

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components and separate technical units intended for such vehicles (Framework Directive) (Text with EEA relevance) (repealed)

DIRECTIVE 2007/46/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 5 September 2007

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(Framework Directive)

(Text with EEA relevance) (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

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

Whereas:

- (1) Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽³⁾, has been substantially amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) For the purposes of the establishment and operation of the internal market of the Community, it is appropriate to replace the Member States' approval systems with a Community approval procedure based on the principle of total harmonisation.
- (3) The technical requirements applicable to systems, components, separate technical units and vehicles should be harmonised and specified in regulatory acts. Those regulatory acts should primarily seek to ensure a high level of road safety, health protection, environmental protection, energy efficiency and protection against unauthorised use.
- (4) Council Directive 92/53/EEC of 18 June 1992 amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽⁴⁾ limited application of the Community whole vehicle type-approval procedure to the vehicle category M₁. However, in order to complete the internal market and to ensure that it functions properly, the scope of the present Directive should cover all categories of vehicles, enabling manufacturers to benefit from the advantages of the internal market by means of the Community type-approval.

- (5) In order to enable manufacturers to adapt to the new harmonised procedures, a sufficient lead-time should be allowed before Community vehicle type-approval becomes compulsory for vehicles belonging to categories other than M₁ that are built in one stage. A longer lead-time is required for vehicles of categories other than M₁ that require a multi-stage approval, since that procedure will involve body-builders, who will need to gain sufficient experience in that field so that the necessary procedures can be implemented properly. However, due to the importance of safety for vehicles of category M₂ and M₃, during the transitional period when national type approval is still valid in order to allow manufacturers to get experience with EC vehicle type approval, it is necessary that those vehicles comply with the technical requirements of the harmonised directives.
- (6) Until now, manufacturers who produce vehicles in small series have been partially excluded from the benefits of the internal market. Experience has shown that road safety and protection of the environment could be significantly improved if small series vehicles were totally integrated into the Community vehicle type-approval system, starting with category M₁.
- (7) In order to prevent abuse, any simplified procedure for small series vehicles should be restricted to cases of very limited production; it is therefore necessary to define more precisely the concept of small series in terms of the number of vehicles produced.
- (8) It is important to lay down measures enabling vehicles to be approved on an individual basis, in order to allow sufficient flexibility in the multi-stage approval system; however, pending the establishment of harmonised, specific Community provisions, Member States should continue to be allowed to grant individual approvals in accordance with their national rules.
- (9) Pending application of the Community vehicle type-approval procedures to categories of vehicles other than M₁, Member States should be allowed to continue to grant vehicle type-approvals on a national basis, and transitional provisions should be laid down accordingly.
- (10) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁵⁾.
- (11) By Council Decision 97/836/EC⁽⁶⁾, the Community acceded to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement). Consequently, United Nations Economic Commission for Europe (UNECE) Regulations to which the Community accedes, in application of that Decision, and amendments to UNECE Regulations to which the Community has already acceded should be incorporated within the Community type-approval procedure either as requirements for EC vehicle type-approval, or as alternatives to existing Community law. In particular, where the Community decides, by means of a Council decision, that

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a UNECE Regulation shall become part of the EC vehicle type-approval procedure and replace existing Community law, the Commission should be empowered to make the necessary adaptations to this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive or to supplement it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

- (12) For the purposes of better regulation and simplification and in order to avoid having to constantly update existing Community legislation on issues of technical specifications, it should be possible for this Directive or for separate directives and regulations to make references to existing international standards and regulations without reproducing them in the Community legal framework.
- (13) In order to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the Community type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.
- (14) The main objective of the legislation on the approval of vehicles is to ensure that new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection. This aim should not be impaired by the fitting of certain parts or equipment after vehicles have been placed on the market or have entered service. Thus, appropriate measures should be taken in order to make sure that parts or equipment which can be fitted to vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of safety or environmental protection, are subject to a prior control by an approval authority before they are offered for sale. These measures should consist of technical provisions concerning the requirements that those parts or equipment have to comply with.
- (15) These measures should only apply to a limited number of parts or equipment. The list of such parts or equipment and subsequent requirements should be established after having consulted stakeholders. In establishing the list, the Commission should consult stakeholders on the basis of a report and strive for a fair balance between the requirements of improving road safety and environmental protection, as well as the interests of consumers, manufacturers and distributors in preserving competition in the aftermarket.
- (16) The list of parts and equipment, the essential systems concerned as well as the testing and implementation measures should be determined in accordance with Decision 1999/468/EC. Since those measures are of general scope and are designed to amend non-essential elements of this Directive or to supplement it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of that Decision.
- (17) This Directive constitutes a set of specific safety requirements within the meaning of Article 1(2) of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety⁽⁷⁾, laying down specific requirements for protecting the health and safety of consumers. Therefore, it is important to establish

