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EUROPEAN COMMISSION

Brussels, 4.10.2010  
COM(2010) 542 final

2010/0271 (COD)

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**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**

**(Text with EEA relevance)**

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{SEC(2010) 1151}  
{SEC(2010) 1152}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Grounds for and objectives of the proposal

The term ‘L-category vehicles’ covers a wide range of different vehicle types with two, three or four wheels, e.g. two- and three-wheel mopeds, two- and three-wheel motorcycles and motorcycles with side-cars. Examples of four-wheel vehicles, also referred to as quadricycles, are quads and mini-cars.

Type-approval requirements for new vehicles of the L category are currently set out in Directive 2002/24/EC<sup>1</sup> of the European Parliament and of the Council (the ‘Framework Directive’). In addition, a series of Directives referred to in the Framework Directive contain detailed technical requirements relating to L-category vehicles.

The Commission has identified a number of key concerns associated with the current provisions for the type-approval of new L-category vehicles, which need to be addressed:

- the complexity of the legal framework;
- the level of emissions and its increasing share in total road transport emissions, which are decreasing overall;
- vehicle functional safety aspects related to type-approval requirements;
- the lack of a legal framework for vehicles fitted with new technologies;
- selling and registration of certain vehicles, systems, components or separate technical units imported in the EU market which do not comply with the current type-approval requirements regarding vehicle functional safety and/or environmental protection.

#### • Existing provisions in the area of the proposal

- Framework Directive of the European Parliament and Council 2002/24/EC<sup>1</sup>
- Directives:

93/14/EEC <sup>2</sup>	93/30/EEC <sup>3</sup>	93/33/EEC <sup>4</sup>	93/93/EEC <sup>5</sup>	95/1/EC <sup>6</sup>
97/24/EC <sup>7</sup>	2000/7/EC <sup>8</sup>	2002/51/EC <sup>9</sup>	2009/62/EC <sup>10</sup>	2009/67/EC <sup>11</sup>
	2009/78/EC <sup>12</sup>	2009/79/EC <sup>13</sup>	2009/80/EC <sup>14</sup>	2009/139/EC <sup>15</sup>

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<sup>1</sup> OJ L 124, 9.5.2002, p. 1  
<sup>2</sup> OJ L 121, 15.5.1993, p. 1  
<sup>3</sup> OJ L 188, 29.7.1993, p. 1  
<sup>4</sup> OJ L 188, 29.7.1993, p. 32  
<sup>5</sup> OJ L 311, 14.12.1993, p. 76  
<sup>6</sup> OJ L 52, 8.3.1995, p. 1  
<sup>7</sup> OJ L 226, 18.8.1997, p. 1

Type-approval legislation is addressed in the political initiative ‘CARS 21’<sup>16</sup>. This initiative was launched in 2005 to carry out a regulatory and policy review of the automotive sector to advise the Commission on future policy options. One of the reasons for setting up CARS 21 was the concern expressed by automotive industry stakeholders that the cumulative cost of regulation had a negative effect on competitiveness and made vehicles unnecessarily expensive. The CARS 21 Final Report<sup>17</sup> concluded that while most of the legislation in force should be maintained for the protection of citizens and the environment, a simplification exercise should be undertaken so as to rationalise the regulatory framework and move towards international harmonisation of requirements. This simplification exercise has been planned in the ‘Commission second progress report on the strategy for simplifying the regulatory environment’<sup>18</sup>. Any possible initiative should be aligned with this strategy.

In line with the European strategy on air quality<sup>19</sup>, the European Union has constantly strengthened the emission standards for motor vehicles, in particular for hydrocarbons, carbon monoxide, nitrogen oxides and particulate matter. This will also be the case for this proposed regulatory framework for L-category vehicles.

The type-approval measures in this legal framework are also aligned with the European Road Safety Action Plan 2011-2020 and the European Road Safety Charter (ERSC)<sup>20</sup>, 2000-2010. The ERSC aimed to halve the number of road fatalities by 2010. Unfortunately, riders of L-category vehicles belong to a vulnerable road user group with the highest fatality and injury rates among all road users.

Finally, this proposal also incorporates a number of provisions of Decision No 768/2008/EC of the European Parliament and of the Council<sup>21</sup> on a common framework for the marketing of products, to enhance the implementation and enforcement of the new Regulation. These specify the responsibilities of the economic operators in the supply chain and the respective market surveillance authorities involved, in particular with regard to post-market surveillance and control of products entering the European Union market. Also, the requirements for bodies or organisations to which Member States may delegate some assessment tasks of vehicles, systems, components or separate technical units are enhanced with a view to ensuring a level playing field and avoiding distortion of competition that may arise from different levels of stringency and performance applied by these third party organisations when testing, inspecting and assessing vehicles, systems, components or separate technical units for which type-approval is sought.

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<sup>8</sup> OJ L 106, 3.5.2000, p. 1

<sup>9</sup> OJ L 252, 20.9.2002, p. 20

<sup>10</sup> OJ L 198, 30.7.2009, p. 20

<sup>11</sup> OJ L 222, 25.8.2009, p. 1

<sup>12</sup> OJ L 231, 3.9.2009, p. 8

<sup>13</sup> OJ L 201, 1.8.2009, p. 29

<sup>14</sup> OJ L 202, 4.8.2009, p. 16

<sup>15</sup> OJ L 322, 9.12.2009, p. 3

<sup>16</sup> <http://ec.europa.eu/enterprise/automotive/pagesbackground/competitiveness/cars21.htm>.

<sup>17</sup> <http://ec.europa.eu/enterprise/automotive/pagesbackground/competitiveness/cars21finalreport.pdf>.

<sup>18</sup> COM(2008) 33 final, 30.1.2008, proposal No 49, p. 32.

<sup>19</sup> <http://ec.europa.eu/environment/archives/cafe/general/keydocs.htm>.

<sup>20</sup> <http://www.erscharter.eu/>.

<sup>21</sup> OJ L 218, 13.8.2008, p. 82.

## 2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

### • Consultation of interested parties

The European Commission launched a public consultation seeking to gather the views of interested parties on its outlined proposals for new legislation on L-category vehicle approval. A consultation document was published<sup>22</sup> to provide background and ask for opinions on the new framework intended to replace the current legislative framework.

The public consultation targeted those groups that would be most affected by the proposal for a new legal framework, including type-approval authorities in Member States, manufacturers, suppliers and consumers. It was published in English, French and German on a website set up specifically for that purpose.

The European Commission has acknowledged the receipt of all stakeholder responses to the consultation, and these have been made publicly available<sup>23</sup>.

#### *Consultation methods, main sectors targeted and general profile of respondents*

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

The public consultation was held from 22 December 2008 to 27 February 2009 on the internet, covering possible controversial aspects of the proposal. Reactions were received from Member States, the L-category vehicle and component manufacturing industry, transport organisations, organisations representing users, other non-governmental organisations and individual citizens.

The elements of the draft proposal have been discussed in several meetings of the European Commission's Working Group (MCWG)<sup>24</sup> on L-category vehicles.

Finally, many bilateral meetings with individual stakeholders have been held at which their opinions and views could be freely expressed.

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

The European Commission received 57 responses to the internet consultation. A number of issues were raised by stakeholders. The results of the public consultation were summarised in a report<sup>25</sup> and presented and discussed on 29 June 2009 at a meeting of the European Commission's Working Group on L-category vehicles (MCWG), to which all stakeholders were invited to comment.

The impact assessment that accompanies this proposal gives an account of the issues raised and discusses how they have been taken into consideration.

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<sup>22</sup> [http://ec.europa.eu/enterprise/automotive/consultation/2\\_3\\_wheelers/index.htm](http://ec.europa.eu/enterprise/automotive/consultation/2_3_wheelers/index.htm).

<sup>23</sup> [http://ec.europa.eu/enterprise/automotive/consultation/2\\_3\\_wheelers/contributions.htm](http://ec.europa.eu/enterprise/automotive/consultation/2_3_wheelers/contributions.htm).

<sup>24</sup> [http://circa.europa.eu/Public/irc/enterprise/automotive/library?l=/mcwg\\_motorcycle&vm=detailed&sb=Title](http://circa.europa.eu/Public/irc/enterprise/automotive/library?l=/mcwg_motorcycle&vm=detailed&sb=Title).

