

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)

CHAPTER II

GENERAL OBLIGATIONS

Article 5

Technical requirements

1 Vehicles, systems, components and separate technical units [^{F1}for which approval is sought under this Regulation] shall comply with the requirements of the regulatory acts listed in Annex II.

2 Vehicles, systems, components and separate technical units shall be considered not to comply with this Regulation in the following cases in particular:

- a if they deviate from the particulars in the [^{F2}GB] type-approval certificates and their attachments or from the descriptive particulars in the test reports more than is permitted in the relevant regulatory act;
- b if the performance criteria or limit values for series production laid down in the relevant regulatory act have not been fulfilled under all the conditions set out in the relevant regulatory act;
- c if any information given by the manufacturer in the information document is not reproducible under all the conditions set out in the relevant regulatory act by approval authorities [^{F3}or market surveillance authorities].

Only checks, tests, inspections and assessments conducted by or carried out on behalf of the approval authorities [^{F4}or market surveillance authorities] shall be taken into account when assessing compliance for the purposes of this paragraph.

3 [^{F5}The Secretary of State may by regulations amend] Annex II in order to take into account technological and regulatory developments by introducing and updating references to the regulatory acts that contain the requirements with which vehicles, systems, components and separate technical units have to comply.

Textual Amendments

- F1** Words in Art. 5(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(a)**
- F2** Word in Art. 5(2)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(i)**

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council, Article 5 is up to date with all changes known to be in force on or before 13 August 2024. 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) [View outstanding changes](#)

- F3** Words in Art. 5(2)(c) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(ii)**
- F4** Words in Art. 5(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(ii)**
- F5** Words in Art. 5(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(c)**

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Changes and effects yet to be applied to :

- Regulation power to amend conferred by [2024 c. 10 s. 91](#)