

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 I **U.K.**

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1 **U.K.**

Subject matter

1 This Regulation lays down the administrative provisions and technical requirements for the type-approval and placing on the market of all new vehicles, systems, components and separate technical units, referred to in Article 2(1), and for individual vehicle approvals.

This Regulation also lays down provisions for the placing on the market and the entry into service of parts and equipment that may pose a serious risk to the correct functioning of the essential systems of the vehicles referred to in Article 2(1).

2 This Regulation lays down the requirements for the market surveillance of vehicles, systems, components and separate technical units that are subject to approval. This Regulation also lays down the requirements for the market surveillance of parts and equipment for such vehicles.

Article 2 **U.K.**

Scope

1 This Regulation applies to motor vehicles of categories M and N and their trailers of category O, that are intended to be used on public roads, including those designed and constructed in one or more stages, and to systems, components and separate technical units, as well as to parts and equipment, designed and constructed for such vehicles and their trailers.

2 This Regulation does not apply to the following vehicles:

- a agricultural or forestry vehicles, as defined in Regulation (EU) No 167/2013 of the European Parliament and of the Council⁽¹⁾;
- b two- or three-wheel vehicles and quadricycles, as defined in Regulation (EU) No 168/2013 of the European Parliament and of the Council⁽²⁾;
- c track-laying vehicles;
- d vehicles designed and constructed or adapted for use by the armed services only.

3 For the following vehicles, the manufacturer may apply for type-approval or individual vehicle approval under this Regulation, provided that those vehicles fulfil the requirements of this Regulation:

- a vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities;

Status: Point in time view as at 31/12/2020.

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- b vehicles designed and constructed or adapted for use by civil protection, fire services and forces responsible for maintaining public order;
- c any self-propelled vehicle designed and constructed specifically to perform work and that, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods, and that is not machinery mounted on a motor vehicle chassis.

Such approvals shall be without prejudice to the application of Directive 2006/42/EC of the European Parliament and of the Council⁽³⁾.

4 For the following vehicles, the manufacturer may apply for individual vehicle approval under this Regulation:

- a vehicles intended exclusively for racing on roads;
- b prototypes of vehicles used on the road under the responsibility of a manufacturer to perform a specific test programme provided they have been specifically designed and constructed for that purpose.

Article 3 **U.K.**

Definitions

For the purposes of this Regulation and the regulatory acts listed in Annex II, except as otherwise provided therein, the following definitions apply:

- (1) ‘type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements;
- (2) ‘EU type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of this Regulation;
- (3) ‘national type-approval’ means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements laid down by the law of a Member State, the validity of such approval being restricted to the territory of that Member State;
- (4) ‘type-approval certificate’ means the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is type-approved;
- (5) ‘certificate of conformity’ means the document issued by the manufacturer which certifies that a produced vehicle conforms to the approved type of vehicle and complies with all regulatory acts that were applicable at the time of its production;
- (6) ‘individual vehicle approval’ means the procedure whereby an approval authority certifies that a particular vehicle, whether unique or not, satisfies the relevant administrative provisions and technical requirements for EU individual vehicle approval or national individual vehicle approval;
- (7) ‘whole-vehicle type-approval’ means the procedure whereby an approval authority certifies that an incomplete, complete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements;