<sup>25</sup> [http://ec.europa.eu/enterprise/automotive/consultation/2\\_3\\_wheelers/results\\_report.pdf](http://ec.europa.eu/enterprise/automotive/consultation/2_3_wheelers/results_report.pdf).

- **Impact assessment**

For each of the main aspects of the proposal, different options were analysed 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. In a next step, the different options were compared and one preferred option or a logical combination of two preferred options were identified and described. These preferred options form the basis for this new Framework Regulation.

The draft report was scrutinised by the Impact Assessment Board and the recommendations for its improvement were integrated in the final report as far as possible. The opinion of the Impact Assessment Board on the report is published together with this proposal, as well as the final Impact Assessment report and its executive summary.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

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

- **Subsidiarity principle**

Prior to the establishment of EU type-approval for L-category vehicles, standards were established at Member State level. This legislation adopted by Member States often differed, and manufacturers selling vehicles, systems, components or separate technical units on several markets were then obliged to vary their production according to the Member States for which their vehicles, systems, components or separate technical units were intended and had these tested in each Member State concerned, which was time-consuming and costly. Different national rules consequently hindered trade, and had a negative effect on the establishment and functioning of the internal market.

It was therefore necessary to establish directives at EU level, especially to address EU-wide trans-boundary concerns regarding safety and the adverse health and environmental effects of air pollution. High emissions in local urban settings may be controlled by Member States' individual measures, but global emissions do not stop at the border of a Member State. This Europe-wide concern can only be addressed with harmonised, EU-wide measures. Framework Directive 2002/24/EC<sup>1</sup>, which was based on Article 95 of the Treaty establishing the European Community, was designed to do this and aimed to establish an internal market while ensuring a high level of protection of health, safety and the environment. Such a rationale is still valid today as European Union action is necessary to avoid fragmentation of the internal market and to ensure a high and equal level of protection across Europe.

A further added value of EU legislation is that industry will be able to profit from economies of scale through harmonised legal requirements: for instance, vehicles, systems, components or separate technical units can be made for the whole European market, instead of being customised to obtain national type-approval for every single Member State. Also, adaptation of the legal framework to technical progress will ensure a level playing field for manufacturers with regard to new technology. Consumers will benefit from lower prices of

vehicles, systems, components or separate technical units, which are constantly under pressure owing to EU-wide competition.

Finally, strengthening the market surveillance measures will help ensure the same set of rules for all manufacturers selling or are responsible for the entry into service of vehicles, systems, components or separate technical units on the EU market and ensure that environmental and vehicle-safety type-approval requirements are actually effective.

- **Proportionality principle**

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

- **Choice of instruments**

The use of a Framework Regulation is considered to be appropriate in that it provides the required assurance for compliance while not requiring transposition into Member States' legislation.

The proposal uses the 'split-level approach' originally introduced at the request of the European Parliament and used in other legislation for EU type-approval of motor vehicles. This approach provides for legislation in three steps:

- the fundamental provisions and scope are laid down by the European Parliament and the Council in a regulation based on Article 114 TFEU in accordance with the ordinary legislative procedure.
- the technical specifications associated with the fundamental provisions are laid down in three delegated acts (Article 290), adopted through comitology:
  - (1) a Regulation on environmental and propulsion performance requirements:
    - electromagnetic compatibility;
    - environmental test procedures related to exhaust emissions, evaporative emissions, greenhouse gas emissions and fuel consumption;
    - maximum design engine speed, maximum torque and maximum net engine power;
    - sound.
  - (2) a Regulation on vehicle functional safety requirements and related subjects:
    - audible warning devices;
    - braking, including anti-lock and combined brake systems;
    - electrical safety;

- front and rear protective structures;
- glazing, windscreen wipers and washers, and de-icing and demisting devices;
- identification of controls, tell-tales and indicators;
- installation of lighting and light signalling devices;
- rearward visibility;
- safety belt anchorages and safety belts;
- tyres;
- vehicle occupant protection, including interior fittings, head restraints and vehicle doors;
- vehicle speed limitation by design;
- vehicle structure integrity.

(3) a Regulation on vehicle construction requirements:

- anti-tampering measures;
  - coupling devices and attachments;
  - devices to prevent unauthorised use;
  - external projections;
  - fuel storage;
  - load platforms;
  - masses and dimensions;
  - on-board diagnostics;
  - passenger handholds and footrests;
  - repair and maintenance information;
  - space for mounting the rear registration plate;
  - stands;
  - statutory markings.
- An implementing act (Article 291) sets out the administrative provisions, such as the information document, the definitions of the type-approval certificate, the certificate of conformity and associated production conformity requirements, etc.



#### **4. BUDGETARY IMPLICATIONS**

This proposal for a Framework Regulation has no implications for the European Union budget with regard to the first two emission-limit reduction steps (Euro 4 and 5 for motorcycles, Euro 3 and 4 for all other L-category vehicle categories). The third emission step will include a Euro 6 step motorcycles and a Euro 5 step for all other L-category vehicle categories (mopeds, tricycles and quadricycles). These limits are absolutely equivalent to the Euro 5 emission limits for passenger cars. An additional environmental effect study is planned in order to determine the short-term environmental effects of the Euro 3, 4 and 5 steps and whether the targeted Euro 6 step is appropriate within the given time. This study will be completed in the period 2016-2017 and will be financed through the Commission budget.

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

The proposed act concerns matters relating to the European Economic Area (EEA) and should therefore extend to the EEA.

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL REGULATION**

**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**

(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>26</sup>,

Having regard to the opinion of the Committee of the Regions<sup>27</sup>

Acting in accordance with the ordinary legislative procedure,

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 on the type-approval of such vehicles<sup>1</sup>. Those principles should continue to apply for this Regulation and its delegated and implementing acts.
- (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, in its delegated and implementing acts 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 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,

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<sup>26</sup> OJ L [...], [...], p. [...]

<sup>27</sup> OJ L [...], [...], p. [...]

tricycles, on-road quads and mini-cars. In addition, the objectives are to simplify the current legal framework, 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 directives have been substantially amended several times. In the interests of clarity, rationality and simplification, Directive 2002/24/EC and its separate directives should be repealed and replaced by one Regulation and a small number of delegated and implementing acts. The use of the form of a regulation should ensure that the provisions are directly applicable and can be updated much faster and more efficiently to take better account of technical progress.
- (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>28</sup>, it is appropriate to repeal all separate directives without reducing the level of protection. The requirements set out in those directives should be carried over to this Regulation or its delegated acts and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE), as incorporated into Union law in accordance with Article 4 of Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Union to the Agreement of the United Nations Economic Commission for Europe. This concerns the adoption of uniform technical prescriptions for wheeled vehicles, 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>29</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>30</sup> regulations listed in the Annexes to this Regulation and in the separate delegated acts.
- (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, the power should be delegated to the Commission to adopt the necessary adaptations to this Regulation or to adopt the necessary implementing acts.
- (7) This Regulation should contain substantive requirements for environmental protection and vehicle functional safety. The main elements of this Regulation are based on the results of an Impact Assessment<sup>31</sup> 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

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<sup>28</sup> COM(2007) 22 final.

<sup>29</sup> OJ L 346, 17.12.1997, p.78

<sup>30</sup> <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29pub/wp29pub2002e.pdf>.

<sup>31</sup> [...add link when published]

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, 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, registered or are entering into service.
- (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>6</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 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>32</sup>. Approval authorities should therefore be able to assess whether these measures are sufficient or not.
- (11) With the aim of simplifying and accelerating the 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 to 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-

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<sup>32</sup> OJ L 218, 13.8.2008, p. 30

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 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.
- (14) In order to ensure that the procedure for monitoring conformity of production 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.
- (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>33</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."
- (18) 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).

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<sup>33</sup> OJ L 184, 17.7.1999, p. 23

- (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.
- (20) The following Directives should be repealed:
- 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>34</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>35</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>36</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>37</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>38</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>39</sup>;
  - 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>40</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>41</sup> and repealing Council Directive 92/61/EEC;
  - 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

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<sup>34</sup> OJ L 322, 9.12.2009, p. 3

<sup>35</sup> OJ L 202, 4.8.2009, p. 16

<sup>36</sup> OJ L 201, 1.8.2009, p. 29

<sup>37</sup> OJ L 231, 3.9.2009, p. 8

<sup>38</sup> OJ L 222, 25.8.2009, p. 1

<sup>39</sup> OJ L 198, 30.7.2009, p. 20

<sup>40</sup> OJ L 252, 20.9.2002, p. 20

<sup>41</sup> OJ L 124/1, 09.05.2002, p. 1

amending Council Directive 92/61/EEC on the type-approval of two- or three-wheel motor vehicles<sup>42</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>43</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>44</sup>;
- Council Directive 93/93/EEC of 29 October 1993 on the masses and dimensions of two or three-wheel motor vehicles<sup>45</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>46</sup>;
- Council Directive 93/30/EEC of 14 June 1993 on audible warning devices for two-or three-wheel motor vehicles<sup>47</sup>;
- Council Directive 93/14/EEC of 5 April 1993 on the braking of two or three-wheel motor vehicles<sup>48</sup>.

