_{\text{loading bed}} \times \text{width}_{\text{loading bed}} \geq 0.3 \times \text{Length}_{\text{vehicle}} \times \text{maximum Width}_{\text{vehicle}}</math> or</b></p> <p><b>(b) an equivalent loading bed area as defined above in order to install machines and/or equipment and</b></p> <p><b>(c) designed with a loading bed area which is clearly separated by a rigid partition from the area reserved for the vehicle occupants and</b></p> <p><b>(d) the loading bed area shall be able to carry a minimum volume represented by a 600 mm cube.</b></p>

NB refer to the last page of Annex VIII for an overview of the notes to the Annexes

<sup>192</sup> DE, UK: scrutiny reservation. For UK: ATV's should be approved under the T category. If they are intended for road use they should be covered by one of the existing L7 categories.

<sup>193</sup> IT: replace "4 kW" with "6 kW" (Q 5/11). FR: Replace 4000 W with 5000 W for safety reasons (insertion in the traffic), 4 kW is not enough, especially for PI engines, and new compared to current system (Q 26/11).

<sup>194</sup> FR, IT: this is not necessary in view of criterion (7).

<sup>195</sup> FR: For all categories, for utility vehicles, the formula is not applicable for some vehicles. (b) and (c) should not be cumulative (it should be "or"). For criterion (d), replace 600mm with 400 mm, if the vehicle has a maximum width  $\leq 1\text{m}$ . Separate the two cases. (Q 26/11)

Category	Category name	Common classification criteria
L3e <sup>(2)</sup>	Two-wheel motorcycle	( <del>4</del> ) two wheels <b>or twinned wheels</b> and powered by propulsion as listed under Article 4(3) and ( <del>2</del> ) engine capacity > 50 cm <sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration and ( <del>3</del> ) maximum design speed > 45 km/h and ( <del>4</del> ) maximum continuous rated power <sup>(4)</sup> > 4 kW. <b>(5) maximum mass = technically permissible mass declared by the manufacturer and</b> <sup>196</sup> <b>(6) two-wheel vehicle that cannot be classified as category L1e two-wheel moped.</b>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L3e - A1	Low-performance motorcycle	( <del>5</del> ) engine capacity ≤ 125 cm <sup>3</sup> and ( <del>6</del> ) maximum continuous rated <b>or net</b> power <sup>(1)</sup> ≤ 11 kW and ( <del>7</del> ) power <sup>(1)</sup> / weight ratio ≤ 0.1 kW/kg.
L3e - A2	Medium-performance motorcycle	( <del>5</del> ) maximum continuous rated <b>or net</b> power <sup>(1)</sup> ≤ 35 kW and ( <del>6</del> ) power <sup>(1)</sup> / weight ratio ≤ 0.2 kW/kg and ( <del>7</del> ) not derived from a vehicle equipped with an engine of more than double its power <sup>(1)</sup> <b>and</b> <b>(10) L3e vehicle that cannot be classified under supplemental sub-classification criteria (6) to (7) of sub-category L3-A1.</b>
L3e - A3	High-performance motorcycle	( <del>5</del> ) any other vehicle of the L3e category that cannot be classified according to the <del>performance</del> <b>classification</b> criteria of subcategories <b>L3e-A1</b> or <b>L3e-A2</b> .
Sub-sub-categories	Sub-Subcategory name	Sub-Sub-classification criteria in addition to the sub-classification criteria of L3e-A1, L3e-A2 or L3e-A3 motorcycles:
<b><u>L3e-AxE</u></b> <b><u>(x=1, 2 or 3)</u></b>	<b><u>Enduro motorcycles</u></b>	<b>(a) seat height ≥ 900 mm and</b> <b>(b) ground clearance ≥ 310 mm and</b> <b>(c) overall gear ratio in highest gear (primary ratio * gear * final drive ratio) ≥ 6,0 and</b> <b>(d) mass in running order plus the mass of the propulsion battery in case of electric or hybrid electric propulsion &lt; 140 kg and</b> <b>(e) no seating position for a passenger.</b>

<sup>196</sup> RO: add "/or" (Q 2/12).

<u>L3e-AxT</u> (x=1, 2 or 3)	<u>Trial motorcycles</u>	(a) <u>seat height <math>\leq 700</math> mm and</u> (b) <u>ground clearance <math>\geq 280</math> mm and</u> (c) <u>fuel tank capacity <math>&lt;4</math> liters and</u> (d) <u>overall gear ratio in highest gear (primary ratio * gear ratio * final drive ratio) <math>\geq 7,5</math> and</u> (e) <u>mass in running order <math>&lt; 100</math> kg and</u> (f) <u>no seating position for a passenger.</u>
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NB refer to the last page of Annex VIII for an overview of the notes to the Annexes

Category	Category name	Common classification criteria
L4e <sup>197</sup>	Two-wheel motorcycle with side-car	<p>(+ <del>4</del>) base powered vehicle complying with the classification and sub classification criteria for L3e vehicles and</p> <p>(<del>2</del> <del>5</del>) base powered vehicle equipped with a <u>one</u> side-car <u>and</u></p> <p><u>(6) with a maximum of 4 seating positions including the driver on the motorcycle with side car and</u></p> <p><u>(7) a maximum of 2 seating positions for passengers in the side car</u></p> <p><u>(8) maximum mass = technically permissible mass declared by the manufacturer.</u></p>

**NB refer to the last page of Annex VIII for an overview of the notes to the Annexes**

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<sup>197</sup> RO: clarify subcategories, as for L3e.

Category	Category name	Common classification criteria
L5e	Powered tricycle	(1) <del>4</del> three wheels and powered by a propulsion as listed under Article 4(3) and (2) if a PI combustion engine makes part of the vehicle's propulsion configuration: an engine capacity > 50 cm <sup>3</sup> and (3) maximum design speed > 45 km/h and (4) maximum continuous rated power <sup>(4)</sup> > 4 kW. <b>(5) mass in running order ≤ 1000 kg and</b> <b>(6) three-wheel vehicle that cannot be classified as category L2e three-wheel moped and<sup>198</sup></b>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L5Ae	Tricycle	<del>(5)</del> powered tricycles other than those complying with the specific classification criteria for commercial tricycles <b>L5Be</b> .
L5Be	Commercial <sup>199</sup> Tricycle	<del>(5)</del> designed and used as commercial vehicles and characterised by an enclosed driving and passenger compartment accessible via two or more doors <b>(7) designed as a utility vehicle and characterised by an enclosed driving and passenger compartment<sup>200</sup> accessible by maximum three sides and</b> <b>(8) equipped with a maximum of two seating positions, including the seating position for the driver and</b> <b>(9) exclusively designed for the carriage of goods with an open or enclosed, virtually even and horizontal loading bed that meets the following criteria:</b> <b>(a) <math>length_{loading\ bed} \times width_{loading\ bed} &gt; 0.3 \times Length_{vehicle} \times Width_{vehicle}</math> or</b> <b>(b) an equivalent loading bed area as defined above designed used to install machines and/or equipment and</b> <b>(c) designed with a loading bed area which is clearly separated by a rigid partition from the area reserved for the vehicle occupants and</b> <b>(d) the loading bed area shall be able to carry a minimum volume represented by a 600 mm cube.</b>

<sup>198</sup> FR: add a limit as to the seating positions (4 or 5).

<sup>199</sup> RO: replace with "utility" (Q 2/12).

<sup>200</sup> RO: define "enclosed compartment". In addition, all L vehicles with enclosed compartment and seats to be fitted with seat belts. (Q 2/12)

L5Be—U	Tricycles for utility purposes	(6) exclusively designed for the carriage of goods with an open or enclosed, virtually even and horizontal loading bed that meets one of the following criteria: (1) $\text{length}_{\text{loading bed}} \times \text{width}_{\text{loading bed}} > 0.3 \times \text{Length}_{\text{vehicle}} \times \text{Width}_{\text{vehicle}}$ or (2) an equivalent loading bed area as defined above used to install machines and/or equipment
L5Be—P	Tricycle for passenger transport	(6) equipped with two, three or four passenger seating positions, including the seating position for the driver and all seating positions equipped with seat belts <del>(5) powered tricycles other than those complying with the specific classification criteria regarding tricycles for utility purposes and</del> <del>(6) equipped with a maximum of four seating positions, including the seating position for the rider.</del>

NB refer to the last page of Annex VIII for an overview of the notes to the Annexes

<b>Category</b>	<b>Category name</b>	<b>Common classification criteria</b>
L6e	Light quadricycle	<p>(1) <del>4</del> four wheels and powered by a propulsion as listed under Article 4(3) and</p> <p>(2) <del>5</del> maximum design <b>vehicle</b> speed <math>\leq 45</math> km/h and</p> <p>(3) <del>6</del> the mass in running order <math>\leq 350</math> <del>425</del> kg, not including:</p> <p>(a) mass of batteries in case of a hybrid or fully electric propelled vehicle or</p> <p>(b) weight of gaseous fuel system including tanks for gaseous fuel storage in the case of mono-, bi or multi-fuel vehicle or</p> <p>(c) weight of tank(s) to store compressed air in case of pre-compressed air propulsion.</p> <p><b>(7) engine capacity <math>\leq 50</math> cm<sup>3</sup> if a PI engine or engine capacity <math>\leq 500</math> cm<sup>3</sup> if a CI engine forms part of the vehicle's propulsion configuration and</b></p> <p><b>(8) equipped with a maximum of two seating positions, including the seating position for the driver and</b></p>
<b>Sub-categories</b>	<b>Subcategory name</b>	<b>Supplemental sub-classification criteria:</b>
L6Ae	Light on-road quad	<p><del>(4)</del> category L6e vehicles not complying with the special categorisation <b>classification</b> criteria for sub-category L6Be vehicles and</p> <p><del>(5)</del><del>10</del> maximum continuous rated <b>or net</b> power<sup>(1)</sup> <math>\leq 4000</math> kW and</p> <p><del>(6)</del> engine capacity <math>\leq 50</math> cm<sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration.</p>
L6Be	Light <b>quadri-mobile</b> mini-car	<p><del>(4)</del> enclosed driving and passenger compartment accessible via two or more doors <b>by maximum three sides</b> and</p> <p><del>(5)</del><del>10</del> maximum continuous rated <b>or net</b> power<sup>(1)</sup> <math>\leq 6000</math> kW and</p> <p><del>(6)</del> engine capacity <math>\leq 50</math> cm<sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration and</p> <p><del>(7)</del> Length<sub>vehicle</sub> x Width<sub>vehicle</sub> <math>\leq 4.4</math> m<sup>2</sup> with a maximum Width<sub>vehicle</sub> <math>\leq 1.5</math> m.</p>
<b>Sub-sub-categories</b>	<b>Sub-subcategory name</b>	<b>Sub-sub-classification criteria in addition to the sub-classification criteria of L6Be light quadri-mobile:</b>

