

Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)

CHAPTER XVIII

FINAL PROVISIONS

Article 76

Penalties

1 Member States shall provide for penalties for infringement by economic operators of this Regulation and the delegated or implementing acts adopted pursuant to this Regulation. They shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 23 March 2015 and shall notify the Commission without delay of any subsequent amendment affecting them.

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

- a making false declarations during approval procedures or procedures leading to a recall;
- b falsifying test results for type-approval;
- c withholding data or technical specifications which could lead to recall, refusal or withdrawal of type-approval;
- d use of defeat devices;
- e refusal to provide access to information;
- f economic operators making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents or markings with that intention.

Article 77

Transitional provisions

1 Without prejudice to other provisions of this Regulation, this Regulation shall not invalidate any EU type-approval granted to vehicles or to systems, components or separate technical units before 1 January 2016.

2 Save where provided otherwise, EU type-approvals granted to vehicles, systems, components or separate technical units under the acts referred to under Article 81(1) shall remain valid until the dates specified in Annex IV for existing types of vehicles.

3 By way of derogation from this Regulation, new vehicle types of categories L1e, L2e and L6e or new systems, components or separate technical units intended for such vehicle types shall continue to be type-approved under Directive 2002/24/EC until 31 December 2016.

4 Approval authorities shall continue to grant extension of approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 in accordance with Directive 2002/24/EC and any of the directives listed in Article 81(1). However, such

approvals shall not be used for the purposes of obtaining a whole-vehicle type-approval under this Regulation.

5 By way of derogation from Directive 2002/24/EC, type-approval shall also be granted for vehicles which comply with this Regulation and the delegated acts adopted pursuant to this Regulation on environmental and propulsion requirements as referred to in Annex II (A) by 31 December 2015.

In such a case, national authorities shall not prohibit, restrict or impede the registration, placing on the market or entry into service of vehicles complying with the approved type.

Article 78

Report

1 By 31 December 2020, Member States shall inform the Commission of the application of the type-approval procedures laid down in this Regulation.

2 On the basis of the information supplied under paragraph 1, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation by 31 December 2021. In particular, the report shall consider whether, on the basis of experience gained with the application of this Regulation, it would be appropriate to provide in Chapter X also for EU type-approval of small series. If it considers necessary, the Commission shall present a proposal to this effect.

Article 79

Review on advanced braking systems

1 By 31 December 2019, the Commission shall submit a report to the European Parliament and to the Council.

2 That report shall examine the mandatory fitting of an anti-lock brake system and a supplemental combined brake system at the choice of the manufacturer to L3e-A1 subcategory motorcycles. It shall be based on an assessment of the technical feasibility of such a requirement, a cost-effectiveness analysis, a road accident analysis and a consultation of relevant stakeholders. It shall furthermore take into account existing related European and international standards.

3 For the purpose of the report provided for in paragraph 2, Member States shall provide to the Commission by 31 December 2017 statistics on road accidents of the motorcycles in question for the preceding four years which are based on the vehicle classification as laid down in Annex I and the type of advanced brake system fitted.

4 On the basis of the results of the report, the Commission shall consider presenting a legislative proposal on the mandatory fitting of advanced brake system to the vehicle subcategories in question.

Article 80

Review on individual vehicles approvals

- 1 By 31 December 2022, the Commission shall submit a report to the European Parliament and to the Council regarding the subjects referred to in paragraph 3.
- 2 The report shall be based on a consultation of relevant stakeholders and shall take into account existing related European and international standards.
- 3 By 31 December 2021 the Member States shall report to the Commission on:
 - a the number of individual approvals granted to L-category vehicles before their first registration per year by the national authorities of that Member State since 1 January 2016;
 - b the national criteria upon which such approvals were based in so far as these criteria deviated from the requirements obligatory for EU type-approval.
- 4 The report shall be accompanied, where appropriate, by legislative proposals, and shall examine the inclusion of individual approvals in this Regulation on the basis of harmonised requirements.

Article 81

Repeal

- 1 Without prejudice to Article 77 of this Regulation, Directive 2002/24/EC as well as Directives 93/14/EEC, 93/30/EEC, 93/33/EEC, 93/93/EEC, 95/1/EC, 97/24/EC, 2000/7/EC, 2002/51/EC, 2009/62/EC, 2009/67/EC, 2009/78/EC, 2009/79/EC, 2009/80/EC and 2009/139/EC shall be repealed with effect from 1 January 2016.
- 2 References to the repealed Directives shall be construed as references to this Regulation and shall be read, as regards Directive 2002/24/EC, in accordance with the correlation table set out in Annex IX.

Article 82

Entry into force and application

- 1 This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
- 2 It shall apply from 1 January 2016.

From 22 March 2013, national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.