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<sup>42</sup> OJ L 106, 3.5.2000, p. 1

<sup>43</sup> OJ L 226, 18.8.1997, p. 1

<sup>44</sup> OJ L 52, 8.3.1995, p. 1

<sup>45</sup> OJ L 311, 14.12.1993, p. 76

<sup>46</sup> OJ L 188, 29.7.1993, p. 32

<sup>47</sup> OJ L 188, 29.7.1993, p. 11

<sup>48</sup> OJ L 121, 15.5.1993, p. 1

HAVE ADOPTED THIS REGULATION:

## **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 referred to in Article 2 (1).
2. This Regulation also establishes the requirements for the sale and entry into service of systems, components and separate technical units intended for vehicles approved in accordance with this Regulation.
3. This Regulation shall be without prejudice to the application of the relevant legislation of the Union on vehicle functional safety and environmental performance.

#### *Article 2* **Scope**

1. This Regulation applies 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 more than one stage, and to the type-approval and individual approval of the systems, components and separate technical units designed and constructed for such vehicles.
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 exclusively intended for use by the armed forces, law enforcement agencies, civil defence services, fire brigades or public-works bodies;
  - (f) agricultural or forestry vehicles subject to Directive 2003/37/EC of the European Parliament and of the Council<sup>49</sup>, machines subject to Directives 2006/42/EC<sup>50</sup> and 97/68/EC of the European Parliament and of the Council<sup>51</sup>

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<sup>49</sup> OJ L 171, 9.7.2003, p. 1.

<sup>50</sup> OJ L 157, 9.6.2006, p. 24.

<sup>51</sup> OJ L 59, 27.2.1998, p. 1



and motor vehicles subject to Directive 2007/46/EC of the European Parliament and of the Council<sup>52</sup>;

- (g) vehicles primarily intended for off-road use and designed to travel on unpaved surfaces;
- (h) cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of 0.25 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 the vehicle reaches a speed of 25 km/h;
- (i) self-balancing machines;
- (j) vehicles not equipped with at least one seating position.

### *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 a complete vehicle 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 set out in the implementing act adopted under this Regulation or the communication form accompanying the relevant equivalent UNECE regulations listed in the delegated acts;
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

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<sup>52</sup> OJ L 263, 9.10.2007, p. 1

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 document that is based on the model set out in the implementing act and which is issued by the vehicle manufacturer to certify that a vehicle, at the time of its completion, corresponds to a type 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;
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 delegated or implementing acts;
17. 'component' means a device subject to the requirements of this Regulation or any of its delegated or implementing acts which is intended to be part of a vehicle and may be type-approved independently of a vehicle in accordance with this Regulation and its delegated or implementing acts;
18. 'separate technical unit' means a combination of devices subject to the requirements of this Regulation or any of its delegated or implementing acts which is intended to be part of a vehicle and may be type-approved separately in accordance with this Regulation and its delegated or implementing acts;
19. 'Functional safety' means the absence of unacceptable risk of physical injury or of damage to the health of people owing to hazards caused by mal-functional behaviour of mechanical, hydraulic, pneumatic, electrical and/or electronic systems, components or separate technical units;

20. 'pollution control device' means those components of a vehicle that control and/or reduce tailpipe and/or evaporative emissions;
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;
22. 'compression ignition engine' means a combustion engine working according to the principles of the 'Diesel' combustion process and is abbreviated as CI engine;
23. 'positive ignition engine' means a combustion engine working according to the principles of the 'Otto' 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) a consumable fuel,
  - (b) an electric energy 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;
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 applicable emission limits can still be met after a mileage as defined in Annex VII and so that vehicle functional safety is guaranteed over the entire life of a vehicle, if the vehicle is used under normal or intended circumstances;
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;

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. '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), assuming a ratio of:
  - (a) C<sub>1</sub>H<sub>1,85</sub> for petrol,
  - (b) C<sub>1</sub>H<sub>1,86</sub> for diesel;
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;
36. 'World Motorcycle Testing Cycle' means the world harmonised emission laboratory test cycle WMTC as defined by UNECE global technical regulation 2;
37. 'manufacturer' means the person or body who is responsible to the approval authority for all aspects of the type-approval, 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 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, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit 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, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit on the Union market;
41. 'economic operator' means the manufacturer, the manufacturer's representative, the importer or the distributor;
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 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 conformity of production;

43. 'market surveillance authority' means an authority of a Member State responsible for carrying out market surveillance on its territory;
44. 'national authority' means an approval authority, a market surveillance authority or any other authority in a Member State involved in and responsible for type-approval, registration, market surveillance or import control in respect of vehicles, systems, components or separate technical units 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;
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, system, component or separate technical unit fulfils the technical requirements of this Regulation or its delegated and implementing acts, without requiring the use of a physical vehicle, system, component or separate technical unit;
48. 'On-board diagnostics' is a monitoring system able to identify the likely area of 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 include all information required for fitting systems, components or separate technical units 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;
51. 'new vehicle' 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, 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 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 covered by this Regulation;
62. ‘sale’ means any sale, from vehicle manufacturer to retailer or the sale to the end user;
63. ‘to make available on the market’ means any supply of a vehicle, system, component or separate technical unit 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 on the market’ means making available a vehicle, system, component or separate technical unit 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 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;
  - (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).

*Article 4*  
**Vehicle categories**

1. L-category vehicles comprise powered two-, three- and four-wheel vehicles as categorised in 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 mini-cars.
2. For the purposes of this Regulation, the following vehicle categories and subcategories apply, as described in Annex I:
  - (a) Category L1e vehicle (light two-wheel powered vehicle), sub-categorised into:
    - (i) L1Ae vehicle (powered cycle);

- (ii) L1Be vehicle (two-wheel moped).
- (b) Category L2e vehicle (three-wheel moped).
- (c) Category L3e vehicle (two-wheel motorcycle), sub-categorised by:
  - (i) motorcycle performance<sup>53</sup>, further sub-categorised into:
    - A1 vehicle (low-performance motorcycle);
    - A2 vehicle (medium-performance motorcycle);
    - A3 vehicle (high-performance motorcycle).
  - (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).
- (e) Category L5e vehicle (powered tricycle), sub-categorised into:
  - (i) Subcategory L5Ae vehicle (tricycle);
  - (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);
  - (ii) L6Be vehicle (light 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.
- (g) Category L7e vehicle (heavy quadricycles), sub-categorised into:
  - (i) Subcategory L7Ae vehicle (heavy on-road quad);

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<sup>53</sup> OJ L 403, 30.12.2006, recast Driving Licence Directive 2006/126/EC, p. 21, performance definitions, categories A1 and A2.



- (ii) Subcategory L7Be vehicle (heavy mini-car), sub-categorised into:
    - L7Be – U vehicle: utility vehicle exclusively designed for the carriage of goods;
    - L7Be – 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;
  - (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 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;
  - (d) any other logical sequence of categories and/or subcategories proposed by the manufacturer and approved by the type-approval authority.

## **CHAPTER II**

### **GENERAL OBLIGATIONS**

#### *Article 5*

##### ***General obligations of Member States and national authorities***

1. Member States shall establish and appoint the type-approval authorities competent in matters concerning approval and 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.

2. National authorities shall permit the sale, registration and entry into service of, only vehicles, components and separate technical units that satisfy the requirements of this Regulation.
3. National authorities shall not prohibit, restrict or impede the registration of vehicles, components or separate technical units, their sale or entry into service 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 the Union market in accordance with Chapter III of Regulation (EC) No 765/2008.

#### *Article 6*

##### ***General obligations of approval authorities***

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

#### *Article 7*

##### ***General obligations of manufacturers***

1. Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are sold 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. 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 those components and systems.