L6Be - U	Light <u>quadri-mobile</u> <del>mini-car</del> for utility purposes	<p>(811) exclusively designed for the carriage of goods with an open or enclosed, virtually even and horizontal loading bed that meets <del>one</del> <del>of</del> the following criteria:</p> <p>(a) <math>\text{length}_{\text{loading bed}} \times \text{width}_{\text{loading bed}} \geq 0.3 \times \text{Length}_{\text{vehicle}} \times \text{Width}_{\text{vehicle}}</math> or</p> <p>(b) an equivalent loading bed area as defined above <del>used</del> <b>in order</b> to install machines and/or equipment <b>and</b></p> <p><b>(c) designed with a loading bed area which is clearly separated by a rigid partition from the area reserved for the vehicle occupants and</b></p> <p><b>(d) the loading bed area shall be able to carry a minimum volume represented by a 600 mm cube.</b></p>
L6Be - P	Light <u>quadri-mobile</u> <del>mini-car</del> for passenger transport	<p>(811) <b>subcategory L6Be</b> vehicles mainly designed <del>and used</del> for passenger transport <b>and</b>, characterised by being equipped with two passenger seating positions, including the seating position for the driver, and both seating positions equipped with seat belts</p> <p><b>(12) light quadri-mobiles other than those complying with the specific classification criteria regarding light quadri-mobile vehicles for utility purposes L6Be-U.</b></p>

**NB refer to the last page of Annex VIII for an overview of the notes to the Annexes**

Category	Category name	Common classification criteria
L7e	Heavy quadricycle	<p>(<del>1</del> <b>4</b>) four wheels and powered by a propulsion as listed under Article 4(3) and</p> <p>(<del>2</del>) maximum design speed &gt; 45 km/h and</p> <p>(<del>3</del><b>5</b>) mass in running order:</p> <p>(a) ≤ 400 <b>450</b> kg for transport of passengers;</p> <p>(b) ≤ 550 <b>600</b> kg for transport of goods.</p> <p>The mass in running order does not include:</p> <p>(1) mass of the batteries in the case of a hybrid or fully electric propelled vehicle or</p> <p>(2) weight of a gaseous fuel system including tanks for gaseous fuel storage in the case of mono-, bi- or multi-fuel vehicles or</p> <p>(3) weight of tank(s) to store compressed air in the case of pre-compressed air propulsion;</p> <p><b>and</b></p> <p>(4) maximum continuous rated power<sup>(4)</sup> ≤ 15 kW.</p> <p><b>(6) heavy quadricycle that cannot be classified as category L6e light quadricycle and</b></p>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L7Ae	Heavy on-road quad	<p><b>(7) maximum design vehicle speed ≤ 90 km/h and</b></p> <p>(<del>5</del><b>8</b>) category L7e vehicles not complying with the specific <b>classification</b> criteria for subcategories <del>L7Be</del> <b>and L7Ce</b> vehicles and</p> <p>(<del>6</del><b>9</b>) equipped with one or two <del>passenger</del>-seating positions, including the seating position for the rider.</p>

<b>L7Be</b>	<b>Heavy all terrain quad</b>	<u>(7) maximum design vehicle speed <math>\leq</math> 90 km/h and</u> <u>(8) towing weight <math>&lt;</math> 2 x mass in running order and</u> <u>(9) wheelbase to track width ratio <math>&gt;</math> 1.2 and</u> <u>(10) centre of gravity height to track width ratio <math>&lt;</math> 0,4 and</u> <u>(11) category L7e vehicle not complying with the specific classification criteria for subcategory L7Ce vehicles and</u> <sup>201</sup>
<b>Sub-categories</b>	<b>Subcategory name</b>	<b>Supplemental sub-classification criteria:</b>

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<sup>201</sup> RO: add: "(7) maximum net engine power  $\leq$  15 kW and" (Q 2/12).

<u>L7Be-ATV</u>	<u>All Terrain Vehicles (ATV)</u>	<u>(12) heavy all terrain quad other than those complying with the specific classification criteria regarding Side-by-Side vehicles and;</u> <u>(13) equipped with one or two straddle seating positions, including the seating position for the rider.</u>
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<p><u>L7Be-SbS</u></p>	<p><u>Side-by-Side Vehicle (SbS)</u></p>	<p><b><u>(12) a maximum of three non-straddle seats (including the driver's) and;</u></b>  <b><u>(13) heavy terrain quad with at least one front axle and at least one rear axle designed to be driven simultaneously including vehicles where the drive to one axle can be disengaged and;</u></b>  <b><u>(14) single virtually even and horizontal loading bed permanently fitted to the vehicle that meets the following criteria:</u></b>  <b><u>a) Total Length<sub>carrier rack</sub> x Total Width<sub>carrier rack</sub> &gt; 0.25 x Length<sub>vehicle</sub> x Width<sub>vehicle</sub> or;</u></b>  <b><u>b) an equivalent loading bed area as defined above is used in order to install machines and/or equipment and;</u></b>  <b><u>c) a loading bed area which is clearly separated by a rigid partition from the area reserved for the vehicle occupants and;</u></b>  <b><u>d) the loading bed area shall be able to carry a minimum volume represented by a 600 mm cube.</u></b></p>
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L7B <u>C</u> e	Heavy <u>quadri-mobile</u> <del>mini-car</del>	<b>(7) maximum continuous rated or net power<sup>(1)</sup> ≤ 15 kW and</b> <b>(8) maximum design vehicle speed ≤ 90 km/h and</b> <del>(5)</del> enclosed driving and passenger compartment accessible via <del>two</del> <b>maximum three sides</b> or more doors and <del>(6)</del> <b>(10)</b> equipped with <del>two, three or</del> <b>maximum</b> four passenger-seating positions, including the seating position for the <del>ride</del> <b>driver</b> .
<b><u>Sub-sub-categories</u></b>	<b><u>Sub-subcategory name</u></b>	<b><u>Sub-sub-classification criteria in addition to the sub-classification criteria of L7Ce heavy quadri-mobile:</u></b>
L7B <u>C</u> e - U	Heavy <u>quadri-mobile</u> <del>mini-car</del> for utility purposes	<del>(7)</del> <b>(11)</b> exclusively designed for the carriage of goods with an open or enclosed, virtually even and horizontal loading bed that meets <del>one</del> of the following criteria: (a) length <sub>loading bed</sub> x width <sub>loading bed</sub> ≥ 0.3 x Length <sub>vehicle</sub> x Width <sub>vehicle</sub> or (b) an equivalent loading bed area as defined above <del>designed used</del> to install machines and/or equipment <b>and</b> <b>(c) designed with a loading bed area which is clearly separated by a rigid partition from the area reserved for the vehicle occupants and</b> <b>(d) the loading bed area shall be able to carry a minimum volume represented by a 600 mm cube.</b>
L7B <u>C</u> e - P	Heavy <u>quadri-mobile</u> <del>mini-car</del> for passenger transport	<del>(7)</del> <b>(11)</b> vehicles mainly designed <del>and used</del> for passenger transport, characterised by being equipped with less than or equal to <input type="checkbox"/> four passenger seating positions, including the seating position for the driver <del>and all seating positions being equipped with seat belts.</del>

**NB refer to the last page of Annex VIII for an overview of the notes to the Annexes**

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

No	Article	Subject	Document reference	Vehicle categories											
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be	L7Ce
<del>1A</del>	<b>ENVIRONMENTAL AND PROPULSION PERFORMANCE REQUIREMENTS</b>														
<del>1</del>		electromagnetic compatibility (EMC)		✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
<del>21</del>	21&22	environmental test procedures related to exhaust emissions <sup>202</sup> , evaporative emissions <sup>203</sup> , greenhouse gas emissions and fuel consumption, <b>reference fuels</b> ;		X	X	X	X	X	X	X	X	X	X	X	X
<del>32</del>		maximum design <del>vehicle engine</del> speed, maximum torque, maximum <b>continuous total net</b> engine power <b>of</b>		X	X	X	X	X	X	X	X	X	X	X	X
<del>43</del>		test procedures related to sound		X	X	X	X	X	X	X	X	X	X	X	X

<sup>202</sup> DE: scrutiny reservation on emissions.

<sup>203</sup> UK: delete "evaporative emissions" (Q 11/11).

No	Article	Subject	Document reference	Vehicle Categories											
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be	L7Ce
<del>4B</del>	<b>VEHICLE FUNCTIONAL SAFETY REQUIREMENTS</b> <sup>204</sup>														
1	20	audible warning devices		✗	X	X	X	X	X	X	X	X	X	X	X
2		braking, including anti-lock and combined brake systems <b>if fitted (IF)</b> <sup>205 (2)</sup>		X	X	X	X	X	X	X	X	X	X	X	X
3		electrical safety		X	X	X	X	X	X	X	X	X	X	X	X
4		<b>Manufacturer declaration requirements regarding endurance testing of functional safety <u>critical</u> systems, <u>parts and equipment</u></b> <sup>206</sup>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
5		front and rear protective structures				<u>IF</u>				<u>IF</u>	<u>IF</u>	<u>IF</u> ✗	<u>IF</u> ✗	<u>IF</u> ✗	<u>IF</u>
6		glazing, windscreen wipers and washers, and <del>de-icing</del> <b>defrosting</b> and demisting <del>devices</del> <b>systems</b>				<u>IF</u>	<u>IF</u>	<u>IF</u>	<u>IF</u>	<u>IF</u>	X	<u>IF</u>	X	<u>IF</u>	<u>X</u>
7		<b>driver-operated controls including</b> identification of controls, tell-tales and indicators		X	X	X	X	X	X	X	X	X	X	X	<u>X</u>
8		installation of lighting and light signalling devices, including automatic switching of lighting		X	X	X	X	X	X	X	X	X	X	X	<u>X</u>
9		rearward visibility		✗	X	X	X	X	X	X	X	X	X	X	<u>X</u>
10		safety belt anchorages and safety belts				<u>IF</u>					X	<u>IF</u> ✗	<u>IF</u> ✗	<u>IF</u> ✗	<u>IF</u> ✗

<sup>204</sup> UK: The introduction of additional functional safety requirements (Part B) which go beyond the requirements of the existing framework and which have not been considered in the Commission's impact assessment should be deleted, e.g. items 5, 12, 14, 15, 17. This Regulation is directly applicable but not enough precisions on the implementation of new requirements. FR: COM should precise which level of functional safety is expected for new requirements or propose them in another text at a later stage. COM: most concepts are current practice of serious manufacturers, incl. for "new" requirements.