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provisions to ensure that, in case a vehicle presents a serious risk for consumers resulting from the application of this Directive or of the regulatory acts listed in Annex IV, the manufacturer has taken effective protective measures, including the recall of vehicles. Approval authorities should therefore be able to assess whether the proposed measures are sufficient or not.

- (18) It is important that manufacturers supply relevant information to vehicle owners in order to prevent misuse of safety devices. It is appropriate to include provisions thereon in this Directive.
- (19) It is also important for equipment manufacturers to have access to certain information that is available only from the vehicle manufacturer, that is to say, the technical information, including drawings, required for the development of parts for the aftermarket.
- (20) It is equally important that manufacturers make information readily available to independent operators to ensure the repairing and maintenance of vehicles in a fully competitive market. These information requirements have so far been incorporated in Community legislation, and in particular in Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and 6) and on access to vehicle repair and maintenance information⁽⁸⁾, on the basis that the Commission will present a report, no later than four years after the date of entry into force of that Regulation, on the operation of the system of access to vehicle repair and maintenance information and will consider whether it would be appropriate to consolidate all provisions governing access to such information within a revised framework directive on type approval.
- (21) With the aim of simplifying and accelerating the procedure, measures implementing the separate directives or regulations as well as measures for adapting the annexes to this Directive and the separate directives or regulations, in particular to the development of scientific and technical knowledge, should be adopted in accordance with Decision 1999/468/EC. Since those measures are of general scope and are designed to amend non-essential elements of this Directive or of the separate directives or regulations, or to supplement them by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of that Decision. The same procedure should apply to adaptations needed for the type-approval of vehicles intended for persons with disabilities.
- (22) Experience shows that appropriate measures may have to be taken without delay with a view to ensuring a better protection of road users where shortcomings have been identified in the existing legislation. For such urgent cases, the necessary amendments to the separate directives or regulations should be adopted in accordance with Decision 1999/468/EC. Since those measures are of general scope and are designed to amend non-essential elements of the separate directives or regulations or to supplement them by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of that Decision.

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- (23) Since the objective of this Directive, namely the achievement of the internal market through the introduction of a compulsory system of Community type-approval for all categories of vehicles, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.
- (24) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directives. The obligation to transpose the provisions which are unchanged arises under the earlier Directives.
- (25) In accordance with point 34 of the Interinstitutional Agreement on better law-making⁽⁹⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (26) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the directives set out in Part B of Annex XX.
- (27) The requirements of this Directive are in accordance with the principles enshrined in the Action plan entitled ‘Simplifying and improving the regulatory environment’.
- (28) It is of particular importance that future measures proposed on the basis of this Directive or procedures to be implemented in application of it should comply with these principles, which have been restated by the Commission in its communication on a Competitive Automotive Regulatory framework for the 21st Century,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 108, 30.4.2004, p. 29.](#)
- (2) Opinion of the European Parliament of 11 February 2004 ([OJ C 97 E, 22.4.2004, p. 370](#)), Council Common Position of 11 December 2006 ([OJ C 64 E, 20.3.2007, p. 1](#)), Position of the European Parliament of 10 May 2007 (not yet published in the Official Journal) and Council Decision of 23 July 2007.
- (3) [OJ L 42, 23.2.1970, p. 1.](#) Directive as last amended by Regulation (EC) No 715/2007 of the European Parliament and of the Council ([OJ L 171, 29.6.2007, p. 1](#)).
- (4) [OJ L 225, 10.8.1992, p. 1.](#)
- (5) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).
- (6) [OJ L 346, 17.12.1997, p. 78.](#)
- (7) [OJ L 11, 15.1.2002, p. 4.](#)
- (8) [OJ L 171, 29.6.2007, p. 1.](#)
- (9) [OJ C 321, 31.12.2003, p. 1.](#)