2. Manufacturers who modify the incomplete vehicle such 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 requirements.
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. They shall furthermore appoint a representative for the purposes of market surveillance, which may be the representative referred to in the second paragraph 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. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. 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 at which they can be contacted on their vehicles, systems, components or separate technical units 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 vehicles, systems, components or separate technical units***

1. Manufacturers who consider or have reason to believe that when their vehicle, system, component or separate technical unit which has been sold or enters 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.

2. Where the vehicle, system, component or separate technical unit presents a 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 sold or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.
3. Manufacturers shall keep the information folder referred to in Article 25 and the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years.
4. Manufacturers shall, following a substantiated request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the vehicle, system, component or separate technical unit, in one of the official languages of the Member State of that authority. Manufacturers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been sold, registered or entered into service.

#### *Article 9*

#### ***Obligations of manufacturers' representative concerning market surveillance***

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

- (1) keep the information folder referred to in Article 25 and the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years;
- (2) following a substantiated request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit;
- (3) cooperate with the market surveillance and/or approval authorities, at their request, on any action taken to eliminate the risk posed by vehicles, systems, components or separate technical units covered by their mandate.

#### *Article 10*

#### ***General obligations of importers***

1. Importers shall sell or register only compliant vehicles, systems, components or separate technical units on the Union market.
2. Before the sale, registration or entry into service of a 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 the information package complies with the requirements of Article 27(10), that the vehicle, system, component or separate technical unit bears the required type-approval mark, is accompanied by the required documents, complies with Article 7(7) and that the manufacturer has complied with the requirements of Article 7(6).

3. 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, they shall not sell or register the vehicle, system, component or separate technical unit until it has been brought into conformity. Furthermore, where they consider or have reason to believe that the vehicle, system, component or separate technical unit presents a risk, they shall inform the manufacturer, the market surveillance and approval authorities 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 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.
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 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.
7. When deemed appropriate with regard to the risks presented by a vehicle, system, component or separate technical unit, 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 and keeping distributors informed of such monitoring.

#### *Article 11*

#### ***Obligations of importers concerning conformity of a vehicle, system, component or separate technical unit***

1. Importers who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have sold 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.
2. Where a vehicle, system, component or separate technical unit presents a risk, importers shall immediately inform the market surveillance and approval authorities of the Member States in which they have made the vehicle, system, component or separate technical unit available to that effect, giving details, in particular, of the non- conformity and any corrective measures taken.
3. Importers shall, for a period of 10 years, 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 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 that authority. 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 which they have sold, registered or are responsible for entry into service of a vehicle, system, component or separate technical unit.

#### *Article 12*

#### ***General obligations of distributors***

1. Distributors shall act with due care in relation to the requirements applicable in the case of the sale, registration or entry into service of a vehicle, system, component or separate technical unit .
2. Before selling, registering 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 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, registered or enters into service, and that the manufacturer and the importer have complied with the requirements set out in Article 7(6), 7 (7) and 10 (4).
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.

#### *Article 13*

#### ***Obligations of distributors concerning conformity of a vehicle, system, component or separate technical unit***

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 or register 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 or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall make sure that the corrective measures are taken necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.
3. Where the vehicle, system, component or separate technical unit presents a risk, distributors shall immediately inform, to that effect and giving details, in particular, of the non-conformity and of any corrective measures taken, the market surveillance and approval authorities of the Member States in which they sold, registered or in

which distributors were responsible for the entry into service of the vehicle, system, component or separate technical unit as well as the manufacturer and the importer.

4. Distributors shall, following a substantiated 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. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the vehicle, system, component or separate technical unit which they have sold or registered or for which they were responsible for its entry into service.

#### *Article 14*

#### ***Additional obligations of importers and distributors***

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, 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 a vehicle, system, component or separate technical unit already sold, 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:

- (1) any economic operator who has supplied them with a vehicle, system, component or separate technical unit;
- (2) any economic operator to whom they have supplied a vehicle, system, component or separate technical unit.

## **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 Annex II to VIII.
2. In order to ensure a high level of safety and environmental protection, the Commission shall lay down detailed technical requirements, 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.

*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:

- (1) the need for the device is justified in terms of protecting the engine against damage or accident and ensuring safe operation of the vehicle;
- (2) the device does not function beyond the requirements of engine starting;
- (3) 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***

1. ‘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 control devices, 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).
2. L-category vehicles shall be equipped with designated 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 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 as declared by the manufacturer of a vehicle upon type-approval, and/or
  - (b) to prevent damage to the environment.
3. The Commission shall lay down the specific requirements regarding the measures referred to in paragraph 2 by means of a delegated act adopted in accordance with Articles 76, 77 and 78.
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, registered or entered into service, including the latest amendments to the requirements.



*Article 19*  
***General requirements of on-board diagnostic systems***

1. Four years after the date referred to in the second subparagraph of Article 82, 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, all new vehicles in subcategories L6Be and L7Be shall be equipped with OBD I.
3. Eight years after the date referred to in the second subparagraph of Article 82, all new vehicles shall be equipped with OBD I.
4. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), eight years after the date referred to in the second subparagraph of Article 82, 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).
5. The detailed OBD emission thresholds are laid down in Annex VI(B).
6. 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 1 to 5 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.

*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 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
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.
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.

4. In order to ensure that a high level of safety is obtained, the Commission shall lay down specific requirements regarding the functional safety of vehicles, including test procedures and limit values, by means of a delegated act in accordance with Articles 76, 77 and 78.

#### *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 requirements 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 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 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 of vehicles by covering a distance set out in part A of Annex VII and 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 ;
  - (b) by multiplying the deterioration factors set out in part B of Annex VII and the environmental 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 calculation results shall be lower than the environmental limits from part A of Annex VI and prove the following:
    - The 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;
    - When 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 (a) and (b).
4. By 1 January 2016 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. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures by confirmation 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,

VI(A3), VI(B2), VI(C2) and 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 the Commission shall confirm:
  - (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 Annex VI(A3) and the OBD thresholds in Annex VI(B2);
  - (c) that all new vehicles in (sub-)categories L3e, L5e, L6Ae and L7Ae 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) that in-service conformity testing requirements shall be introduced at the Euro 5 level (Euro 6 for L3e motorcycles), 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 for the Euro 5 level should only be subject to SHED testing or alternatively should only be subject to fuel tank and tubing permeation testing, with the test limits listed in Annex VI(C2).
  - (f) the durability mileages for the Euro 5 level (Euro 6 for category L3e motorcycles) referred to in Annex VII(A) and the deterioration factors for the Euro 5 level (Euro 6 for L3e motorcycles) referred to in Annex VII(B).
  - (g) to determine the feasibility, the associated enforcement date and for which (sub-)categories off-cycle emission requirements shall be introduced beyond the Euro 5 level (Euro 6 for L3e motorcycles).
6. 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 in order to repair these vehicles efficiently in case of malfunction.
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.
9. Vehicles of category L4e 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 base powered vehicle is tested, without the side car being fitted or the complete assembly.
10. ‘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.

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

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 lay down the detailed technical specifications on environmental requirements including test procedures for the subjects listed in paragraphs 2, 3, 4 and 5 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***

1. CO<sub>2</sub> (Carbon dioxide) emissions shall be determined in the applicable laboratory emission test cycle by the manufacturer and reported to the approval authority. Fuel consumption shall be either calculated based on the type-approval emission laboratory results or measured and reported to the approval authority.
2. The CO<sub>2</sub> measurement result and the calculated or measured fuel consumption shall be included in the information folder and both 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 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 lay down the CO<sub>2</sub> emission measurement and fuel consumption calculation or 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 vehicle, the manufacturer may choose one of the following procedures:
  - (a) step-by-step type-approval;
  - (b) single-step type-approval;
  - (c) multi-stage approval.

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.
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 all technical requirements 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 point (c) of paragraph 1 shall apply only to utility vehicles of sub-categories L5Be – U, L6Be – U and L7Be – U.

5. The choice of approval procedure shall not affect the applicable requirements with which the approved vehicle type has to comply at the time of issuing of the whole-vehicle type-approval.

6. Implementing powers are conferred on the Commission in order to lay down templates for the details of the arrangements with regard to type-approval procedures in Article 73.

*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:
  - (1) an information document in accordance with the template established by the Commission pursuant to Article 73;
  - (2) all data, drawings, photographs and other information required in the implementing act adopted pursuant to Article 73;
  - (3) for vehicles, indication of the procedure chosen in accordance with Article 23(1).
3. The information folder may be supplied on paper or in electronic format.