<sup>205</sup> IT, DE, AT: preference for "X" rather than "IF". DE, ES, FR: scrutiny reservation.

<sup>206</sup> UK: need to agree on a definition for the "life cycle of a vehicle". COM: through delegated acts when there will be a common understanding on the end of life of a vehicle.

11	seating position (saddles and seats)	X	X	X	X	X	X	X	X	X	X	X	X	<u>X</u>	X
12	steer-ability, cornering properties and turn-ability	✗	X	X	X	X	X	X	X	X	X	X	X	<u>X</u>	X
13	<b>installation of</b> tyres	✗	X	X	X	X	X	X	X	X	X	X	X	<u>X</u>	X
14	vehicle maximum speed limitation plate and location on vehicle			<b>IF</b>				<b>IF ✗</b>	<b>IF ✗</b>	<b>IF ✗</b>		<b>IF ✗</b>	<b>IF ✗</b>	<u>X</u>	<b>IF ✗</b>
15	vehicle occupant protection, including interior fittings, head restraint and vehicle doors			<b>IF</b>			<b>IF</b>	<b>IF ✗</b>	<b>IF</b>	<b>IF ✗</b>		<b>IF</b>			<b>IF ✗</b>
16	<b>maximum continuous rated or net power and/or</b> vehicle	X	X	X	<b>IF</b>				X	X		X	X	<u>X</u>	<u>X</u>
17	vehicle structure integrity	X	X	X	X	X	X	X	X	X	X	X	X	<u>X</u>	X

No	Article	Subject	Document reference	Vehicle Categories												
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be	L7Ce	
<b>III C</b> VEHICLE CONSTRUCTION REQUIREMENTS																
1	<b>18 &amp; 19</b>	anti-tampering measures <sup>207</sup>		X	X	X	X	X	X	X	X	X	X	X	X	
2		coupling devices and attachments		<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘
3		devices to prevent unauthorised use		X	X	X	X	X	X	X	X	X	X	X	X	X
<b>3a</b>		<b>electromagnetic compatibility (EMC)</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
4		external projections		✘	X	X	X	X	X	X	X	X	X	X	X	X
5		fuel storage		<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘	<b>IF</b> ✘
6		load platforms				<b>IF</b> ✘					X		<b>IF</b> ✘		<b>X</b>	<b>IF</b> ✘
7		masses and dimensions		X	X	X	X	X	X	X	X	X	X	X	X	X
8		on-board diagnostics			X <sup>208</sup>	X	X	X	X	X	X	X	X	X	X	X
9		passenger handholds and footrests		✘	X	<b>IF</b> ✘	X	✘	<b>IF</b> ✘	<b>IF</b> ✘	✘					
10		<del>rear</del> registration plate space		X	X	X	X	X	X	X	X	X	X	X	X	X
11		repair and maintenance information		X	X	X	X	X	X	X	X	X	X	X	X	X
12		stands		X	X		X									
<del>13</del>		<del>statutory markings</del>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

<sup>207</sup> FR: move to Part B, since this is functional safety.

<sup>208</sup> SI: exempt category L1Be (Q 22/11)

No	Article	Subject	Document reference	Vehicle Categories											
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be	L7
<del>IVD</del>	<b>ADMINISTRATIVE REQUIREMENTS</b>														
<del>0a</del>	<del>20(1a)</del>	<del>Information to technical service and manufacturer declaration regarding endurance testing of functional safety critical systems, parts</del>		X	X	X	X	X	X	X	X	X	X	X	X
<del>1</del>	<del>38(3)</del>	<del>authorisation to grant EU type approval exempting new technologies or new concepts</del>		X	X	X	X	X	X	X	X	X	X	X	X
<del>2</del>	<del>39(2)</del>	<del>authorisation to a Member State to extend a type approval</del>		X	X	X	X	X	X	X	X	X	X	X	X
<del>1-3</del>	<del>36(2)</del>	certificate of conformity <u>template</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>2-4</del>	<del>31(5)</del>	conformity of production requirements		X	X	X	X	X	X	X	X	X	X	X	X
<del>5</del>	<del>30(1)</del>	<u>general requirements for the format of the test</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>3-6</del>	<del>25</del>	information folder and document requirements		X	X	X	X	X	X	X	X	X	X	X	X
<del>7</del>	<del>53(1)</del>	<u>model and numbering system for the certificate of parts and equipment essential for the safety of the vehicle or for its environmental performance</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>8</del>	<del>28(6)</del>	<u>list of applicable requirements in case of single step type approval</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>9</del>	<del>36(5)</del>	<u>list of restrictions on the certificate of conformity as regards the use of the vehicle</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>4-10</del>	<del>37(4)</del>	<u>statutory marking requirements lay out provisions</u>		X	X	X	X	X	X	X	X	X	X	X	X
<del>5</del>	<del>30</del>	self testing and virtual testing requirements		X	X	X	X	X	X	X	X	X	X	X	X
<del>11</del>	<del>60(8)</del>	<u>template of a certificate on access to vehicle OBD and vehicle repair and maintenance information</u>		X	X	X	X	X	X	X	X	X	X	X	X

<u>12</u>	<del>28(3)</del>	<u>test results sheet</u>		<del>×</del>											
<del>6-13</del>	28	type approval certificate		×	×	×	×	×	×	×	×	×	×	×	×
<del>7-14</del>	27	type approval numbering		×	×	×	×	×	×	×	×	×	×	×	×
<del>8-15</del>	23	type approval procedures		×	×	×	×	×	×	×	×	×	×	×	×
<del>9-16</del>	60	vehicle and engine identification systems <u>Procedures for performance standards and assessment of technical services</u>		×	×	×	×	×	×	×	×	×	×	×	×

**Limits for small series**

Vehicle category	Vehicle category name	Small series (units for each type <del>sold</del> <b>made available, registered and entering into service per year</b> ) <sup>209</sup>
L1Ae	Powered cycle	200
L1Be	Two-wheel moped	
L2e	Three-wheel moped	
L3e	Two-wheel motorcycle	50
L4e	Two-wheel motorcycle with side-car	100
L5Ae	Tricycle	50
L5Be	Commercial tricycle	100
L6Ae	Light on-road quad	20
L6Be	Light <b>quadri-mobile</b> <del>mini-car</del>	100
L7Ae	Heavy on-road quad	20
L7Be	<b>All Terrain vehicles</b>	20
<b>L7Ce</b>	Heavy <b>quadri-mobile</b> <del>mini-car</del>	100

<sup>209</sup> IT, IE, UK: replace all figures by "200" for all categories (Q 5/11, Q 11/11, Q 35/11). FR, DE, UK: harmonise the requirements for individual approvals when you exceed the limits for small series or exclude them from the scope of the Regulation (Article 40). COM: open to an increase but not up to the current level.

**Timetable for the application of this Regulation in respect of type-approval**

<b>No.</b>	<b>Description</b>	<b>(Sub-) category</b>		<b>New types of vehicles Obligatory</b>	<b>Existing types of vehicles Obligatory</b>	<b>Last date of Registration of compliant vehicles</b>
<b>1.</b>	<b>Application of Regulation for environmental and propulsion performance requirements, items as listed in Annex II (A)</b>	<u>L1e – L7e</u>		[01 Jan '14]	-	
<b>1.1.</b>	<b>Test type I, tailpipe emission test after cold start,</b>	-		-	-	-
<b>1.1.1.</b>	<b>Test cycle</b>	-		-	-	-
1.1.1.1.	Test type I conventional UNECE Regulations 40 (with extra urban driving cycle if applicable) & UNECE Regulation 47 test cycles	<u>L1e, L2e, L5Be, L6e, L7Be, L7Ce,</u>		-[01 Jan '14]	-	[31 Dec '20]
1.1.1.2.	Test type I, worldwide harmonised motorcycle test cycle (WMTC), stage 2	<u>L3e, L4e, L5Ae, L7Ae,</u>		[01 Jan '14]	-	
1.1.1.3.	Test type I: revised WMTC based test cycle	<u>L1e - L7e,</u>		[01 Jan '20]	[01 Jan '21]	
<b>1.1.2.</b>	<b>Test type I, tailpipe emission limits</b>	-		-	-	-
1.1.2.1.	Euro 3 (Euro 4 for L3e motorcycles), Annex VI (A1) to this Regulation	<u>L1e - L7e</u>		[01 Jan '14]	-	[31 Dec '17]
1.1.2.2.	Euro 4 (Euro 5 for L3e motorcycles), Annex VI (A2) to this Regulation	<u>L1e - L7e</u>		[01 Jan '17]	[01 Jan '18]	[31 Dec '20]
1.1.2.3.	Euro 5 (Euro 6 for L3e motorcycles), Annex VI (A3) to this Regulation	<u>L1e - L7e</u>		[01 Jan '20]	[01 Jan '21]	
<b>1.2.</b>	<b>Test type II, emissions test at (increased) idle / free acceleration</b>	<u>L1e - L7e</u>		[01 Jan '14]	[01 Jan '15]	
<b>1.3.</b>	<b>Test type III, zero crankcase gas emissions</b>	<u>L1e - L7e</u>		[01 Jan '14]	[01 Jan '15]	
<b>1.4.</b>	<b>Test type IV, evaporative emissions</b>	-		-	-	-
1.4.1.	Fuel tank permeability test	<u>L1e - L7e</u>		[01 Jan '14]	-	
1.4.2.	Sealed house emission determination (SHED) test procedure	<u>L3e, L4e, L5Ae, L6Ae, L7Ae</u>		[01 Jan '17]	[01 Jan '18]	
1.4.3.	SHED test limits, Annex VI (C1) to this Regulation	<u>L3e, L4e, L5Ae, L6Ae, L7Ae</u>		[01 Jan '17]	[01 Jan '18]	[31 Dec '20]
1.4.4.	SHED test or fuel permeation test, pending Article 21 (4) and (5)	<u>L1Ae, L1Be, L2e, L5Be, L6Be, L7Be, L7Ce</u>		[01 Jan '20]	[01 Jan '21]	
1.4.5.	SHED test limits, Annex VI (C2) to this Regulation,, pending Article 21 (4) and (5)	<u>L1e - L7e</u>		[01 Jan '20]	[01 Jan '21]	
<b>1.5.</b>	<b>Test type V, durability testing<sup>(3)</sup></b>	-		-	-	-
1.5.1.	Euro 3 <sup>(3)(4)</sup> durability mileage, Annexes VII (A) and (B) to this Regulation	<u>L1e - L7e</u>		[01 Jan '14]	-	[31 Dec '17]
1.5.2.	Euro 4 <sup>(5)</sup> , durability mileage, Annexes VII (A) and (B) to this Regulation	<u>L1e - L7e</u>		[01 Jan '17]	[01 Jan '18]	[31 Dec '20]
1.5.3.	Euro 5 <sup>(6)</sup> , durability mileage, Annexes VII (A) and (B) to this Regulation	<u>L1e - L7e</u>		[01 Jan '20]	[01 Jan '21]	
<b>1.6.</b>	<b>A test type VI has not been attributed</b>	-		-	-	-
<b>1.7.</b>	<b>Test type VII, greenhouse gas emissions / fuel or energy consumption determination and reporting</b>	<u>L1e - L7e</u>		[01 Jan '14]	-	