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- (8) ‘multi-stage type-approval’ means the procedure whereby one or more approval authorities certify that depending on its state of completion, an incomplete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements;
- (9) ‘step-by-step type-approval’ means the procedure consisting of the step-by-step collection of the whole set of EU type-approval certificates or UN type-approval certificates for the systems, components and separate technical units forming part of a vehicle, and which leads, in its final stage, to the whole-vehicle type-approval;
- (10) ‘single-step type-approval’ means the procedure whereby an approval authority certifies, by means of a single operation, that a type of vehicle, system, component or separate technical unit as a whole satisfies the relevant administrative provisions and technical requirements;
- (11) ‘mixed type-approval’ means a step-by-step type-approval for which one or more system type-approvals have been obtained during the final stage of the whole-vehicle type-approval, without the need to issue the EU type-approval certificates for those systems;
- (12) ‘system type-approval’ means the procedure whereby an approval authority certifies that a type of system satisfies the relevant administrative provisions and technical requirements;
- (13) ‘separate technical unit type-approval’ means the procedure whereby an approval authority certifies that a type of separate technical unit satisfies the relevant administrative provisions and technical requirements in relation to one or more specified types of vehicles;
- (14) ‘component type-approval’ means the procedure whereby an approval authority certifies that a type of component independently of a vehicle satisfies the relevant administrative provisions and technical requirements;
- (15) ‘vehicle’ means any motor vehicle or its trailer;
- (16) ‘motor vehicle’ means any power-driven vehicle that is designed and constructed to be moved by its own means, that has at least four wheels, is complete, completed or incomplete, and has a maximum design speed exceeding 25 km/h;
- (17) ‘trailer’ means any non-self-propelled vehicle on wheels designed and constructed to be towed by a motor vehicle, that can articulate at least around a horizontal axis perpendicular to the longitudinal median plane and around a vertical axis parallel to the longitudinal median plane of the towing motor vehicle;
- (18) ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex II;
- (19) ‘component’ means a device that is intended to be part of a vehicle, that can be type-approved independently of a vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex II where the specific regulatory act makes express provision to that effect;
- (20) ‘separate technical unit’ means a device that is intended to be part of a vehicle that can be type-approved separately, but only in relation to one or more specified types of vehicle and that is subject to the requirements of this Regulation or any of the

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regulatory acts listed in Annex II where the specific regulatory act makes express provisions to that effect;

- (21) ‘parts’ means goods used for the assembly, repair and maintenance of a vehicle, as well as spare parts;
- (22) ‘equipment’ means goods other than parts that can be added to or installed on a vehicle;
- (23) ‘spare parts’ means goods that are to be installed in or on a vehicle to replace original parts of that vehicle, including goods that are necessary for the use of a vehicle, with the exception of fuel;
- (24) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval;
- (25) ‘incomplete vehicle’ means any vehicle that must undergo at least one further stage of completion in order to meet the relevant technical requirements of this Regulation;
- (26) ‘completed vehicle’ means a vehicle resulting from the multi-stage type-approval that meets the relevant technical requirements of this Regulation;
- (27) ‘complete vehicle’ means a vehicle that does not need to be completed in order to meet the relevant technical requirements of this Regulation;
- (28) ‘end-of-series vehicle’ means a vehicle that is part of a stock and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service;
- (29) ‘alternative-fuel vehicle’ means a vehicle designed to be capable of running on at least one type of fuel that is either gaseous at atmospheric temperature and pressure, or that is substantially derived from non-mineral oil;
- (30) ‘vehicle produced in small series’ means a type of vehicle of which the number of units that are made available on the market, registered or entered into service do not exceed the quantitative annual limits laid down in Annex V;
- (31) ‘special purpose vehicle’ means a vehicle of category M, N or O having specific technical features that enable it to perform a function that requires special arrangements or equipment;
- (32) ‘type of vehicle’ means a particular group of vehicles that shares at least the features specified in Part B of Annex I, including a group of vehicles that contains variants and versions as referred to therein;
- (33) ‘semi-trailer’ means a towed vehicle in which the axle, or axles are positioned behind the centre of gravity of the vehicle (when uniformly loaded), and which is equipped with a connecting device permitting horizontal and vertical forces to be transmitted to the towing vehicle;
- (34) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance authorities to ensure that vehicles, systems, components and separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union harmonisation legislation and do not endanger health, safety, the environment or any other aspect of public interest protection;