*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 listed in Annex II.
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.
3. Without prejudice to paragraphs 1 and 2, 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 required for a complete vehicle 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.
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 29, 30, 31 and 32.
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 as laid down in the implementing act adopted in accordance with Article 73.
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. The copy may take the form of an electronic file.
6. The approval authority shall inform without delay the approval authorities of the other Member States of its refusal or withdrawal of any vehicle approval, together with the reasons for its decision.
7. 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 EU type-approval certificate in question requested, together with the attachments. The copy may take the form of an 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.
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.

#### *Article 28*

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

1. The 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.
2. The type-approval certificate shall be issued on the basis of the template laid down in implementing act adopted in accordance with Article 73.
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.
4. In the case of an EU type-approval for which, in accordance with Article 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.



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.

#### *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.

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 in the delegated acts adopted under this Regulation.
5. Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted under this Regulation.
6. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission shall lay down the requirements which can be subject to virtual testing and the conditions under which the virtual testing must be performed, by means of a delegated act in accordance with Articles 76, 77 and 78.

#### *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 in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that production vehicles, systems, components or separate technical units, as the case may be, conform to the approved type.
2. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if need be in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraph 1 continue to be adequate and that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type.
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 regulatory requirements that are the subject of the EU type-approval 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 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 powers to adopt the implementing act laying down the detailed arrangements with regard to conformity of production are conferred on the Commission in accordance with Article 73 of this Regulation.

## **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 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.

#### *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, 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.
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 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 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.

2. The manufacturer shall use the template for the certificate of conformity adopted by the Commission in accordance with Article 73.
3. Unless a different agreement has been concluded with the buyer of the vehicle, the certificate of conformity shall be drawn up in the official language of the Member State where the vehicle is purchased.

4. The certificate of conformity shall be designed to prevent forgery. To that end, the paper used shall be protected either by coloured graphics or by a watermark in the form of the manufacturer's identification mark.
5. The certificate of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the vehicle other than those provided for in the implementing act adopted in accordance with Article 73.
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 stage.
7. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles approved in accordance with Article 39(2), display in its title the phrase 'For complete/completed vehicles, type-approved in application of Article 39 (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 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 national authorities.
10. A duplicate of the certificate of conformity may be issued only by the manufacturer. The word 'duplicate' shall be clearly visible on the face of any duplicate certificate.

#### *Article 37*

#### ***Statutory 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 required by the relevant delegated or implementing act 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 listed in Annex II.
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 an identification number.

4. The EU statutory plate and type-approval mark shall be in accordance with the model set out in the implementing act laid down in article 73 adopted under this Regulation.

## **CHAPTER IX**

### **EXEMPTIONS FOR NEW TECHNOLOGIES OR CONCEPTS**

#### *Article 38*

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

1. The manufacturer may apply for an EU type-approval in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts 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.
3. The granting of an exemption for new technologies or new concepts shall be subject to authorisation by the Commission 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 grant a provisional approval, valid only in the territory of the Member State in question, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.
5. Other approval authorities may decide to accept 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.
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, registered or entered into service in any Member State that accepted the provisional approval.

#### *Article 39*

#### ***Subsequent need to adaptation of legal requirements***

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

Where an exemption under Article 38 relates to a UNECE regulation, the Commission shall propose an amendment to the 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<sup>54</sup>.

2. As soon as the relevant acts have been amended, any restriction linked to 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 adopted in accordance with the 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***

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

For the type-approval of small series the approval authority may, if it has reasonable grounds to do so, waive one or more of the provisions of one or more of the acts listed in Annex II, provided that it specifies alternative requirements.

2. The alternative requirements referred to in paragraph 1 shall ensure a level of functional safety and environmental protection which is equivalent as far as possible to that provided for by the relevant act or acts listed in Annex II.

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<sup>54</sup> [http://ec.europa.eu/enterprise/sectors/automotive/technical-harmonisation/global-harmonisation/index\\_en.htm#h2-1](http://ec.europa.eu/enterprise/sectors/automotive/technical-harmonisation/global-harmonisation/index_en.htm#h2-1)



3. For the 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 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 implementing act adopted pursuant to Article 73.
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.

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.

Within 3 months of receipt of the request referred to in subparagraph 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.

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, register or to be responsible for the entry into service of a vehicle in another Member State, the approval authority which granted a national type-approval of small series shall provide that applicant with a copy of the type-approval certificate including the information package. 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**

#### *Article 41*

#### *Individual approvals*

1. At the request of the owner of the vehicle, approval authorities shall grant an individual approval to 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 that the vehicle complies with the relevant acts listed in Annex II.

3. An individual approval shall apply to a particular vehicle, whether it is unique or not.
4. Applications for individual approval shall cover a maximum of 5 vehicles of the same type.
5. After granting the type-approval, the approval authority shall without delay issue the individual approval certificate.
6. The format of the individual approval certificate shall be based on the template for the EU type-approval certificate 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<sup>55</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.

7. This Article shall apply to vehicles which, at the time of the application for individual approval, have not previously been sold or of which the entry into service did not happen yet, involving identification and the issuing of a registration number, including temporary or short-term registration or professional registration, or have only been sold, registered or have been entering into service for less than six months.
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, registered or before the entry into service of the vehicle.

#### *Article 42* *Exemptions for individual approvals*

1. An approval authority may exempt the vehicle 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 and has reasonable grounds for such exemption.
2. The alternative requirements shall ensure a level of functional safety and environmental protection which is equivalent as far as possible to that provided for by the relevant act listed in Annex II.

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.

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.

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<sup>55</sup> OJ L 138, 1.6.1999, p. 57.

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>56</sup>.

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

#### *Article 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.
2. For the purpose of sale, registration and 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 in accordance with the provisions of Article 34, the other Member States shall permit the sale, registration and entry into 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.
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, registration and entry into service of this vehicle.

#### *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, registration or entry into service.
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.

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<sup>56</sup> OJ L 138, 1.6.1999, p. 57.

## **CHAPTER XII**

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

#### *Article 45*

##### *Sale, registration and entry into service of vehicles*

1. Without prejudice to Articles 41 and 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 be sold, 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 of incomplete vehicles, the sale 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 registration and use on the road of such vehicles.

2. As regards small-series vehicles, the number of vehicles sold, 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.
3. Paragraph 1 shall not apply to vehicles intended for use by the armed forces or by civil protection, fire-fighting or public order services or to vehicles type-approved in accordance with Articles 40 or 43.
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 vehicle to be sold, registered and permit the entry into service of the vehicle.

#### *Article 46*

##### *Sale, registration and 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 be registered.

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

2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of twelve months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of eighteen months from that date.
3. A manufacturer who wishes to benefit from the provisions of paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be registered. 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 vehicle 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.
5. Before their registration, 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 established by the Commission in accordance with Article 73
6. Member States shall ensure that the number of vehicles to be registered 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 and entry into service of components and separate technical units***

1. Components or separate technical units may be sold and 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 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 or entry into service of components or separate technical units which are intended for mounting on vehicles which, when sold or at the entry into service, were not required to be EU type-approved by this Regulation or by Directive 2002/24/EC.

## CHAPTER XIII

### SAFEGUARD CLAUSES

#### *Article 48*

#### *Procedure for dealing with vehicles, systems, components or separate technical units presenting a risk at national level*

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 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 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.

Where, in the course of that evaluation, the market surveillance and/or approval authorities find 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 shall inform the relevant technical service of the measures taken in accordance with the first and second subparagraphs. 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, registered or is responsible for its entry into service throughout the Union.
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, 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 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.
  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***

1. Where, during the procedure set out in Article 41, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the 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 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, 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 the measure.

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 risk***

1. Where, having performed an evaluation under Article 49(1), a national authority 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 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 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 registration authority may, for a maximum period of six months, refuse to allow such vehicles to be registered in its territory.
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, registered or at the entry 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 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.



*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, 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.
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 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*

#### ***Systems, components or separate technical units which pose a significant risk to the correct functioning of essential systems***

1. Systems, components or separate technical units that may pose a significant risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance may not be sold, registered or enter into service shall be prohibited unless they have been authorised by an approval authority in accordance with paragraph 4 and Article 53(1) and (2).
2. The Commission shall establish a list of the systems, components or separate technical units covered by paragraph 1 by means of delegated acts in accordance with Articles 76, 77 and 78, taking account of available information 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 in question;
  - (b) the 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.
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 and to systems, components or separate technical units 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 produced for vehicles intended exclusively for racing on 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.