No.	Description	<u>(Sub- category</u>	New types of vehicles Obligatory	Existing types of vehicles Obligatory	Last date of Registration of compliant vehicles
<b>1.8</b>	<b>Test type VIII, On-board diagnostics (OBD) environmental test</b>		-	-	
1.8.1	OBD stage I functional requirements	L3e, L5Ae, L6Ae and L7Ae	[01 Jan '17]	[01 Jan '18]	[31 Dec '20]
	OBD stage I environmental test procedure (Test Type VIII)				
	OBD stage I environmental test thresholds, Annex VI (B1)				
1.8.2.	OBD stage I functional requirements	L3e - L7e	[01 Jan '20]	[01 Jan '21]	
	OBD stage I environmental test procedure (Test Type VIII)				
	OBD stage I environmental test thresholds, Annex VI (B2)				
1.8.3.	OBD stage II functional requirements, pending Article 21 (4) and (5)	L3e, L5Ae, L6Ae and L7Ae	[01 Jan '20]	[01 Jan '21]	
	OBD stage II environmental test procedures (Test Type VIII), pending Article 21 (4) and (5)				
	OBD stage II environmental test thresholds, Annex VI (B2), pending Article 21 (4) and (5)				
<b>1.9</b>	<b>Test type IX, Sound level<sup>(3)</sup></b>	L1e - L7e	-	-	-
1.9.1	Sound level test procedure and limit values <sup>(3)</sup> , Annex VI (D) to this Regulation;	L1e - L7e	[01 Jan '14]	[01 Jan '15]	[31 Dec '20]
1.9.2	UNECE Regulations No.9, 41, 63, <b>92</b> and limits of Annex VI (D) to this Regulation;	L1e - L7e			
1.9.3.	UNECE Regulations No.9, 41, 63, <b>92</b> and associated new limit values proposed by the Commission under regulatory procedure.	L1e - L7e	[01 Jan '20]	[01 Jan '21]	
<b>1.10</b>	<b>Propulsion performance tests and requirements regarding maximum design vehicle speed, maximum torque, maximum continuous rated or net power and maximum peak power</b>	L1e - L7e	[01 Jan '14]	[01 Jan '15]	
<b>1.11</b>	<b>In-service conformity test requirements, pending Article 21 (4) and (5)</b>		[01 Jan '20]	[01 Jan '21]	
<b>2.</b>	<b>Application of Regulation for vehicle functional safety requirements, items as listed in Annex II (B)<sup>(3)</sup></b>	L1e - L7e	[01 Jan '14]	[01 Jan '15]	
<b>2.1.</b>	Annex VIII to this Regulation, enhanced safety features <sup>(3)</sup>	L1e - L7e	-	-	
2.1.1.	Automatic headlamp on	L1e - L7e	[01 Jan '14]	[01 Jan '15]	
2.1.2.	Safe cornering device (differential or equivalent)	L1e - L7e	[01 Jan '14]	[01 Jan '15]	
2.1.3.	Advanced Brake Systems, obligatory fitting	L3e	-	01 Jan 17 <sup>210</sup>	-
<b>3.</b>	<b>Application of Regulation for vehicle construction requirements, items as listed in Annex II (C)<sup>(3)</sup></b>	L1e - L7e	[01 Jan '14]	[01 Jan '15]	
<b>4.</b>	<b>Application of Regulation for administrative requirements, items as listed in Annex II (D)<sup>(3)</sup></b>	L1e - L7e	[01 Jan '14]	[01 Jan '15]	

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>210</sup> AT, BG, FR: this date should be advanced.

Vehicle category	Euro level	Enforcement dates <sup>211, 212</sup>		
		New types of vehicles Optional	New types of vehicles Obligatory	Existing types of vehicles Obligatory
	Euro 2 <sup>(3)</sup>	<u>Not applicable</u>	<u>1 January 2013</u>	<u>Not applicable</u>
L1e — L7e <sup>213</sup>	Euro 3 <sup>(4)</sup>	1 July 2013	1 January 2014	1 January 2015
	Euro 4 <sup>(5)</sup>	1 January 2015	1 January 2017	1 January 2018
	Euro 5 <sup>(6)</sup>	1 January 2018 <sup>(7)</sup>	1 January 2020 <sup>(7)</sup>	1 January 2021 <sup>(7)</sup>

<sup>211</sup> NL: many vehicles are already Euro 3 today: one could have the 1st new step with Euro 4, in order to anticipate Euro 4 and Euro5.

<sup>212</sup> UK: replace with the following (Q 11/11):

Vehicle category	Euro level	Enforcement dates		
		New types of vehicles Optional	New types of vehicles Obligatory	Existing types of vehicles Obligatory
	Euro 2 <sup>(3)</sup>	<u>Not applicable</u>	<u>1 January 2013</u>	<u>Not applicable</u>
L1e — L7e	Euro 3 <sup>(4)</sup>	1 July 2013	1 January 2014	1 January 2015
	Euro 4 <sup>(5)</sup>	1 January 2015	1 January 2017	1 January 2018
	Euro 5 <sup>(6)</sup>	1 January 2018 <sup>(7)</sup>	1 January 2020 <sup>(7)</sup>	1 January 2021 <sup>(7)</sup>

<sup>213</sup> IT: replace with the following (Q 5/11), since dates should be 12 months after the adoption of delegated acts (support for this principle: FR, UK, ES (8 months)):

L1e — L7e	Euro 3 <sup>(4)</sup>	1 July 2013	1 January 2014 [date referred to in Article 82(2)]	1 January 2015 [1 year after the date referred to in Article 82(2)]
	Euro 4 <sup>(5)</sup>	1 January 2015	1 January 2017 [3 years after the date referred to in Article 82(2)]	1 January 2018 [4 years after the date referred to in Article 82(2)]
	Euro 5 <sup>(6)</sup>	1 January 2018 <sup>(7)</sup>	1 January 2020 <sup>(7)</sup> [6 years after the date referred to in Article 82(2)]	1 January 2021 <sup>(7)</sup> [7 years after the date referred to in Article 82(2)]

**(A) Environmental tests and requirements**

L-category vehicles may be type-approved only if they comply with the following environmental requirements:

Test type	Description	Requirements: limit values	Subclassification criteria in addition to Article 2 and Annex I	Requirements: test procedures
I	Tailpipe emissions after cold start	Annex VI(A)	<u>UNECE Global Technical Regulation No2, chapter 6.3.</u> <u>L-category vehicles equipped with a combustion engine having a displacement &lt;50 cm<sup>3</sup> <sup>214</sup> and travelling with v<sub>max</sub> &lt; 50 km/h shall be attributed to class I vehicles.</u>	
II	- PI or Hybrid <sup>(8)</sup> equipped with PI: CO emissions at idling and increased idling speed - CI or Hybrid with CI engine: free acceleration test	Directive <del>96/96/EC</del> <b>2009/40/EC</b> <sup>(9)</sup> as amended by Directive <del>2009/40/EC</del> <b>2010/48/EC</b> <sup>(10)215</sup>		Directive 96/96/EC, as amended by 2009/40/EC
III	Emissions of crankcase gases	Zero emission, closed crankcase. Crankcase emissions may not be discharged directly into the ambient atmosphere from any vehicle throughout its useful life.		
IV	Evaporative emissions <sup>216</sup>	Annex VI(C)		
V	Durability of pollution control devices	Annexes VI and VII		
VI	<del>Low temperature test</del> <b>A test-type VI has not been attributed</b>	Not applicable <b>(n.a.)</b>		Not applicable <b>(n.a.)</b>
VII	CO <sub>2</sub> emissions <sup>217</sup> <del>←</del> , fuel <b>and/or electric energy</b> consumption <b>and electric range</b>	Measurement and reporting, no limit value for type-approval purposes.	<u>UNECE Global Technical Regulation No2, chapter 6.3.</u> <u>L-category vehicles equipped with a combustion engine having a displacement &lt;50 cm<sup>3</sup> and travelling with v<sub>max</sub> &lt; 50 km/h shall be attributed to class I vehicles.</u>	

<sup>214</sup> UK: should not apply to mopeds.

<sup>215</sup> UK: n.a., restrict the technology. COM: producers have to prove that performances are reached with tests (no system failure, no tampering).

<sup>216</sup> UK: delete, see Q 11/11.

<sup>217</sup> UK: replace with "greenhouse gas".