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- (35) ‘market surveillance authority’ means the national authority or authorities responsible for carrying out market surveillance on the territory of the Member State;
- (36) ‘approval authority’ means the authority or authorities of a Member State, notified to the Commission by that Member State, with competence for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or of the individual vehicle approval, for the authorisation process for parts and equipment, for issuing and, if appropriate, for withdrawing or refusing approval certificates, for acting as the contact point for the approval authorities of the other Member States, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;
- (37) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance, border control or registration in a Member State in respect of vehicles, systems, components, separate technical units, parts or equipment;
- (38) ‘technical service’ means an organisation or body designated by the approval authority as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections;
- (39) ‘national accreditation body’ means a national accreditation body as defined in point (11) of Article 2 of Regulation (EC) No 765/2008;
- (40) ‘manufacturer’ means a natural or legal person who is responsible for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production and for market surveillance matters regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether or not that person is directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned;
- (41) ‘manufacturer's representative’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to represent the manufacturer before the approval authority or the market surveillance authority and to act on the manufacturer's behalf in matters covered by this Regulation;
- (42) ‘importer’ means a natural or legal person established in the Union who places on the market a vehicle, system, component, separate technical unit, part or equipment that has been manufactured in a third country;
- (43) ‘distributor’ means a dealer or any other natural or legal person in the supply chain, other than the manufacturer or the importer, who makes available on the market a vehicle, system, component, separate technical unit, part or equipment;
- (44) ‘economic operator’ means the manufacturer, the manufacturer's representative, the importer or the distributor;
- (45) ‘independent operator’ means a natural or legal person, other than an authorised dealer or repairer, who is directly or indirectly involved in the repair and maintenance of vehicles, and include repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative-fuel vehicles; it also means authorised repairers, dealers and distributors within the distribution system of a given vehicle manufacturer to the extent that they

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- provide repair and maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system;
- (46) 'authorised repairer' means a natural or legal person who provides repair and maintenance services for vehicles and who operates within the manufacturer's distribution system;
- (47) 'independent repairer' means a natural or legal person who provides repair and maintenance services for vehicles and who does not operate within the manufacturer's distribution system;
- (48) 'vehicle repair and maintenance information' means all information, including all subsequent amendments and supplements thereto, that is required for diagnosing, servicing and inspecting a vehicle, preparing it for road worthiness testing, repairing, re-programming or re-initialising of a vehicle, or that is required for the remote diagnostic support of a vehicle or for the fitting on a vehicle of parts and equipment, and that is provided by the manufacturer to his authorised partners, dealers and repairers or is used by the manufacturer for the repair and maintenance purposes;
- (49) 'vehicle on-board diagnostic (OBD) information' means the information generated by a system that is on board a vehicle or that is connected to an engine, and that is capable of detecting a malfunction, and, where applicable, is capable of signalling its occurrence by means of an alert system, is capable of identifying the likely area of malfunction by means of information stored in a computer memory, and is capable of communicating that information off-board;
- (50) 'placing on the market' means making available a vehicle, system, component, separate technical unit, part or equipment for the first time in the Union;
- (51) 'making available on the market' means any supply of a vehicle, system, component, separate technical unit, part or equipment for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;
- (52) 'entry into service' means the first use, for its intended purpose, in the Union, of a vehicle, system, component, separate technical unit, part or equipment;
- (53) 'registration' means an administrative authorisation for the entry into service in road traffic of an approved vehicle, involving the identification of the vehicle and the issuing to it of a serial number, known as the registration number, whether on a permanent or temporary basis;
- (54) 'virtual testing method' means computer simulations, including calculations, to demonstrate that a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of a regulatory act listed in Annex II without requiring the use of a physical vehicle, system, component or separate technical unit;
- (55) 'alternative requirements' means administrative provisions and technical requirements that aim to ensure a level of functional safety, environmental protection and occupational safety that to the greatest extent practicable is equivalent to the level provided for by one or more of the regulatory acts listed in Annex II;
- (56) 'on-site assessment' means a verification in the premises of a technical service or of one of its subcontractors or subsidiaries;
- (57) 'surveillance on-site assessment' means a periodic routine on-site assessment that is neither the on-site assessment undertaken for the initial designation of the technical

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service or of one of its subcontractors or subsidiaries, nor the on-site assessment undertaken for the renewal of that designation;

- (58) ‘date of manufacture of the vehicle’ means the date on which the manufacture of a vehicle was finalised in accordance with the approval obtained by the manufacturer.

[^{F1}References in this Regulation to Member States are to be read (insofar as is possible) as including Great Britain.]

