

Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (Text with EEA relevance)

## CHAPTER V

### FINAL PROVISIONS

#### *Article 16*

#### **Penalties for non-compliance**

1 Member States shall lay down the rules on penalties applicable to infringement by manufacturers 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 shall be effective, proportionate and dissuasive. By 20 February 2011 or, as appropriate, 18 months from the date of entry into force of the relevant implementing measure, Member States shall notify those provisions to the Commission, and shall notify it without delay of any subsequent amendment affecting them.

2 The types of infringement which are subject to a penalty shall include at least the following:

- a making false declarations during an approval procedure or a procedure leading to a recall;
- b falsifying test results for type-approval;
- c withholding data or technical specifications which could lead to recall or withdrawal of type-approval.

#### *Article 17*

#### **Reporting**

By 1 December 2012 and every three years thereafter, the Commission shall present a report to the European Parliament and to the Council including, where appropriate, proposals for amendment to this Regulation or other relevant Community legislation regarding the inclusion of further new safety features.

#### *Article 18*

#### **Amendments to Directive 2007/46/EC**

Annexes IV, VI, XI and XV to Directive 2007/46/EC shall be amended in accordance with Annex III to this Regulation.

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 661/2009 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. (See end of Document for details) [View outstanding changes](#)

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## Article 19

### Repeal

1 Directives 70/221/EEC, 70/222/EEC, 70/311/EEC, 70/387/EEC, 70/388/EEC, 71/320/EEC, 72/245/EEC, 74/60/EEC, 74/61/EEC, 74/297/EEC, 74/408/EEC, 74/483/EEC, 75/443/EEC, 76/114/EEC, 76/115/EEC, 76/756/EEC, 76/757/EEC, 76/758/EEC, 76/759/EEC, 76/760/EEC, 76/761/EEC, 76/762/EEC, 77/389/EEC, 77/538/EEC, 77/539/EEC, 77/540/EEC, 77/541/EEC, 77/649/EEC, 78/316/EEC, 78/317/EEC, 78/318/EEC, 78/549/EEC, 78/932/EEC, 89/297/EEC, 91/226/EEC, 92/21/EEC, 92/22/EEC, 92/24/EEC, 92/114/EEC, 94/20/EC, 95/28/EC, 96/27/EC, 96/79/EC, 97/27/EC, 98/91/EC, 2000/40/EC, 2001/56/EC, 2001/85/EC, 2003/97/EC shall be repealed with effect from 1 November 2014.

2 Directive 92/23/EEC shall be repealed with effect from 1 November 2017.

3 References to the repealed Directives shall be construed as references to this Regulation.

## Article 20

### Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2011.

[<sup>X1</sup>Article 13(15), Article 14 and points 1(a)(iii), 1(b)(iii) and (iv), 2(c), 3(a)(iii), 3(b)(iii), 3(c)(iii), 3(d)(iii), 3(e)(iii) and 3(f)(ii) of Annex III shall apply from 20 August 2009.

Points 1(a)(i), 1(b)(i), 2(a), 3(a)(i), 3(b)(i), 3(c)(i), 3(d)(i), 3(e)(i) and 3(f)(i) of Annex III shall apply from 1 November 2014.]

Points 1(a)(ii), 1(b)(ii), 2(b), 3(a)(ii), 3(b)(ii), 3(c)(ii), 3(d)(ii), 3(e)(ii) and point 4 of Annex III shall apply from 1 November 2017.

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor \(Official Journal of the European Union L 200 of 31 July 2009\)](#).

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EC) No 661/2009 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.

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

- Signature words omitted by [S.I. 2022/1273 reg. 55\(11\)](#)
- Art. 12(2)(b) words substituted by [S.I. 2022/1273 reg. 55\(5\)](#)
- Art. 13(2)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(b\)\(ii\)](#)
- Art. 13(2)(b) word substituted by [S.I. 2022/1273 reg. 55\(7\)\(b\)\(iii\)](#)
- Art. 13(5)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(e\)](#)
- Art. 13(6)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(e\)](#)
- Art. 13(9)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(e\)](#)
- Art. 13(10)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(e\)](#)
- Art. 13(15)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(j\)\(i\)](#)
- Art. 13(15)(a) words substituted by [S.I. 2022/1273 reg. 55\(7\)\(j\)\(ii\)](#)
- Art. 14(1)(b) words omitted by [S.I. 2022/1273 reg. 55\(8\)\(b\)](#)
- Art. 14(1)(f) words substituted by [S.I. 2022/1273 reg. 55\(8\)\(c\)](#)
- Art. 14(3)(b) omitted by [S.I. 2022/1273 reg. 55\(8\)\(e\)\(ii\)](#)