VIII	On-board diagnostics (OBD) <b><u>environmental tests</u></b>	Annex VI(B) <sup>218</sup>	<b><u>UNECE Global Technical Regulation No2, chapter 6.3.</u></b> <b><u>L-category vehicles equipped with a combustion engine having a displacement &lt;50 cm<sup>3</sup> and travelling with v<sub>max</sub> &lt; 50 km/h shall be attributed to class I vehicles.</u></b>	
IX	Sound level	Annex VI(D)	<b><u>When UNECE Regulations Nos 9, 41, 63 or 92 will replace the EU proprietary requirements set-out in Regulation EU (No) [xxxx/2012], the (sub-) classification criteria laid down in those UNECE Regulations (Annex 6) shall selected with reference to Test Type IX sound level tests.</u></b>	
X	Electromagnetic compatibility	UNECE regulation No 10 <sup>(††)</sup>		UNECE regulation No 10

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>218</sup> UK: replace with Annex VI Part B (see Q 11/11).

**(B) Application of environmental performance test requirements for approval and extensions<sup>219</sup>**

	Vehicle with positive ignition (PI) engines including hybrids									Vehicles with compression ignition (CI) engines including hybrids		Pure electric vehicle <sup>(25p)</sup> or vehicle propelled with compressed air (CA)	Hydrogen Fuel cell vehicle <sup>(25q)</sup>
	Mono-fuel <sup>(25b)</sup>				Bi-fuel <sup>(25h)</sup>			Flex-fuel <sup>(25i)</sup>		Flex-fuel <sup>(25j)</sup>	Mono- fuel		
	Petro I (E5) <sup>(25c)</sup>	LPG <sup>(25d)</sup>	NG <sup>(25e)</sup> / Biomethane	H <sub>2</sub> <sup>(25f)</sup>	Petrol (E5)	Petrol (E5)	Petrol (E5)	Petrol (E5)	NG/Biomethane	Diesel (B5) <sup>(25m)</sup>	Diesel (B5)		
				LPG	NG / Biomethane	H <sub>2</sub>	Ethanol (E85) <sup>(25j)</sup>	H <sub>2</sub> NG <sup>(25k)</sup>	Biodiesel <sup>(25n)</sup>				
<b>Type I test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (B5 only)	Yes	No	No
<b>Type I test<sup>(25a)</sup> Particulate mass (Euro5 only)<sup>(6)</sup></b>	Yes <sup>(25g)</sup>	No	No	No	Yes (petrol only) <sup>(25g)</sup>	No	Yes (B5 only)	Yes	No / Yes for CA	No			
<b>Type II test<sup>(25a)</sup>, including smoke opacity for CI only</b>	Yes	Yes	Yes	Yes	Yes (both fuels)	Yes (both fuels)	Yes (petrol only)	Yes (both fuels)	Yes (NG/biomethane only)	Yes (B5 only)	Yes	No	No
<b>Type III test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
<b>Type IV test<sup>(25a)</sup></b>	Yes	No	No	No	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	No	No	No	No	No
<b>Type V test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (NG/biomethane only)	Yes (B5 only)	Yes	No	No
<b>Type VI test<sup>(25a)</sup> A test type VI has not been attributed</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Type VII test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes	Yes (only energy consumption)	Yes (only fuel consumption)
<b>Type VIII test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (NG/biomethane only)	Yes (B5 only)	Yes	No	No
<b>Type IX test<sup>(25a)</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No <sup>(25r)</sup> Yes for CA	No <sup>(25r)</sup>

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>219</sup> UK: scrutiny reservation.

**Pollutant emission limit values, OBD thresholds and sound-level limit values for type-approval and conformity of production**

**(A) Tailpipe emission limits after cold start<sup>220</sup>**

**(A1) Euro 3<sup>(4)</sup>**

Vehicle category	Vehicle category name	Propulsion class	Euro level	Mass of carbon monoxide (CO)	Mass of total hydrocarbons (THC)	Mass of oxides of nitrogen (NOx)	Mass of particulate Matter (PM)	Sum mass of total hydrocarbons and oxides of nitrogen (THC + NOx)	Test cycle
				L <sub>1</sub> (mg /	L <sub>2</sub> (mg / km)	L <sub>3</sub> (mg / km)	L <sub>4</sub> (mg / km)	L <sub>5</sub> (mg / km)	
L1Ae	Powered cycle	PI / CI / Hybrid	Euro 3	560	100	130	-	-	UNECE regulation No 47 <sup>(12)</sup>
L1Be	Two-wheel moped	PI / CI / Hybrid	Euro 3	1000	-	-	-	1200	UNECE regulation No 47 <sup>221</sup>
L2e	Three-wheel moped	PI / CI / Hybrid	Euro 3	3500	-	-	-	1200	UNECE regulation No 47
L3e <sup>(4)</sup> L4e <sup>(14)</sup> L5Ae L7Ae	-Two-wheel motorcycle with and without side-car - Tricycle - Heavy on-road quad	<b>PI / CI / Hybrid</b> <b>L3e-AxE</b> <b>L3e-AxT</b> <b>(x= 1, 2 or 3)</b>	<b>Euro 3</b>	<b>1970</b>				<b>690</b>	<b>WMTC, stage 2<sup>222</sup></b>
		PI / <b>PI Hybrid</b> , v <sub>max</sub> < 130 km/h	Euro 3	1970	560	130	-	-	WMTC, <b>phase stage 2</b>
		PI / <b>PI Hybrid</b> , v <sub>max</sub> ≥ 130 km/h	Euro 3	1970	250	170	-	-	WMTC, <b>phase stage 2</b>
		CI / <b>CI Hybrid</b>	Euro 3	1000	100	570	100 <sup>(15)</sup>	-	WMTC, <b>phase stage 2</b>
L5Be	Commercial tricycle	PI / <b>PI Hybrid</b>	Euro 3	4000	1000	250	-	-	UNECE regulation No 40 <sup>(13)</sup>
		CI / <b>CI Hybrid</b>	Euro 3	1000	150	650	100 <sup>(15)</sup>	-	UNECE regulation No 40

<sup>220</sup> UK: Retain CO limits at current (Euro 2/3) levels as there are no EU exceedences of air quality objectives on CO. (Q 11/11)

<sup>221</sup> SI: for the two first categories, L1Ae and L1Be, add as an asterisk "a weight of 30% for four cold start cycles measurements and then a weight of 70% for the next four cycles measurements" (Q 22/11). NL: questions the validity of CO limits differences between two- and three-wheels.

COM: question of weight and departing figures.

<sup>222</sup> UK: Add a new explanatory note to the Annexes as follows (after all "WMTC, stage 2"): "(12) For category L3e vehicles the version of the WMTC test cycle used shall be that specified in GTR No.2 according to the engine capacity and maximum speed of the vehicle." (see Q 3/12).

L6Ae L6Be	Light <del>quadricycles on-road quad</del> Light mini-car	PI / <b>PI Hybrid</b>	Euro 3	3500				1200	UNECE regulation No 47
		CI / Hybrid	Euro 3	1000	150	650	100 <sup>(15)</sup>		UNECE regulation No 47
L7Be <b>L7Ce</b>	<b>All terrain vehicles</b> Heavy <del>quadri-mobile</del> mini-car <sup>223</sup>	PI / <b>PI Hybrid</b>	Euro 3	4000	1000	250	-	-	UNECE regulation No 40
		CI / <b>CI</b> Hybrid	Euro 3	1000	150	650	100 <sup>(15)</sup>		UNECE regulation No 40

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

224 225 226

<sup>223</sup> IT: replace with "four-wheel motorcycle" (Q 5/11).

<sup>224</sup> IT: HC and NOx limits should be considered as a total for L6Ae and L6Be (Euro 3/4), as well as for L1e, L2e, L6Ae and L6Be (Euro4/5).

<sup>225</sup> IT: replace with (Q 5/11):

L6Ae L6Be	Light <del>four-wheel moped quadricycles on-road quad</del> Light mini-car	PI	Euro 3	3500				1200	UNECE regulation No 47
		CI / Hybrid	Euro 3	<del>1000</del> <b>3500</b>	150	<del>650</del>	100 <sup>(15)</sup>	<b>1200</b>	UNECE regulation No 47

<sup>226</sup> UK: see Q 11/11. In particular, suppress Euro 4 and Euro 5 stages.

**(A2) Euro 4<sup>(5)</sup>**

Vehicle category	Vehicle category name	Propulsion class	Euro level	Mass of carbon monoxide (CO)	Mass of total hydrocarbons (THC)	Mass of oxides of nitrogen (NOx)	Mass of particulate matter (PM)	Test cycle
				L <sub>1</sub> (mg / km)	L <sub>2</sub> (mg / km)	L <sub>3</sub> (mg / km)	L <sub>4</sub> (mg / km)	
L1Ae	Powered cycle	PI / CI / Hybrid	Euro 4	560	100	70		UNECE regulation No 47
L1Be	Two-wheel moped	PI / CI / Hybrid	Euro 4	1000	630	170	-	UNECE regulation No 47
L2e	Three-wheel moped	PI / CI / Hybrid	Euro 4	1900	730	170	-	UNECE regulation No 47
L3e <sup>(5)</sup> L4e <sup>(14)</sup>	-Two-wheel motorcycles with and without side-car - Tricycle - Heavy on-road quad	PI / <u>PI Hybrid</u> , v <sub>max</sub> < 130 km/h	Euro 4	1140	380	70	-	WMTC, <u>phase stage 2</u>
L5Ae		PI / <u>PI Hybrid</u> , v <sub>max</sub> ≥ 130 km/h	Euro 4	1140	170	90	-	WMTC, <u>phase stage 2</u>
L7Ae		CI / <u>CI Hybrid</u>	Euro 4	1000	100	300	80 <sup>(15)</sup>	WMTC, <u>phase stage 2</u>
L5Be	Commercial tricycle	PI / <u>PI Hybrid</u>	Euro 4	2000	550	250	-	UNECE regulation No 40
		CI / <u>CI Hybrid</u>	Euro 4	1000	100	550	80 <sup>(15)</sup>	UNECE regulation No 40
L6Ae	Light on-road quad Light mini-car	PI / <u>PI Hybrid</u>	Euro 4	1900	730	170		UNECE regulation No 47
L6Be		CI / <u>CI Hybrid</u>	Euro 4	1000	100	550	80 <sup>(15)</sup>	UNECE regulation No 47 <sup>227</sup>
L7Be <u>L7Ce</u>	<u>All terrain vehicles</u> Heavy mini-car	PI / <u>PI Hybrid</u>	Euro 4	2000	550	250	-	UNECE regulation No 40
		CI / <u>CI Hybrid</u>	Euro 4	1000	100	550	80 <sup>(15)</sup>	UNECE regulation No 40

