

Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (Text with EEA relevance)

Article 11

Penalties

1 Member States shall lay down the provisions on penalties applicable for infringement of the provisions of this Regulation and its implementing measures and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 7 February 2011 and shall notify it without delay of any subsequent amendment affecting them.

2 The types of infringements by manufacturers which are subject to a penalty shall include:

- a making false declarations during the 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 strategies^[F1].

[F2(e)] ^{F2}

The types of infringements by manufacturers, repairers and operators of the vehicles which are subject to a penalty shall include tampering with systems which control NO_x emissions. This shall include, for example, tampering with systems which use a consumable reagent.

The types of infringements committed by operators of the vehicles which are subject to a penalty shall include driving a vehicle without a consumable reagent.

Textual Amendments

- F1** Substituted by Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance).
- F2** Deleted by Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 595/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 1011 omitted by [S.I. 2022/1273 reg. 53\(10\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2022/1273 reg. 53\(14\)](#)
- Art. 3(1) words substituted by [S.I. 2022/1273 reg. 53\(3\)\(a\)](#)
- Art. 3(10) words substituted by [S.I. 2022/1273 reg. 53\(3\)\(a\)](#)