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(1) as well as all aspects relating to the procedure by means of implementing act in accordance with Article 73. The Commission, shall lay down the requirements which such components must fulfil, the marking, packaging and the appropriate tests by means of delegated acts in accordance Articles 76, 77 and 78.
5. The 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 with the 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 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 pose a significant 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 shall submit to the approval authority a test report drafted by a designated technical service which certifies that the systems, components or separate technical units for which authorisation is sought comply with the requirements referred to in Article 52(4). The manufacturer may submit only one application per type per part to only one approval authority.

The application shall include details of the manufacturer of the systems, components or separate technical units, the type, identification and part numbers of the systems, components or separate technical units, 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 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 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 to be sold and the entry into service in the Union subject to the second subparagraph of paragraph 2.

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

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

3. Before delivering any authorisation, the approval authority shall verify the existence of satisfactory arrangements and procedures for ensuring effective control of 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 are brought back into conformity. If necessary, it shall withdraw the authorisation.

4. Approval authorities from different Member States shall bring any disagreement in relation to the certificates referred to in the third subparagraph of paragraph 1 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.
5. 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 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) 765/2008 to recall vehicles sold, registered or for which entry into service the manufacturer was responsible 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) 765/2008, to recall systems, components or separate technical units which have been sold 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 in accordance with this Regulation, the manufacturer shall immediately inform the approval authority that granted the approval.
3. The manufacturer shall propose to the approval authority a set of appropriate remedies to neutralise the 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 are effectively implemented in their respective territories.

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 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 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, registration, entry into service or requiring withdrawal from the market shall state in detail the reasons on which they are based.
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*

***UNECE regulations required for EU type-approval***

1. UNECE regulations 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 EU type-approval of a vehicle.
2. When the Union has decided to apply on a compulsory basis a UNECE regulation for the purpose of EU vehicle type-approval in accordance with Article 4(4) of Council Decision 97/836/EC, the Commission shall amend the annexes to this Regulation as appropriate, by means of a delegated act in accordance with 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.

*Article 57*

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

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

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

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 amend the annexes to this Regulation or the delegated acts as appropriate, by means of a delegated act in accordance with Articles 76, 77 and 78.

## **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 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. That information shall be supplied in the official languages of the Member State where the vehicle is to be sold, registered and 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 46, including, where applicable, drawings referred to in the 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.

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.

## **CHAPTER XVI**

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

#### *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 access granted to authorised dealers and repairers.
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.
3. The information referred to in paragraph 1 shall include as a minimum all of the following:
  - (a) the unique vehicle identification number;
  - (b) service handbooks including repair and maintenance records;
  - (c) technical manuals;
  - (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);
  - (e) wiring diagrams;
  - (f) diagnostic trouble codes, including manufacturer-specific codes;
  - (g) the software 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 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 of the information system.
6. For the manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested component, diagnostic-tool or test-equipment manufacturer or repairer.
7. For the 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 in relation to access to vehicle repair and maintenance information and to the information referred to in paragraph 5.

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

9. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.
10. The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers.
11. Where 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 and shall be able to enter information on the repair and maintenance which they have performed.
12. The Commission shall lay 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, including multi-stage type-approval, the manufacturer responsible for 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 the information.
2. Manufacturers shall make available vehicle repair and maintenance information on a daily, monthly, and yearly basis, whereby fees for access to such information may vary in accordance with the respective periods of time for which access is granted.

#### *Article 63*

##### ***Penalties***

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

## **CHAPTER XVII**

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

#### *Article 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.
2. A technical service shall be established under the national law of a Member State and have legal personality.
3. A technical service shall be a third-party body independent of the 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.

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:
  - (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 activities 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 its activities are carried out. Proprietary rights shall be protected.

#### *Article 65*

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

1. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the manufacturer.
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 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 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 technical 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 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;

- (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.
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 paragraph 11 which are relevant for the activities they carry out.
  5. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 3.
  6. An accredited in-house body of a manufacturer may be used 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 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.
  7. An accredited in-house body shall meet the following requirements:
    - (a) it shall be accredited in accordance with Regulation (EC) No 765/2008;
    - (b) the 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 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 body shall supply its services exclusively to the undertaking of which it forms part.
  8. An accredited in-house 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.

9. 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.
10. Technical services of a third country, other than those designated in accordance with paragraph 9, may be notified for the purposes of Article 68 only under a bilateral agreement between the Union and the third country in question.
11. In order to ensure that these services meet the same high level of performance standards in all Member States, the Commission shall 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.

#### *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 technical service has been assessed for its compliance with the requirements.
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. The assessment report shall be reviewed after a maximum period of three years.
3. The assessment report shall be communicated to the Commission upon request. 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 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 the requirements of this Regulation and its delegated acts.
4. An 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***

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 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 accreditation is not used.
3. The same technical service may be designated and notified by several Member States irrespective of the category of activities it conducts.
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 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.

#### *Article 69*

#### ***Changes to notifications***

1. Where a notifying authority 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 shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The notifying authority shall immediately inform the Commission and the other Member States accordingly.
2. In the event of restriction, suspension or withdrawal of notification, 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***

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 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, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including the withdrawal of the notification if necessary.

#### *Article 71*

#### ***Operational obligations of technical services***

1. Technical services shall carry out conformity assessments in accordance with the assessment procedures provided for in this Regulation.
2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Technical services shall perform their activities 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 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 require that manufacturer to take appropriate corrective measures and shall request the type-approval authority not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the technical service.
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 require the manufacturer to take appropriate corrective measures and shall request the type-approval authority to suspend or withdraw the type-approval certificate if necessary.
6. Where corrective measures are not taken or do not have the required effect, the technical service shall request the type-approval authority 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;



- (c) any request for information which they have received from market surveillance authorities regarding their assessment activities;
2. On request from the approval authority, assessment activities shall be performed within the scope of their notification and 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**

#### *Article 73*

##### *Implementing measures*

In order to lay down uniform conditions for the implementation of this Regulation, the Commission shall, in accordance with the procedure referred to in Article 74, adopt implementing acts laying down implementing measures to establish the following:

- (a) the details of the arrangements with regard to type-approval procedures in accordance with Article 23(6) ;
- (b) templates for the information folder and the information document in accordance with Article 25(2) ;
- (c) a numbering system of EU type-approval certificates in accordance with Article 27( 4);
- (d) a template for an EU type-approval certificate in accordance with Article 28 (2);
- (e) the details of the arrangements with regard to conformity of production in accordance with Article 31;
- (f) the template of a certificate of conformity in accordance with Article 36(2);
- (g) the model of the EU type-approval mark in accordance with Article 37(4).

#### *Article 74*

##### *Committee*

1. The Commission shall be assisted by the Technical Committee – Motor Vehicles established under Article 40 of Directive 2007/46/EC.

2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

#### *Article 75*

#### ***Amendment of the Annexes***

1. The Commission may adopt amendments to the Annexes of this Regulation by means of delegated acts in accordance with Articles 76, 77 and 78.
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 a delegated act in accordance with Articles 76, 77 and 78 amend Annex II to this Regulation accordingly.

#### *Article 76*

#### ***Exercise of delegation***

1. The powers to adopt the delegated acts referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall be conferred on the Commission for an indeterminate period of time.
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Article 77 and 78.

#### *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 79*  
***Transitional provisions***

1. 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).
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).

*Article 80*  
***Report***

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

*Article 81*  
***Repeal***

1. 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 from the date referred to in Article 82(2).

2. References to the repealed 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.

*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 2013.

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

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

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

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

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**ANNEX I**  
**Vehicle categories and vehicle types**

<b>Category</b>	<b>Category name</b>	<b>Common classification criteria</b>
L1e	Light two-wheel powered vehicle	(1) two wheels and powered by a propulsion as listed under Article 4(3) and (2) engine capacity $\leq 50 \text{ cm}^3$ if a PI engine forms part of the vehicle's propulsion configuration.
<b>Sub-categories</b>	<b>Subcategory name</b>	<b>Supplemental sub-classification criteria:</b>
L1Ae	Powered cycle	(3) primary aim to aid pedalling and vehicle equipped with an auxiliary propulsion and (4) maximum design speed $\leq 25 \text{ km/h}$ and (5) output of auxiliary propulsion is progressively reduced and finally cut off as vehicle reaches a speed of 25 km/h and (6) the auxiliary propulsion has a maximum continuous rated power <sup>(1)</sup> $\leq 1 \text{ kW}$ and (7) powered three-wheel cycles complying with supplemental specific classification criteria (3), (4), (5) and (6) are classified as being technically equivalent to powered two-wheel cycles.
L1Be	Two-wheel moped	(3) maximum design speed $\leq 25 \text{ km/h}$ and (4) maximum continuous rated power <sup>(1)</sup> $\leq 4 \text{ kW}$ .