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>227</sup> IT: replace as follows (Q 5/11):

L6Ae L6Be	Light on-road quad Light <del>mini-car</del> <u>four-wheel moped</u>	PI	Euro 4	1900	730	170		<u>900</u> UNECE regulation No 47
		CI / Hybrid	Euro 4	<del>1000</del> <u>1900</u>	<del>400</del>	<del>550</del>	80 <sup>(15)</sup>	<u>900</u> UNECE regulation No 47 <sup>227</sup>
L7Be <u>L7Ce</u>	<u>All terrain vehicles</u> Heavy <del>four-wheel</del> <u>motorcycle</u> <del>mini-car</del>	PI / <u>PI Hybrid</u>	Euro 4	2000	550	250	-	UNECE regulation No 40

**(A3) Euro 5<sup>(6)</sup>**

Vehicle category	Vehicle category name	Propulsion class	Euro Level <sup>(7)</sup>	Mass of carbon monoxide (CO)	Mass of total hydrocarbons (THC)	Mass of Non methane hydrocarbons (NMHC)	Mass of oxides of nitrogen (NOx)	Mass of particulate matter (PM)	Test cycle
				L <sub>1</sub> (mg / km)	L <sub>2A</sub> (mg / km)	L <sub>2B</sub> (mg / km)	L <sub>3</sub> (mg / km)	L <sub>4</sub> (mg / km)	
L1Ae	Powered cycle	PI / CI / Hybrid	Euro 5	500	100	68	60	4.5 <sup>(16)</sup>	Revised WMTC <sup>(17)</sup>
L1Be - L7e <sup>(6)</sup>	All other L-category vehicles	PI / <b>PI Hybrid</b>	Euro 5 <sup>(6)</sup>	1000	100	68	60	4.5 <sup>(16)</sup>	Revised WMTC
		CI / <b>CI Hybrid</b>		500	100	68	90	4.5 <sup>228</sup>	Revised WMTC <sup>229</sup>

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>228</sup> UK: reservation on the figures of this table (see Q 11/11).

<sup>229</sup> IT: replace with: "to be defined" (Q 5/11). Revised WMTC test cycle (Euro 5/6) must be equally severe for L and M category vehicles.

**(B) On-board diagnostics emission thresholds<sup>230</sup>****(B1) Euro 4<sup>(5)</sup>, OBD stage I.**

Vehicle category	Vehicle category name	Propulsion class	Euro level	Mass of carbon monoxide (CO)	Mass of total hydrocarbons (THC)	Mass of oxides of nitrogen (NOx)	Test cycle
				<b>OT<sub>1</sub></b> (mg / km)	<b>OT<sub>2</sub></b> (mg / km)	<b>OT<sub>3</sub></b> (mg / km)	
L1Be L2e L6Ae	- Two-wheel moped - Three-wheel moped - On-road light quad	PI, CI or Hybrid	Euro 4	3610	2690	850	UNECE regulation No 47
L3e <sup>(5)</sup> L4e <sup>(14)</sup>	- Two-wheel motorcycle with and without side-car	PI / <del>PI Hybrid</del> v <sub>max</sub> < 130 km/h	Euro 4	2170	1400	350	WMTC, <del>phase stage 2</del>
L5Ae	- Tricycle	PI / <del>PI Hybrid</del> v <sub>max</sub> ≥ 130 km/h		2170	630	450	WMTC, <del>phase stage 2</del>
L7Ae	- Heavy on-road quad	CI <del>or</del> / <del>CI</del> Hybrid		2170	630	900	WMTC, <del>phase stage 2</del>

<sup>230</sup> UK: delete tables (B1) and (B2). OBD Stage I monitors continuity and signal rationality which does not correspond to any particular increased emission level. UK does not support OBD II (see Q 11/11).

**(B2) Euro 5<sup>(6)</sup>, OBD stage I, and<sup>(7)</sup> OBD stage II**

Vehicle category	Vehicle category name	Propulsion class	Euro level	Mass of carbon monoxide (CO)	Mass of Non methane hydrocarbons (NMHC)	Mass of oxides of nitrogen (NOx)	Mass of particulate matter (PM)	Test cycle
				OT <sub>1</sub> (mg / km)	OT <sub>2</sub> (mg / km)	OT <sub>3</sub> (mg / km)	OT <sub>4</sub> (mg / km)	
L1Be — L7e <sup>(6)</sup>	All L category vehicles except category L1Ae	PI / <b>PI Hybrid</b>	Euro 5	1900	250	300	50	Revised WMTC
		<del>CI</del> / <b>CI Hybrid</b>	Euro 5	1900	320	540	50	Revised WMTC

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

(C) **Evaporative emission limits** <sup>231</sup>

(C1) **Euro 4**<sup>(5)</sup>

Vehicle category	Vehicle category name	Propulsion class	Euro level	Mass of total hydrocarbons (THC) (mg / test)	Test cycle
L3e <sup>(5)</sup> L4e <sup>(14)</sup>	Two-wheel motorcycle <sup>(20)</sup> with and without side-car	PI <sup>(18)</sup>	Euro 5	2 000	SHED
L5Ae	Tricycle	PI <sup>(18)</sup>	Euro 4		
L6Ae	Light on-road quad	PI <sup>(18)</sup>	Euro 4		
L7Ae	Heavy on-road quad	PI <sup>(18)</sup>	Euro 4		

(C2) **Euro 5**<sup>(6)</sup>

Vehicle Class <sup>(19)</sup>	Vehicle category name	Propulsion Class	Euro level	Permeation test (mg / m <sup>2</sup> / day)		Mass of total hydrocarbons (THC) in SHED test (mg / test)
				Fuel tank	Fuel tubing	Vehicle
L1Ae	Powered cycle	PI <sup>(18)</sup>	Euro 5	1500	15000	1500
L1Be	Two-wheel moped		Euro 5	1500	15000	1500
L2e	Three-wheel moped		Euro 5	1500	15000	1500
L3e <sup>(6)</sup> L4e <sup>(14)</sup>	Two-wheel motorcycle with and without side-car		Euro 6			1500

<sup>231</sup> UK: UK does not support evaporative emission requirements, delete tables (C1) and (C2). Delete Evaporative emission requirements due to lack of evidence it will reduce benzene or ozone exceedences. Justification see MD Q11-11 page 27-30. (see Q 11/11).

L5Ae	Tricycle		Euro 5			1500
L5Be	Commercial tricycle		Euro 5	1500	15000	1500
L6Ae	Light on-road quad		Euro 5			1500
L6Be	Light <del>quadri-mobile mini-car</del>		Euro 5	1500	15000	1500
L7Ae	Heavy on-road quad		Euro 5			1500
L7Be	<u>All terrain vehicles</u>		<u>Euro 5</u>	<u>1500</u>	<u>15000</u>	<u>1500</u>
<u>L7Ce</u>	Heavy <del>quadri-mobile mini-car</del>		Euro 5	1500	15000	1500

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

**(D) Sound-level limits — Euro 3<sup>(4)</sup>, Euro 4<sup>(5)</sup>, Euro 5<sup>(6)</sup>**

Vehicle category	Vehicle category name	Euro 3 <sup>(4)</sup> sound level <sup>(21)</sup> (dB(A))	Euro 3 <sup>(4)</sup> test procedure <sup>(23)</sup>	Euro 4 <sup>(5)</sup> sound level <sup>(21)</sup> (dB(A))	Euro 4 <sup>(5)</sup> test procedure <sup>(23)</sup>	Euro 5 <sup>(6)</sup> sound level <sup>(22)</sup> (dB(A))	Euro 5 <sup>(6)</sup> test procedure
L1Ae	Powered cycle	63	Delegated act / UNECE regulation No 63	63 <sup>(21)</sup>	Delegated act / UNECE regulation No 63		UNECE regulation No 63
L1Be	Two-wheel moped $v_{\max} \leq 25$ km/h	66		66			
	Two-wheel moped $v_{\max} \leq 45$ km/h	71		71			
L2e	Three-wheel moped	76	Delegated act / UNECE regulation No 9	76	Delegated act / UNECE regulation No 9		UNECE regulation No 9
L3e	Two-wheel motorcycle Engine capacity $\leq 80$ cm <sup>3</sup>	75	Delegated act / UNECE regulation No 41	75	Delegated act / UNECE regulation No 41		UNECE regulation No 41
	Two-wheel motorcycle $80$ cm <sup>3</sup> < Engine capacity $\leq$ $175$ cm <sup>3</sup>	77		77			
	Two-wheel motorcycle Engine capacity > $175$ cm <sup>3</sup>	80		80			
L4e	Two-wheel motorcycle with side-car	80		80			
L5Ae	Tricycle	80	Delegated act / UNECE regulation No 9	80	Delegated act / UNECE regulation No 9		UNECE regulation No 9
L5Be	Commercial tricycle	80		80			

L6Ae	Light quad	80	Delegated act / UNECE regulation No 63	80	Delegated act / UNECE regulation No 63		UNECE regulation No 63
L6Be	Light mini-car	80	Delegated act / UNECE regulation No 9	80	Delegated act / UNECE regulation No 9		UNECE regulation No 9
L7Ae	On-road quad	80		80			
L7Be	<b>All terrain vehicles</b>	<b>80</b>		<b>80</b>			
<b>L7Ce</b>	Heavy mini-car	80		80			

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

232

<sup>232</sup> DE: UN regulation 41 04-series installs new methods of noise measurement and new limits for category L3e, which have to be included in the whole-vehicle type-procedure.(Q 16/11 REV1). FR, NL: scrutiny reservation.

