

Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (Text with EEA relevance) (repealed)

CHAPTER VIII

NEW TECHNOLOGIES OR CONCEPTS INCOMPATIBLE WITH SEPARATE DIRECTIVES

Article 20

Exemptions for new technologies or new concepts

1 Member States may, on application by the manufacturer, grant an EC type-approval in respect of a type of system, component or separate technical unit that incorporates technologies or concepts which are incompatible with one or more regulatory acts listed in Part I of Annex IV, subject to authorisation being granted by the Commission in accordance with the procedure referred to in Article 40(3).

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

- a the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with the requirements;
- b a description of the safety and environmental considerations concerned and the measures taken;
- c a description of the tests, including their results, demonstrating that, by comparison with the requirements from which exemption is sought, at least an equivalent level of safety and environmental protection is ensured.

3 Other Member States may decide to accept the provisional approval referred to in paragraph 2 on their territory.

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

Where appropriate, the decision shall also specify whether its validity is subject to any restrictions, such as time-limits. In all cases, the validity of the approval shall not be less than 36 months.

If the Commission decides to refuse authorisation, the Member State shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 2 of this Article that the provisional approval will be revoked six months after the date of the Commission's decision. However, vehicles manufactured in conformity with the provisional approval before it was revoked shall be permitted to be registered, sold or enter service in any Member State that accepted the provisional approval.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

5 This Article does not apply where a system, component or separate technical unit complies with a UNECE Regulation to which the Community has acceded.

Article 21

Action required

1 Where the Commission finds that there are sound grounds for granting an exemption pursuant to Article 20, it shall immediately take the necessary steps to adapt the separate directives or regulations concerned to technological developments. These measures, designed to amend non-essential elements of the separate directives or regulations listed in Part I of Annex IV shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 40(2).

Where the exemption pursuant to Article 20 relates to a UNECE Regulation, the Commission shall propose an amendment to the relevant UNECE Regulation in accordance with the procedure applicable under the Revised 1958 Agreement.

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

If the necessary steps to adapt the regulatory acts have not been taken, the validity of an exemption may be extended, at the request of the Member State which granted the approval, by another decision adopted in accordance with the procedure referred to in Article 40(3).