

Commission Regulation (EC) No 385/2009 of 7 May 2009 replacing Annex IX to Directive 2007/46/EC of the European Parliament and of the Council 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)

COMMISSION REGULATION (EC) No 385/2009

of 7 May 2009

replacing Annex IX to Directive 2007/46/EC of the European Parliament and of the Council 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)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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)<sup>(1)</sup>, and in particular Article 39 (2) thereof,

Whereas:

- (1) Directive 2007/46/EC establishes a harmonised framework containing the administrative provisions and general technical requirements for all new vehicles. In particular, it includes the obligation for the vehicle manufacturer in his capacity as the holder of a Community type-approval to deliver a certificate of conformity to accompany each vehicle that is manufactured in conformity with the Community legislation on type-approval.
- (2) The certificate of conformity, the template of which is set out in Annex IX to Directive 2007/46/EC, constitutes an official statement delivered to the buyer of the vehicle that a particular vehicle has been built in conformity with the requirements set out by Community type-approval legislation.
- (3) It is necessary to ensure that the information contained in the certificate of conformity is comprehensible for the consumers and economic operators involved. The template of the certificate of conformity should include all technical information which is of relevance for the authorities of the Member States to allow vehicles to be put into service.
- (4) Since the adoption of Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council 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<sup>(2)</sup>, the template of the certificate of conformity has never been updated. It

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**Changes to legislation:** Commission Regulation (EC) No 385/2009, Introductory Text is up to date with all changes known to be in force on or before 10 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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is therefore appropriate to update it in the light of the numerous substantial changes brought by Directive 2007/46/EC which will introduce EC whole vehicle type approval for commercial vehicles as from 29 April 2009.

- (5) Moreover, under Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles<sup>(3)</sup>, the registration authorities of the Member States have to receive reliable technical information for the purposes of registering for the first time new vehicles in the territory of the Community. The technical data contained in the certificate of conformity constitute an adequate source of information which can be used for the purposes of registration. In order to reduce administrative burden for the European citizens, in the light of the principles enshrined in the communications from the Commission entitled Action Plan ‘Simplifying and improving the regulatory environment’<sup>(4)</sup> and Action Programme for ‘Reducing administrative burdens in the European Union’<sup>(5)</sup>, it is appropriate that the certificate of conformity contains also all information required pursuant to Directive 1999/37/EC.
- (6) It is appropriate in view of ensuring the proper operation of the Community type-approval process to update the Annexes to Directive 2007/46/EC in order to adapt them to the development of scientific and technical knowledge.
- (7) Annex IX to Directive 2007/46/EC should be replaced accordingly.
- (8) The implementation of a new management system for collecting all data which are to be mentioned in the certificate of conformity requires appropriate arrangements to be put in place by the vehicle manufacturer. Therefore, a sufficient transitional period should be provided during which the previous models of the certificate of conformity may continue to be used.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 263, 9.10.2007, p. 1.
- (2) OJ L 18, 21.1.2002, p. 1.
- (3) OJ L 138, 1.6.1999, p. 57.
- (4) COM(2002) 278 final.
- (5) COM(2007) 23 final.

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