**Durability of pollution control devices****(A) Durability mileage of L-category vehicles<sup>233</sup>**

Vehicle category	Vehicle category name	Euro 3 <sup>(4)</sup> durability mileage (km)	Euro 4 <sup>(5)</sup> durability mileage (km)	Euro 5 <sup>(6)</sup> durability mileage <sup>(7)</sup> (km)
L1Ae <b><u>L3e-AxT</u></b> <b><u>(x=1, 2 or 3)</u></b>	- Powered cycle <b>- Two-wheel <u>Trial motorcycle</u></b>	5 000	5 500	6 000
L1Be L2e <b><u>L3e-AxE</u></b> <b><u>(x=1, 2 or 3)</u></b> L6Ae	- Two-wheel moped - Three-wheel moped <b>- Two-wheel <u>Enduro motorcycle</u></b> - Light on-road quad	10 000 <sup>234</sup>	11 000	12 000
L3e L4e <sup>(14)</sup>  L5e L6Be L7Be <b><u>L7Ce</u></b>	-Two-wheel motorcycle, with and without side-car ( $v_{max} < 130$ km/h) -Tricycle -Light <b><u>quadri-mobile mini-car</u></b> <b>- All terrain vehicles</b> -Heavy <b><u>quadri-mobile mini-car</u></b>	18 000	20 000	30 000
L3e L4e <sup>(14)</sup>   L7Ae	Two-wheel motorcycle, with and without side-car ( $v_{max} \geq 130$ km/h)   Heavy on-road quad	30 000	35 000	50 000

<sup>233</sup> UK: UK does not support Euro 4 or 5 including the accompanying durability mileages. Delete columns Euro 4 durability and Euro 5 durability. (Q 11/11)

<sup>234</sup> SI: for this category replace the three figures by 6000, 7000 and 8000 respectively (Q 22/11). FI: mileage should be lower for ATVs.

**(B) Deterioration Factors (DF)<sup>235</sup>**

Vehicle category	Vehicle category	Euro 3 <sup>(4)</sup> DF (-)				Euro 4 <sup>(5)</sup> DF (-)				Euro 5 <sup>(6)</sup> DF <sup>+(7)</sup> (-)							
		CO	HC	NOx	PM	CO	HC	NOx	PM	CO	THC	CI <sup>(25)</sup>	NMHC		NOx		PM <sup>(24)(7)</sup>
											PI	CI	PI	CI	PI	CI	CI
L1e—L7e	All	<del>1.30</del>	<del>1.20</del>	<del>1.20</del>	1.0	<del>1.30</del>	<del>1.2+</del>	<del>1.2+</del>	1.1	1.5	1.3	1.1	1.3	1.1	1.3	1.1	1.0

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

<sup>235</sup> UK: Delete table, conservative deterioration factors should be adopted by delegated act to replace the proposed Euro 3 factors. Justification, see MD Q11/11 page 8-16 and MD Q11/11 page 23-26.

**Enhanced functional safety requirements** <sup>(25s)</sup>

Topic	Application date	Requirements
Mandatory fitting of advanced brake systems <sup>(26)</sup>	<del>Four</del> <sup>236</sup> years after the date referred to in the second subparagraph of Article 82.	<p>(a) new motorcycles<sup>(27)</sup> of the L3e-A1 subcategory which are <del>sold</del> <b>made available</b>, registered and entering into service are to be equipped with either an anti-lock<sup>(28)</sup> or a combined brake system<sup>(29)</sup> or both types of advanced brake systems, at the choice of the vehicle manufacturer;</p> <p>(b) new motorcycles of subcategories L3e-A2 and L3e-A3 which are <del>sold</del> <b>made available</b>, registered and entering into service to be equipped with an anti-lock brake system.</p> <p><b><u>Exemption:</u></b>  <b><u>L3e-AxE (x=1, 2 or 3, two-wheel Enduro motorcycles) and L3e-AxT (x=1, 2 or 3, two-wheel Trial motorcycles) are exempted from the obligatory fitting of advanced brake systems</u></b></p>
Safe cornering on hard-surfaced roads	<del>The date referred to in the second subparagraph of Article 82.</del>	L-category vehicles are to be constructed such that each of the wheels can rotate at different speeds at all times in order to allow safe cornering on hard-surfaced roads. If a <del>three or four wheel</del> vehicle is equipped with a lockable differential, it must be designed to be normally unlocked.

<sup>236</sup> IT: "three years" for new "types of" vehicles. Add at the end of (a): "These requirements also apply to L3e-A2 subcategory having an engine power not exceeding 20 kW which are provided with a Continuously Variable Transmission (CVT)" (Q 5/11).

Improvement of vehicle and rider visibility by automatic switching of lighting <sup>(30)</sup>	<del>The date referred to in the second subparagraph of Article 82.</del>	In order to improve their visibility, L-category vehicles are to be equipped with the following: (a) for L1e vehicles: lighting and light-signalling devices in compliance with UNECE regulation 74 Rev. 2, which requires the lighting system to be turned on automatically; (b) for L3e vehicles: at the choice of the vehicle manufacturer, either lighting and light-signalling devices in compliance with UNECE regulation 53 Rev. 2 and its amendments 1 and 2, or dedicated day-time running lights (DRL) complying with UNECE regulation 87 Rev.2 and its amendments 1 and 2; (c) for all other subcategories of L-category vehicles: a lighting system automatically turning on or at the choice of the manufacturer, dedicated day-time running lights that automatically switch on <sup>(31)</sup>
<u>(ad Annex II B.3)</u> <u>Electrical Safety</u>		<b><u>Vehicles of category L, with respect to the electric power train when equipped with one or more traction motor(s) operated by electric power and not permanently connected to the grid, as well as their high voltage components and systems which are galvanically connected to the high voltage bus of the electric power train, shall be designed so as to avoid any risk to electrical safety, in using relevant requirements of UNECE regulation No. 100 and ISO 13063.</u></b>
<u>(ad Annex II B. 4)</u> <u>Requirements on manufacturer declaration requirements regarding endurance testing of functional safety critical systems, parts and equipment</u>		<b><u>The vehicle manufacturer shall declare that vehicles produced in conformity with Article 20 (1a), shall be able to withstand normal use as intended for at least the distance travelled as specified below, within 5 years after first registration.</u></b> <b><u>The distance shall be 1.5 times the distance as specified in Annex VII in direct relation to the vehicle category in question and the emission stage (i.e. euro level) according to which the vehicle is to be type approved, however, the required distance shall not exceed 60 000 km for any vehicle category</u></b>
<u>(ad Annex II B.5)</u> <u>Requirements on front and rear protective structures</u>		<b><u>Vehicles of category L, with respect to their front and rear structures, shall be designed to avoid pointed or sharp parts or projections which are directed outwards and which are likely to catch on or significantly increase the severity of injuries or chance of lacerations to vulnerable road users in case of a collision.</u></b> <b><u>This is applicable both for front and rear structure of the vehicle</u></b>
<u>(ad Annex II B. 10)</u> <u>Safety belt anchorages and safety belts</u>		<b><u>Mandatory requirements for safety belt anchorages and the installation of safety belts on vehicles of categories L2e, L5e, L6e and L7e fitted with body work (see requirements of directive 2002/24/EC of 18 March 2002).</u></b>

<p><b><u>(ad Annex II B. 15)</u></b>  <b><u>Requirements concerning vehicle occupant protection including interior fittings and vehicle doors .</u></b></p>		<p><b><u>Vehicles of category L2e, L5e, L6e and L7e which are fitted with bodywork shall be designed to avoid any pointed or sharp parts or projections which are likely to significantly increase the severity of injuries to the driver and the passengers.</u></b>  <b><u>Vehicles fitted with doors shall be designed to ensure that these doors are constructed with relevant latches and hinges.</u></b></p>
<p><b><u>(ad Annex II B.17)</u></b>  <b><u>Requirements on vehicle structure integrity</u></b></p>		<p><b><u>The vehicle manufacturer shall declare that in case of a recall due to a serious safety risk, specific analysis of vehicle structures, components and/or parts by means of engineering calculations, virtual testing methods and/or structural testing will be made available immediately to the type-approval authority and the Commission upon request. Vehicle type-approval shall not be granted if there is reason to doubt that the vehicle manufacturer is able to provide such analysis.</u></b></p>

NB refer to the last page of Annex VIII for an overview of the notes to the annexes

237

<sup>237</sup> For the first topic, Mandatory fitting of advanced brake systems : DE:  
- replace "made available" with "placed on the market"  
- add a new point (c) " motorcycles of the L3e-A2 and L3e-A3 category, which can be used off-road and/or offside public roads, which are made available, registered and entering into service can be optionally equipped with a switch-off for the anti-lock brake system. The switched-off-status of the anti-lock system, must be shown to the driver by a visual display. After engine restarts, the anti-lock brake system must be activated automatically. "(Q 16/11 REV1). NL: support. ES, IT: interest. FR, UK: scrutiny reservation. It must be difficult to switch-off the ABS. Security is most important. COM: scrutiny reservation. Need to ensure safety, not necessarily answer the special needs of minority users.  
NB: for the dates differentiate new types (2016) and new vehicles (2017).

## Explanatory notes to Annexes I to VIII

- (1) The power limits in Annex I are based on maximum continuous rated power **for electric propelled vehicles and maximum net power for vehicles propelled with a combustion engine** independent of the vehicle's propulsion configuration. **The weight of a vehicle is considered equal to its mass in running order.**
- (2) sub-classification of an L3e vehicle according to whether it has a design vehicle speed of less than or equal to 130 km/h or more than 130 km/h is independent of its sub-classification into the propulsion performance classes **L3e-A1** (although not likely to achieve 130 km/h), **L3e-A2** or **L3e-A3**.
- (3) ~~Advanced brake systems are only mandatory on L3e vehicles, as stipulated in Annex VIII.~~ **'X' means that this Regulation is applicable and the detailed requirements are laid down in the referenced articles and annexes to this Regulation. The test procedures and detailed technical measures are laid down in the applicable delegated act(s) and/or the applicable administrative provisions are laid down in the implementing act to this Regulation. In case a field of tables A to D remain empty it means that the Regulation is either not applicable or complied with by the vehicle manufacturer on a voluntary basis in which case the requirements of this Regulation, its delegated and implementing acts do apply (e.g. a windshield fitted as accessory on an L3e motorcycle complying with safety glazing requirements).**
- (4) Category L3e: Euro 4.
- (5) Category L3e: Euro 5.
- (6) Category L3e: Euro 6.
- (7) Refer to Article 21, paragraphs (4) and (5).
- (8) If the (hybrid) engine(s) is/are equipped with a stop / start feature, the manufacturer must ensure that the combustion engine is running in idle and at increased idle speed. The vehicle must be able to run the free acceleration test for propulsions including a CI engine.
- (9) ~~OJ L 282, 1.11.1996, p. 64~~ **OJ L 141, 6.6.2009, p.12.**
- (10) ~~OJ L 141, 6.6.2009, p. 12~~ **OJ L xxx, x.x.2010, p.xx.**
- (11) OJ L 116/1, 8.5.2010, p. 1.