<b>Category</b>	<b>Category name</b>	<b>Common classification criteria</b>
L2e	Three-wheel moped	(1) three wheels and powered by a propulsion as listed under Article 4(3) and (2) engine capacity $\leq 50 \text{ cm}^3$ if a PI engine forms part of the vehicle's propulsion configuration and (3) maximum design speed $\leq 45 \text{ km/h}$ and (4) maximum continuous rated power <sup>(1)</sup> $\leq 4 \text{ kW}$ .

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

Category	Category name	Common classification criteria
L3e <sup>(2)</sup>	Two-wheel motorcycle	(1) two wheels and powered by propulsion as listed under Article 4(3) and (2) engine capacity > 50 cm <sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration and (3) maximum design speed > 45 km/h and (4) maximum continuous rated power <sup>(1)</sup> > 4 kW.
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L3e - A1	Low-performance motorcycle	(5) engine capacity ≤ 125 cm <sup>3</sup> and (6) maximum continuous rated power <sup>(1)</sup> ≤ 11 kW and (7) power <sup>(1)</sup> / weight ratio ≤ 0.1 kW/kg.
L3e - A2	Medium-performance motorcycle	(5) maximum continuous rated power <sup>(1)</sup> ≤ 35 kW and (6) power <sup>(1)</sup> / weight ratio ≤ 0.2 kW/kg and (7) not derived from a vehicle equipped with an engine of more than double its power <sup>(1)</sup> .
L3e - A3	High-performance motorcycle	(5) any other vehicle of the L3e category that cannot be classified according to the performance criteria of subcategories A1 or A2.

Category	Category name	Common classification criteria
L4e	Two-wheel motorcycle with side-car	(1) base powered vehicle complying with the classification and sub classification criteria for L3e vehicles and (2) base powered vehicle equipped with a side-car.

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

Category	Category name	Common classification criteria
L5e	Powered tricycle	(1) 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>(1)</sup> > 4 kW.
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L5Ae	Tricycle	(5) powered tricycles other than those complying with the specific classification criteria for commercial tricycles.
L5Be	Commercial Tricycle	(5) designed and used as commercial vehicles and characterised by an enclosed driving and passenger compartment accessible via two or more doors.
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.



Category	Category name	Common classification criteria
L6e	Light quadricycle	(1) four wheels and powered by a propulsion as listed under Article 4(3) and (2) maximum design speed $\leq 45$ km/h and (3) the mass in running order $\leq 350$ kg, not including: (a) mass of batteries in case of a hybrid or fully electric propelled vehicle or (b) weight of gaseous-fuel system including tanks for gaseous fuel storage in the case of mono-, bi or multi-fuel vehicle or (c) weight of tank(s) to store compressed air in case of pre-compressed air propulsion.
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L6Ae	Light on-road quad	(4) category L6e vehicles not complying with the special categorisation criteria for sub category L6Be vehicles and (5) maximum continuous rated power <sup>(1)</sup> $\leq 4$ kW and (6) engine capacity $\leq 50$ cm <sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration.
L6Be	Light mini-car	(4) enclosed driving and passenger compartment accessible via two or more doors and (5) maximum continuous rated power <sup>(1)</sup> $\leq 6$ kW and (6) engine capacity $\leq 50$ cm <sup>3</sup> if a PI engine forms part of the vehicle's propulsion configuration and (7) $\text{Length}_{\text{vehicle}} \times \text{Width}_{\text{vehicle}} \leq 4.4 \text{ m}^2$ with a maximum $\text{Width}_{\text{vehicle}} \leq 1.5$ m.
L6Be - U	Light mini-cars for utility purposes	(8) 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: (a) $\text{length}_{\text{loading bed}} \times \text{width}_{\text{loading bed}} > 0.3 \times \text{Length}_{\text{vehicle}} \times \text{Width}_{\text{vehicle}}$ or (b) an equivalent loading bed area as defined above used to install machines and/or equipment.
L6Be - P	Light mini-car for passenger transport	(8) vehicles mainly designed and used for passenger transport, characterised by being equipped with two passenger seating positions, including the seating position for the driver, and both seating positions equipped with seat belts.

Category	Category name	Common classification criteria
L7e	Heavy quadricycle	<p>(1) four wheels and powered by a propulsion as listed under Article 4(3) and</p> <p>(2) maximum design speed &gt; 45 km/h and</p> <p>(3) mass in running order:</p> <p>(a) ≤ 400 kg for transport of passengers;</p> <p>(b) ≤ 550 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>(4) maximum continuous rated power<sup>(1)</sup> ≤ 15 kW.</p>
Sub-categories	Subcategory name	Supplemental sub-classification criteria:
L7Ae	Heavy on-road quad	<p>(5) category L7e vehicles not complying with the specific criteria for subcategory L7Be vehicles and</p> <p>(6) equipped with one or two passenger seating positions, including the seating position for the rider.</p>
L7Be	Heavy mini-car	<p>(5) enclosed driving and passenger compartment accessible via two or more doors and</p> <p>(6) equipped with two, three or four passenger seating positions, including the seating position for the rider.</p>
L7Be - U	Heavy mini-car for utility purposes	<p>(7) 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:</p> <p>(a) <math>\text{length}_{\text{loading bed}} \times \text{width}_{\text{loading bed}} &gt; 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 used to install machines and/or equipment.</p>
L7Be - P	Heavy mini-car for passenger transport	<p>(7) vehicles mainly designed and used for passenger transport, characterised by being equipped with less than or equal to, four passenger seating positions, including the seating position for the driver and all seating positions being equipped with seat belts.</p>

**ANNEX II**

**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
<b>I</b>	<b>ENVIRONMENTAL AND PROPULSION PERFORMANCE REQUIREMENTS</b>													
1		electromagnetic compatibility (EMC)		X	X	X	X	X	X	X	X	X	X	X
2	21 & 22	environmental test procedures related to exhaust emissions, evaporative emissions, greenhouse gas emissions and fuel consumption;		X	X	X	X	X	X	X	X	X	X	X
3		maximum design engine speed, maximum torque, maximum net engine power		X	X	X	X	X	X	X	X	X	X	X
4		test procedures related to sound		X	X	X	X	X	X	X	X	X	X	X

No	Article	Subject	Document reference	Vehicle Categories											
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be	
<b>II</b>	<b>VEHICLE FUNCTIONAL SAFETY REQUIREMENTS</b>														
1	<b>20</b>	audible warning devices		X	X	X	X	X	X	X	X	X	X	X	
2		braking, including anti-lock and combined brake systems <sup>(3)</sup>		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	
4		endurance testing of functional safety systems													
5		front and rear protective structures									X	X	X	X	
6		glazing, windscreen wipers and washers, and de-icing and demisting devices									X		X		X
7		identification of controls, tell-tales and indicators		X	X	X	X	X	X	X	X	X	X	X	X
8		installation of lighting and light signalling devices, including automatic switching of lighting		X	X	X	X	X	X	X	X	X	X	X	X
9		rearward visibility		X	X	X	X	X	X	X	X	X	X	X	X
10		safety belt anchorages and safety belts									X	X	X	X	X
11		seating position (saddles and seats)		X	X	X	X	X	X	X	X	X	X	X	X
12		steer-ability, cornering properties and turn-ability		X	X	X	X	X	X	X	X	X	X	X	X
13		tyres		X	X	X	X	X	X	X	X	X	X	X	X
14		vehicle maximum speed limitation plate and location on vehicle									X	X	X	X	X
15		vehicle occupant protection, including interior fittings, head restraint and vehicle doors									X		X		X
16		vehicle speed limitation by design		X	X	X						X	X		
17		vehicle structure integrity		X	X	X	X	X	X	X	X	X	X	X	X