Textual Amendments

- F1** Words in [Art. 3](#) inserted (temp.) (31.12.2020 for a period of two years at the end of which this affecting provision will expire) by [S.I. 2019/648](#), [reg. 10ZA\(2\)](#) (with [reg. 11](#)) (as inserted by [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), [reg. 1\(b\)](#), [Sch. 6 para. 39\(6\)](#) (with [Sch. 4 paras. 16, 17](#)) (as amended by [S.I. 2020/1393](#), [regs. 1\(2\), 2\(10\)\(a\)\)](#))

Article 4 U.K.

Vehicle categories

- 1 For the purposes of this Regulation, the following vehicle categories shall apply:
- a Category M consists of motor vehicles designed and constructed primarily for the carriage of passengers and their luggage, divided into:
- (i) Category M₁ : motor vehicles with not more than eight seating positions in addition to the driver's seating position and without space for standing passengers, regardless of whether the number of seating positions is restricted to the driver's seating position;
 - (ii) Category M₂ : motor vehicles with more than eight seating positions in addition to the driver's seating position and having a maximum mass not exceeding 5 tonnes, regardless of whether those motor vehicles have space for standing passengers; and
 - (iii) Category M₃ : motor vehicles with more than eight seating positions in addition to the driver's seating position and having a maximum mass exceeding 5 tonnes, regardless of whether those motor vehicles have space for standing passengers;
- b Category N consists of motor vehicles designed and constructed primarily for the carriage of goods, divided into:
- (i) Category N₁ : motor vehicles with a maximum mass not exceeding 3,5 tonnes;
 - (ii) Category N₂ : motor vehicles with a maximum mass exceeding 3,5 tonnes but not exceeding 12 tonnes; and
 - (iii) Category N₃ : motor vehicles with a maximum mass exceeding 12 tonnes;
- c Category O consists of trailers, divided into:

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- (i) : trailers with a maximum mass not exceeding 0,75 tonnes;
Category
O₁
- (ii) : trailers with a maximum mass exceeding 0,75 tonnes but
not exceeding 3,5 tonnes;
Category
O₂
- (iii) : trailers with a maximum mass exceeding 3,5 tonnes but
not exceeding 10 tonnes; and
Category
O₃
- (iv) : trailers with a maximum mass exceeding 10 tonnes.
Category
O₄

2 The criteria for the categorisation of vehicles, types of vehicle, variants and versions are set out in Annex I.

The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex I in relation to the types of vehicle and types of bodywork to take account of technical progress.

CHAPTER II **U.K.**

GENERAL OBLIGATIONS

Article 5 **U.K.**

Technical requirements

1 Vehicles, systems, components and separate technical units 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 EU 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, market surveillance authorities or the Commission.

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

3 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending 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.

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Article 6 **U.K.**

Obligations of Member States

1 Member States shall establish or appoint their own approval authorities and market surveillance authorities. Member States shall notify the Commission of the establishment and appointment of those authorities.

That notification shall include the name of those authorities, their address, including their electronic address, and their areas of responsibility. The Commission shall publish on its website a list and contact details of the approval authorities and the market surveillance authorities.

Member States shall ensure that their own approval authorities and market surveillance authorities adhere to a strict separation of roles and responsibilities and that they each function independently from each other. Those authorities may be within the same organisation provided that their activities are managed autonomously as part of separate structures.

2 A Member State where more than one approval authority is responsible for vehicle approval including individual vehicle approval shall designate one of them that has the competence for issuing type-approvals as the sole approval authority that is responsible for the exchange of information with the approval authorities of other Member States for the purpose of Article 11 and for the fulfilment of obligations set out in Chapter XV.

3 A Member State where more than one market surveillance authority is responsible for market surveillance shall designate one of them as the sole market surveillance authority that is responsible for the exchange of information with the market surveillance authorities of other Member States for the purpose of Article 11.

4 Member States shall only permit the placing on the market, the registration or the entry into service of vehicles, systems, components and separate technical units that comply with this Regulation.

5 Member States shall not prohibit, restrict or impede the placing on the market, the registration or the entry into service of vehicles, systems, components or separate technical units that comply with this Regulation, except in the cases provided for in Chapter XI.

