

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 8

Obligations of market surveillance authorities

1 [F¹The market surveillance authority] shall carry out regular checks to verify that vehicles, systems, components and separate technical units comply with the relevant requirements. Such checks shall be performed on an adequate scale by means of documentary checks and, where appropriate, laboratory tests and on-road tests conducted on the basis of statistically relevant samples.

When carrying out such checks, [F²market surveillance authority] shall take account of:

- a established principles of risk assessment;
- b substantiated complaints; and
- c any other relevant information, including F³... testing results published by recognised third parties that meet the requirements laid down by [F⁴any retained direct EU legislation made under Article 13(10) as it had effect before IP completion day, or any regulations made under Article 13(10) as it is now in force].

2 Without prejudice to paragraph 1, the [F⁵market surveillance authority]F⁶... shall carry out at least a minimum number of tests on vehicles per year. That minimum number of tests F⁷... shall be one for every 40 000 new motor vehicles registered [F⁸in Great Britain] in the preceding year, but shall not be less than five tests.

Each test shall verify compliance with the applicable regulatory acts listed in Annex II [F⁹or, where Article 5A applies to the vehicle, the applicable regulatory acts listed in Annex II of the EU Type Approval Regulation.]

3 [F¹⁰The market surveillance authority] carrying out more than five tests per year shall carry out at least 20 % of the minimum number of tests in the form of emission-related tests comparable to type-approval tests covering all applicable emissions-related requirements to the tested type laid down in the regulatory acts listed in Annex II.

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8 [F12The market surveillance authority] shall require economic operators to make available [F13to the authority] such documentation, information and other technical specifications, including access to software and algorithms, that the [F14authority considers] necessary for the purpose of carrying out the market surveillance activities.

9 For type-approved vehicles, systems, components and separate technical units, [F15market surveillance authority] shall take due account of certificates of conformity, type-approval marks or type-approval certificates presented by economic operators.

10 [F16The market surveillance authority] shall take appropriate measures to alert users [F17... within an adequate timeframe of hazards that they F18... have identified in relation to any vehicle, system, component or separate technical unit so as to prevent or reduce the risk of injury or other damage, including by making such information available on the website of the market surveillance authority.

[F1The market surveillance authority] shall cooperate with economic operators regarding actions that could prevent or reduce the risks caused by vehicles, systems, components or separate technical units that those operators have made available on the market.

11 Where the [F19market surveillance authority]F20... [F21decides] to withdraw a vehicle, system, component or separate technical unit from the market in accordance with Chapter XI, they shall inform the economic operator concerned and the F22... approval authority.

12 [F23The market surveillance authority] shall carry out their duties independently and impartially. They shall observe confidentiality in order to protect commercial secrets, subject F24... to other applicable disclosure requirements laid down in [F25the law of the United Kingdom, or any part of the United Kingdom] in order to protect the interests of users [F26in the United Kingdom].

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Textual Amendments

- F1** Words in Art. 8(1) 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(5)(a)**
- F2** Words in Art. 8(1) 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(5)(b)**
- F3** Words in Art. 8(1)(c) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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(5)(c)(i)**
- F4** Words in Art. 8(1)(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(5)(c)(ii)**
- F5** Words in Art. 8(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(5)(b)**
- F6** Words in Art. 8(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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(5)(d)(i)(aa)**

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- F7** Words in Art. 8(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(d\)\(i\)\(bb\)](#)
- F8** Words in Art. 8(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\(5\)\(d\)\(i\)\(cc\)](#)
- F9** Words in Art. 8(2) 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\(5\)\(d\)\(ii\)](#)
- F10** Words in Art. 8(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\(5\)\(a\)](#)
- F11** Art. 8(4)-(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(e\)](#)
- F12** Words in Art. 8(8) 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\(5\)\(a\)](#)
- F13** Words in Art. 8(8) 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\(5\)\(f\)\(i\)](#)
- F14** Words in Art. 8(8) 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\(5\)\(f\)\(ii\)](#)
- F15** Words in Art. 8(9) 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\(5\)\(b\)](#)
- F16** Words in Art. 8(10) 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\(5\)\(a\)](#)
- F17** Words in Art. 8(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(g\)\(i\)](#)
- F18** Words in Art. 8(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(g\)\(ii\)](#)
- F19** Words in Art. 8(11) 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\(5\)\(b\)](#)
- F20** Words in Art. 8(11) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(h\)\(i\)](#)
- F21** Word in Art. 8(11) 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\(5\)\(h\)\(ii\)](#)
- F22** Word in Art. 8(11) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(h\)\(iii\)](#)
- F23** Words in Art. 8(12) 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\(5\)\(a\)](#)

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- F24** Words in Art. 8(12) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(i\)\(i\)](#)
- F25** Words in Art. 8(12) 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\(5\)\(i\)\(ii\)](#)
- F26** Words in Art. 8(12) 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\(5\)\(i\)\(iii\)](#)
- F27** Art. 8(13)-(15) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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\(5\)\(j\)](#)

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Changes and effects yet to be applied to :

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