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

No	Article	Subject	Document reference	Vehicle Categories										
				L1Ae	L1Be	L2e	L3e	L4e	L5Ae	L5Be	L6Ae	L6Be	L7Ae	L7Be
<b>IV</b>	<b>ADMINISTRATIVE REQUIREMENTS</b>													
1	<b>36</b>	certificate of conformity		X	X	X	X	X	X	X	X	X	X	X
2	<b>31</b>	conformity of production requirements		X	X	X	X	X	X	X	X	X	X	X
3	<b>25</b>	information folder and document requirements		X	X	X	X	X	X	X	X	X	X	X
4	<b>37</b>	marking requirements		X	X	X	X	X	X	X	X	X	X	X
5	<b>30</b>	self-testing and virtual testing requirements		X	X	X	X	X	X	X	X	X	X	X
6	<b>28</b>	type-approval certificate		X	X	X	X	X	X	X	X	X	X	X
7	<b>27</b>	type-approval numbering		X	X	X	X	X	X	X	X	X	X	X
8	<b>23</b>	type-approval procedures		X	X	X	X	X	X	X	X	X	X	X
9	<b>60</b>	vehicle and engine identification systems		X	X	X	X	X	X	X	X	X	X	X

**ANNEX III**  
**Limits for small series**

<b>Vehicle category</b>	<b>Vehicle category name</b>	<b>Small series (units for each type sold, registered and entering into service per year)</b>
L1Ae	Powered cycle	20
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 mini-car	100
L7Ae	Heavy on-road quad	20
L7Be	Heavy mini-car	100

## ANNEX IV

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

Vehicle category	Euro level	Enforcement dates		
		New types of vehicles Optional	New types of vehicles Obligatory	Existing types of vehicles Obligatory
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>

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



## ANNEX V

### 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	Requirements: test procedures
I	Tailpipe emissions after cold start	Annex VI(A)	.
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 96/96/EC <sup>(9)</sup> as amended by Directive 2009/40/EC <sup>(10)</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	Annex VI(C)	
V	Durability of pollution control devices	Annexes VI and VII	
VI	Low-temperature test	Not applicable	Not applicable
VII	CO <sub>2</sub> emissions / fuel consumption	Measurement and reporting, no limit value for type-approval purposes.	
VIII	On-board diagnostics (OBD)	Annex VI(B)	
IX	Sound level	Annex VI(D)	
X	Electromagnetic compatibility	UNECE regulation No 10 <sup>(11)</sup>	UNECE regulation No 10

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

## ANNEX VI

### 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

##### (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
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	PI, v <sub>max</sub> < 130 km/h	Euro 3	1970	560	130	-	-	WMTC, phase 2
		PI, v <sub>max</sub> ≥ 130 km/h	Euro 3	1970	250	170	-	-	WMTC, phase 2
		CI / Hybrid	Euro 3	1000	100	570	100 <sup>(15)</sup>	-	WMTC, phase 2
L5Be	Commercial tricycle	PI	Euro 3	4000	1000	250	-	-	UNECE regulation No 40 <sup>(13)</sup>
		CI / Hybrid	Euro 3	1000	150	650	100 <sup>(15)</sup>	-	UNECE regulation No 40
L6Ae L6Be	Light on-road quad Light mini-car	PI	Euro 3	3500				1200	UNECE regulation No 47
		CI / Hybrid	Euro 3	1000	150	650	100 <sup>(15)</sup>		UNECE regulation No 47
L7Be	Heavy mini-car	PI	Euro 3	4000	1000	250	-	-	UNECE regulation No 40
		CI / 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

**(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> L5Ae L7Ae	-Two-wheel motorcycles with and without side-car - Tricycle - Heavy on-road quad	PI, v <sub>max</sub> < 130 km/h	Euro 4	1140	380	70	-	WMTC, phase 2
		PI, v <sub>max</sub> ≥ 130 km/h	Euro 4	1140	170	90	-	WMTC, phase 2
		CI / Hybrid	Euro 4	1000	100	300	80 <sup>(15)</sup>	WMTC, phase 2
L5Be	Commercial tricycle	PI	Euro 4	2000	550	250	-	UNECE regulation No 40
		CI / Hybrid	Euro 4	1000	100	550	80 <sup>(15)</sup>	UNECE regulation No 40
L6Ae L6Be	Light on-road quad Light mini-car	PI	Euro 4	1900	730	170		UNECE regulation No 47
		CI / Hybrid	Euro 4	1000	100	550	80 <sup>(15)</sup>	UNECE regulation No 47
L7Be	Heavy mini-car	PI	Euro 4	2000	550	250	-	UNECE regulation No 40
		CI / Hybrid	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

**(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	Euro 5 <sup>(6)</sup>	1000	100	68	60	4.5 <sup>(16)</sup>	Revised WMTC
		CI / Hybrid		500	100	68	90	4.5	Revised WMTC

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

**(B) On-board diagnostics emission thresholds**

**(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
				OT <sub>1</sub> (mg / km)	OT <sub>2</sub> (mg / km)	OT <sub>3</sub> (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 v <sub>max</sub> < 130 km/h	Euro 4	2170	1400	350	WMTC, phase 2
L5Ae	- Tricycle	PI v <sub>max</sub> ≥ 130 km/h		2170	630	450	WMTC, phase 2
L7Ae	- Heavy on-road quad	CI or Hybrid		2170	630	900	WMTC, phase 2

**(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	Euro 5	1900	250	300	50	Revised WMTC
		CI or Hybrid	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**

**(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
L5Ae	Tricycle		Euro 5			1500
L5Be	Commercial tricycle		Euro 5	1500	15000	1500
L6Ae	Light on-road quad		Euro 5			1500
L6Be	Light mini-car		Euro 5	1500	15000	1500
L7Ae	Heavy on-road quad		Euro 5			1500
L7Be	Heavy mini-car		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	Heavy mini-car	80		80			

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

## ANNEX VII

### Durability of pollution control devices

#### (A) Durability mileage of L-category vehicles

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	Powered cycle	5 000	5 500	6 000
L1Be L2e L6Ae	- Two-wheel moped - Three-wheel moped - Light on-road quad	10 000	11 000	12 000
L3e L4e <sup>(14)</sup>  L5e L6Be L7Be	-Two-wheel motorcycle, with and without side-car ( $v_{\max} < 130 \text{ km/h}$ ) - Tricycle - Light mini-car - Heavy mini-car	18 000	20 000	30 000
L3e L4e <sup>(14)</sup>  L7Ae	Two-wheel motorcycle, with and without side-car ( $v_{\max} \geq 130 \text{ km/h}$ )  Heavy on-road quad	30 000	35 000	50 000

#### (B) Deterioration Factors (DF)

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		NMHC		NOx		PM <sup>(24)</sup>
											PI	CI <sup>(25)</sup>	PI	CI	PI	CI	CI
L1e — L7e	All	1.0	1.0	1.0	1.0	1.1	1.1	1.1	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



## ANNEX VIII

### Enhanced functional safety requirements

<b>Topic</b>	<b>Application date</b>	<b>Requirements</b>
Mandatory fitting of advanced brake systems <sup>(26)</sup>	Four 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 sold, 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 sold, registered and entering into service to be equipped with an anti-lock brake system.</p>
Safe cornering on hard-surfaced roads	The date referred to in the second subparagraph of Article 82.	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 three- or four-wheel vehicle is equipped with a lockable differential, it must be designed to be normally unlocked.
Improvement of vehicle and rider visibility by automatic switching of lighting <sup>(30)</sup>	The date referred to in the second subparagraph of Article 82.	<p>In order to improve their visibility, L-category vehicles are to be equipped with the following:</p> <p>(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;</p> <p>(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;</p> <p>(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></p>

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

## **Explanatory notes to Annexes I to VIII**

- (1) The power limits in Annex I are based on maximum continuous rated power independent of the vehicle's propulsion configuration.
- (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 A1 (although not likely to achieve 130 km/h), A2 or A3.
- (3) Advanced brake systems are only mandatory on L3e vehicles, as stipulated in Annex VIII.
- (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.
- (10) OJ L 141, 6.6.2009, p. 12.
- (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 9, 41 and 63 and adopts these regulations in UNECE WP29 and in the EU, including the associated equivalent sound limits for the Euro3 and Euro4 steps, vehicles shall comply with the limits as listed in Annex VI(D) . When the UNECE regulations 9, 41 and 63 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.
- (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.
- (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.
- (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.
- (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);
  - (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.
- (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.
- (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.

**Annex IX**  
**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)(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	-