By way of derogation from the first subparagraph of this paragraph, Member States may decide not to allow the circulation on the road, the placing on the market, the registration or the entry into service of vehicles that have been type-approved in accordance with this Regulation, but that exceed the harmonised dimensions, weights and axle loads laid down in Annex I to Council Directive 96/53/EC⁽⁴⁾.

6 Member States shall organise and carry out market surveillance and controls of vehicles, systems, components and separate technical units entering the market, in accordance with this Regulation and Chapter III of Regulation (EC) No 765/2008.

7 Member States shall take the necessary measures to ensure that market surveillance authorities are entitled, where they consider it necessary and justified, to enter the premises of economic operators on their territory and to take any necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.

8 The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every four years,

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and the results thereof shall be communicated to the Commission and the Forum for Exchange of Information on Enforcement referred to in Article 11 ('the Forum').

The Member States shall make accessible to the public a summary of the results of periodic reviews and assessments.

The Member States shall report to the Commission and the Forum on how they address any recommendations referred to in Article 11(5) issued by the Forum.

9 The Member States shall periodically review and assess the functioning of their market surveillance activities. Such reviews and assessments shall be carried out at least every four years and the results thereof shall be communicated to the Commission and to the Forum.

The Member States shall make accessible to the public a summary of the results of periodic reviews and assessments.

The Member States shall report to the Commission and the Forum on how they address any recommendations referred to in Article 11(5) issued by the Forum.

10 The Commission may adopt implementing acts laying down the common criteria for the format of reporting on the reviews and assessments referred to in paragraphs 8 and 9 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 7 **U.K.**

Obligations of approval authorities

1 Approval authorities shall only approve vehicles, systems, components or separate technical units that comply with this Regulation.

2 Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality in order to protect commercial secrets, subject to the obligation laid down in Article 9(4) to make information available to the Commission and to other applicable disclosure requirements laid down in Union law in order to protect the interests of users in the Union.

Approval authorities shall cooperate efficiently and effectively, and shall share information relevant to their role and functions.

3 For the purpose of enabling market surveillance authorities to carry out checks, approval authorities shall make available to market surveillance authorities the necessary information related to the type-approval of the vehicles, systems, components and separate technical units that are subject to compliance verification checks. That information shall include at least the information included in the EU type-approval certificate and its attachments referred to in Article 28(1). Approval authorities shall provide that information to the market surveillance authorities without undue delay.

4 Where an approval authority has been informed in accordance with Chapter XI that a vehicle, system, component or separate technical unit is suspected of presenting a serious risk or of being in non-compliance, it shall take all necessary measures to review the type-approval granted and, where appropriate, correct or withdraw the type-approval depending on the reasons and the seriousness of the deviations demonstrated.

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Article 8 **U.K.**

Obligations of market surveillance authorities

1 Market surveillance authorities 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, market surveillance authorities shall take account of:

- a established principles of risk assessment;
- b substantiated complaints; and
- c any other relevant information, including the information exchanged in the Forum and testing results published by recognised third parties that meet the requirements laid down by the implementing acts referred to in Article 13(10).

2 Without prejudice to paragraph 1, the market surveillance authorities of each Member State shall carry out at least a minimum number of tests on vehicles per year. That minimum number of tests per Member State shall be one for every 40 000 new motor vehicles registered in that Member State 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.

3 Market surveillance authorities 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.

4 The market surveillance authority of one Member State may agree with the market surveillance authority of another Member State that the market surveillance authority of that other Member State carries out the tests required under paragraphs 2 and 3.

5 The market surveillance authority of a Member State may agree with the Commission that the Commission carries out tests required under paragraph 3 at the expense of that Member State. Any tests carried out under this paragraph shall count towards the minimum number of tests required under paragraph 2.

6 Each Member State shall prepare annually a comprehensive overview of its planned market surveillance checks which it shall submit to the Forum no later than 1 March.

7 Every two years, each Member State shall draw up a report of its findings following any compliance verification checks it has carried out in the previous two years. That report shall be submitted to the Forum by 30 September of the year following the end of the two-year period concerned.

8 Market surveillance authorities shall require economic operators to make available to the authorities such documentation, information and other technical specifications, including access to software and algorithms, that the authorities consider necessary for the purpose of carrying out the market surveillance activities.