- (12) OJ C [...], [...], p. [...], including cold weighing.
- (13) OJ C [...], [...], p. [...].
- (14) Only the base two-wheel motorcycle to which the side-car is fitted must meet the appropriate emission limits.
- (15) CI only, also if e.g. a hybrid concept includes a CI engine.
- (16) Applicable to gasoline direct injection (DI) engines only.
- (17) The environmental effect study in Article 21 (4) will also assess the feasibility for L-category vehicles other than L3e, L5Ae and L7Ae to be emission-tested in a revised WMTC.
- (18) PI engines running on gasoline, gasoline blends or ethanol.
- (19) The cost-effectiveness of evaporative emission control will be assessed in the environmental effect study to be carried out for the Commission, as referred to in Article 21(5). A possible cost-effective evaporative fuel tank and fuel supply permeation testing will be assessed in this study as an alternative to the SHED test for the sub category vehicles which were not subject yet to evaporative emission testing, refer to Article 21, paragraphs (4) and (5).
- (20)  $v_{\max} \geq 130$  km/h.
- (21) Until the EU accedes to UNECE regulations **No 9, 41, ~~and 63~~ and 92** and adopts ~~the~~ these regulations in UNECE WP29 and in the EU, including the associated equivalent sound limits for the Euro3 and Euro4 steps **(e.g. as set out in Annex 6 of Regulation No 41 for L3e and L4e motorcycles), L-category** vehicles shall comply with the limits as listed in Annex VI(D) . When the UNECE regulations 9, 41, ~~and 63~~ **and 92** are adopted by the EU, these become mandatory including equivalent sound limits to the limits listed in Annex VI(D) and replace the testing procedures in the delegated act **on environmental and propulsion performance requirements EU (No) [xxxx/2012]**.
- (22) The TBD Euro 5 sound limits are to be modified in a separate codecision act.
- (23) A delegated act to this Regulation contains the sound test procedures and will be replaced by UNECE regulations 9, 41 and 63.
- (24) Only for PI DI and CI engines.
- (25) Also applicable for hybrid vehicles.

- ~~(25a) Refer to Annex V for the test type description, the references to the limit values and test procedures for test type I to IX.~~
- ~~(25b) ‘mono fuel vehicle’ means a vehicle that is designed to run primarily on one type of fuel. A ‘mono fuel gas vehicle’ means a monofuel vehicle that primarily runs on LPG, NG/biomethane, or hydrogen but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 5 litres of petrol;~~
- ~~(25c) ‘E5’ means a fuel blend of 5% anhydrous ethanol and 95% gasoline.~~
- ~~(25d) ‘LPG’ means liquefied petroleum gas which is liquid gasoues fuel composed of propane and butane.~~
- ~~(25e) ‘NG’ means natural gas containing a very high methane content. ‘Biomethane’ means a renewable natural gas made from organic sources that starts out as ‘biogas’ but then is cleaned up in a process called ‘biogas to biomethane’ which removes the impurities in biogas such as carbon dioxide, siloxanes and hydrogen sulfides (H<sub>2</sub>S);~~
- ~~(25f) ‘H<sub>2</sub>’ means hydrogen. Only NO<sub>x</sub> emissions shall be determined when the propulsion combusts hydrogen.~~
- ~~(25g) Only particulate mass (PM) measurement and reporting for direct injected (DI) positive ignition engines~~
- ~~(25h) ‘bi fuel vehicle’ means a vehicle with two separate fuel storage systems that can run part time on two different fuels and is designed to run on only one fuel at a time. ‘bi fuel gas vehicle’ means a bi fuel vehicle that can run on petrol and also on either LPG, NG/biomethane or hydrogen;~~
- ~~(25i) ‘flex fuel vehicle’ means a vehicle with one fuel storage system that can run on different blends of two or more fuels;~~
- ~~(25j) ‘E85’ means a fuel blend of 85% anhydrous ethanol and 15% gasoline; ‘flex fuel ethanol vehicle’ means a flex fuel vehicle that can run on petrol or a mixture of petrol and ethanol up to an 85 % ethanol blend (E85);~~
- ~~(25k) ‘H<sub>2</sub>NG’ means a fuel blend of hydrogen and natural gas. A ‘flex fuel H<sub>2</sub>NG vehicle’ means a flex fuel vehicle that can run on different blends of hydrogen and NG/biomethane;~~
- ~~(25l) ‘flex fuel biodiesel vehicle’ means a flex fuel vehicle that can run on mineral diesel or a blend of mineral diesel and biodiesel;~~

~~(25m) — ‘B5’ means a fuel blend of up to 5% biodiesel and 95% petroleum diesel.~~

~~(25n) — ‘biodiesel’ means a vegetable oil or animal fat based diesel fuel consisting of long chain alkyl esters produced in a sustainable way. (25p) ‘pure electric vehicle’ means a vehicle powered by:~~

~~(a) — a system consisting of one or more electric energy storage devices, one or more electric power conditioning devices and one or more electric machines that convert stored electric energy to mechanical energy delivered at the wheels for propulsion of the vehicle;~~

~~(b) — an auxiliary electric propulsion fitted to a vehicle designed to pedal.~~

~~(25q) — ‘hydrogen fuel cell vehicle’ means a vehicle powered by a fuel cell that converts chemical energy from hydrogen into electric energy, for propulsion of the vehicle.~~

~~(25r) — For electric / hybrid electric propelled vehicles only sound requirements for silent vehicles.~~

~~(25s) — Refer to Annex IV for the application dates of the enhanced safety requirements.~~

(26) — ‘Advanced brake system’ means an anti-lock brake system, a combined brake system or both. The performance of advanced brake systems shall be tested according to the requirements as set out in a delegated act. *moved to Article 3 (19a)*

(27) Category L4e vehicles (motorcycles with side-car) are excluded from requirements (a) and (b) on the mandatory fitting of advanced brake systems.

(28) — ‘anti-lock brake system’ means a system that senses wheel slip and automatically modulates the pressure producing the braking forces at the wheel(s) to limit the degree of wheel slip. *moved to Article 3 (19b)*

(29) — ‘Combined brake system’ means:

(a) for vehicle categories L1e and L3e: a brake system where at least two brakes on different wheels are operated by actuation of a single control;

(b) for vehicle category L4e: a brake system where the brakes on at least the front and rear wheels are operated by actuation of a single control (if the rear wheel and sidecar wheel are braked by the same brake system, this is regarded as the rear brake);

© for vehicle categories L2e, L5e, L6e and L7e: a brake system where the brakes on all wheels are operated by actuation of a single control. *(moved to Article 3(19c))*

(30) — ‘Automatically switching on’ means a lighting system turned on when the ignition switch or the engine on-off switch is in the on position. *(moved to Article 3(19d))*

(31) To allow a combustion engine to start running, the lighting system may be turned off during the engine cranking period for a consecutive period of less than or equal to 10 s.

**Correlation table**<sup>(32)</sup>

<b>Directive 2002/24/EC</b>	<b>This Regulation</b>
Article 1(1), sub-paragraph one	Articles 2(1)
Article 1(1), sub-paragraph two	Article 2(2)
Article 1(2)(a)(i)	Article 4(2)(a)(B)
Article 1(2)(a)(ii)	Article 4(2)(b)
Article 1(2)(b)	Article 4(2)(c), Article 4(2)(d)
Article 1(2)2(c)	Article 4(e)
Article 1(3)(a)	Article 4(f)
Article 1(3)(a)	Article 4(g)
Article 2	Article 3
Article 3	Article 23
Article 4(1)	Article 27(2)
Article 4(2)	Article 27(1)
Article 4(3)	Article 5(4)
Article 4(4)	=
Article 4(5)	Article 31(1)
Article 4(6)	Article 27(3)
Article 5(1)	Article 27(10)
Article 5(2)	Article 28(2)
Article 5(3)	Article 28(1)(b)
Article 6(1)	Article 27(5)
Article 6(2), sub-paragraph one	Article 27(7)
Article 6(2), sub-paragraph two	Article 27(8)
Article 7(1), sub-paragraph one	Article 36(1)
Article 7(1), sub-paragraph two	Article 36(4)
Article 7(2)	Article 36(2)
Article 7(3)	Article 36(5)
Article 7(4)	Article 37(2)
Article 7(5)	Article 59(2), sub paragraph one
Article 7(6)	Article 59(2), sub paragraph two
Article 8(1)	Article 37(1)
Article 8(2), sub-paragraph one	Article 37(2)
Article 8(2), sub-paragraph two	Article 37(3)

Note (32): Referred to in Article 81.

<b>Directive 2002/24/EC</b>	<b>This Regulation</b>
Article 9(1)	Article 46
Article 9(2)	Article 32(1)
Article 9(3)	Article 32(2)
Article 9(4)	Article 33
Article 9(5)	Article 34(3)
Article 10(1)	Article 31(4)
Article 10(2)	Article 51(3)
Article 10(3)	Article 35(4)
Article 10(4)	Article 51(7)
Article 11	-
Article 12	Article 50(1)
Article 13	-
Article 14(1)(a)	Article 5(1)
Article 14(1)(b)(i)	Article 66(9)
Article 14(1)(b)(ii)	Article 64(8)
Article 14(2), sub-paragraph one	-
Article 14(2), sub-paragraph two	Article 66(10)
Article 15(1)	Article 45
Article 15(2)	Article 47
Article 15(3) sub-paragraph one (a)(i)	Article 40
Article 15(3) sub-paragraph one (a)(ii)	Article 2(2)(e)
Article 15(3) sub-paragraph two	-
Article 15(3)(b) sub-paragraph one	-
Article 15(3)(b) sub-paragraph two	-
Article 15(3)(b) sub-paragraph three	-
Article 15(3)(b) sub-paragraph four	-
Article 15(4)	-
Article 16(1) sub-paragraph one	-
Article 16(1) sub-paragraph two	-
Article 16(2) sub-paragraph one	-
Article 16(2) sub-paragraph two	-
Article 16(3)	Article 38
Article 17	Article 39
Article 18(1)	Article 74(1)
Article 18(2)	Article 74(2)
Article 18(3)	-
Article 19	Article 81
Article 20	Article 82(2)

<b>Directive 2002/24/EC</b>	<b>This Regulation</b>
Article 21	Article 79(1)
Article 22	-
Article 23	Article 82(1)
Article 24	-

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