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

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10 Market surveillance authorities shall take appropriate measures to alert users within the territories of their Member States within an adequate timeframe of hazards that they or the Commission 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.

Market surveillance authorities 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 market surveillance authorities of one Member State decide 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 relevant approval authority.

12 Market surveillance authorities shall carry out their duties independently and impartially. They shall observe confidentiality in order to protect commercial secrets, subject to the obligation laid down in Article 9(4) to make information available to the Commission and to other applicable disclosure requirements laid down in Union law in order to protect the interests of users in the Union.

13 The market surveillance authorities of the different Member States shall coordinate their market surveillance activities, cooperate with each other and shall share the results of those activities with each other and with the Forum. Where appropriate, the market surveillance authorities shall agree on work-sharing and specialisation.

14 Where more than one authority in a Member State is responsible for market surveillance and external border controls, those authorities shall cooperate efficiently and effectively, and shall share information relevant to their respective roles and functions.

15 The Commission may adopt implementing acts laying down common criteria for establishing the adequate scale of the compliance verification checks referred to in paragraph 1 of this Article and laying down common criteria for the format of the overview and the reporting referred to respectively in paragraphs 6 and 7 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 9 **U.K.**

Compliance verification by the Commission

1 The Commission shall organise and carry out, at its own expense, tests and inspections to verify that vehicles, systems, components and separate technical units comply with the relevant requirements.

The tests and inspections shall be performed, *inter alia*, by means of laboratory tests and on-road tests, on the basis of statistically relevant samples, and shall be supplemented by documentary checks.

When carrying out those tests and inspections, the Commission shall take account of:

- a established principles of risk assessment;
- b substantiated complaints; and
- c any other relevant information, including information exchanged in the Forum, testing results published by recognised third parties that meet the requirements laid down

Status: Point in time view as at 31/12/2020.

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by the implementing acts referred to in Article 13(10), information concerning new technologies on the market and reports resulting from on-road remote sensing.

The Commission may entrust the performance of tests or inspections to technical services, in which case, the technical service shall be acting on behalf of the Commission. Where the Commission entrusts the performance of tests or inspections to technical services for the purposes of this Article, the Commission shall ensure that the technical service that is used is not the same as the technical service that performed the original type-approval test.

Those tests and inspections may take place:

- a on new vehicles supplied by manufacturers or other economic operator, as provided for in paragraph 2;
- b on registered vehicles with the agreement of the holder of the vehicle registration certificate.

2 Manufacturers holding type-approvals or other economic operators shall, upon request, supply to the Commission, in return for fair compensation, a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Such vehicles, systems, components and separate technical units shall be supplied for testing at the time and place, and for such period, as required by the Commission.

3 Before the Commission carries out its tests and inspections, it shall notify the Member State that granted the type-approval and the Member State where the vehicle, system, component or separate technical unit was made available on the market.

The Member States shall cooperate with the Commission when the Commission carries out the tests and inspections.

4 For the purpose of enabling the Commission to carry out the tests and inspections under this Article, Member States shall without undue delay make available to the Commission the necessary information related to the type-approval of the vehicles, systems, components and separate technical units that are subject to compliance verification. That information shall include at least the information included in the EU type-approval certificate and its attachments referred to in Article 28(1).

5 Manufacturers shall make available to the Commission, free of charge and without undue delay, any data which are needed for the purpose of compliance verification and which are not available in the EU type-approval certificate and its attachments referred to in Article 28(1).

Such data shall include all parameters and settings that are necessary to accurately replicate the test conditions that applied at the time of the type-approval testing. The Commission shall adopt implementing acts specifying the data that are to be made available, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national law. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

6 Where the Commission establishes that the vehicles, systems, components or separate technical units do not comply with the type-approval requirements laid down in this Regulation, that the vehicles, systems, components or separate technical unit do not comply with the type-approval or that the type-approval has been granted on the basis of incorrect data, it shall initiate the procedure provided for in Articles 53 or 54.

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Where the tests and inspections call into question the correctness of the type-approval itself, the Commission shall immediately inform the approval authority or authorities concerned as well as the Forum.

The Commission shall inform the relevant approval authorities and market surveillance authorities in order for them to take appropriate measures to alert users within the Union, within an adequate timeframe, of any non-compliance that it has 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.

The Commission shall make publicly available a report of its findings following any compliance verification testing it has carried out and shall forward its findings to the Member States and to the Forum. That report shall contain details of the vehicles, systems, components and separate technical units that were assessed and the identity of the manufacturer concerned, as well as a short description of the findings, including the nature of the non-compliance, if any.

Article 10 **U.K.**

Assessments by the Commission

1 The Commission shall organise and carry out assessments of the procedures put in place by approval authorities that have granted EU type-approvals within the five years preceding the assessment, in particular of the procedures for granting type-approvals, for carrying out conformity of production and for the designation and monitoring of technical services. Such assessments shall include an evaluation, using a random sample, of the compliance of granted type-approvals with applicable requirements referred to in point (c) of Article 26(2) within the five years preceding the assessment.

2 The assessments shall aim to assist the approval authorities that grant EU type-approvals to ensure the uniform application of this Regulation and to share best practices.

3 The assessments shall be carried out in compliance with the law of the Member State concerned, with due regard for the rights of the authorities concerned, and shall comply with the principle of proportionality. The Commission shall carry out its duties independently and impartially, and shall observe confidentiality in order to protect commercial secrets in accordance with the applicable law. The Commission shall bear the costs arising from such assessments.

4 The approval authorities concerned shall facilitate the assessment by cooperating with the Commission, giving it any necessary assistance and providing it with any necessary documentation.

5 The Commission shall ensure that the personnel participating in the assessment are sufficiently qualified and adequately instructed. The Commission shall, a sufficient time before the assessment, inform the Member States and the approval authorities concerned of the date on which the assessment is to begin and the identity of the personnel who are to carry out the assessment. The duration of the assessment at the premises of the approval authority concerned shall not normally exceed two days, and shall not in any case exceed three days.

6 Each approval authority that has granted at least one EU type-approval during a five year period shall be assessed by the Commission once during that period.

By way of derogation from the first subparagraph, the assessment of an approval authority may be less frequent if the Commission considers that the first assessment

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of that authority demonstrates that the procedures put in place ensure the effective application of this Regulation, taking into account the scope and range of EU type-approvals granted.

7 The Commission shall communicate the outcome of the assessment, including any recommendations, to the Forum and shall make a summary of the outcome publicly available. The Forum shall examine the outcome of the assessment.

8 The Member States shall report to the Commission and to the Forum on how they address any recommendations included in the outcome of the assessment.

9 Taking duly into account the considerations of the Forum, the Commission shall adopt implementing acts laying down common criteria for setting out the scope of, and the methodology used for, the assessment, the composition of the assessment team, the plan for the assessments covering a period of at least five years and the specific conditions under which the frequency of such assessments may be reduced. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 11 **U.K.**

Forum for Exchange of Information on Enforcement

1 The Commission shall establish, chair and manage a Forum for Exchange of Information on Enforcement ('the Forum').

The Forum shall be composed of representatives appointed by each Member State representing their approval authorities and market surveillance authorities.

Whenever appropriate, technical services, recognised third parties that meet the requirements laid down by the implementing acts referred to in Article 13(10), representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety and environment matters, may be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 7 of this Article.

The advisory tasks of the Forum shall have as their objective the promotion of best practices in order to facilitate the uniform interpretation and implementation of this Regulation, the exchange of information on enforcement problems, cooperation, in particular regarding the assessment, designation and monitoring of technical services, the development of working methods and tools, the development of an electronic information exchange procedure, and the evaluation of harmonised enforcement projects and penalties.

2 The Forum shall consider:

- a matters related to the uniform interpretation of the requirements laid down in this Regulation and in the regulatory acts listed in Annex II during implementation of those requirements;
- b the results of the activities relating to type-approval and market surveillance that were carried out by Member States in accordance with Article 6(8) and (9);
- c the results of tests and inspections carried out by the Commission in accordance with Article 9;
- d the assessments carried out by the Commission in accordance with Article 10;

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- e test reports regarding possible non-compliance presented by recognised third parties that meet the requirements laid down by the implementing acts referred to in Article 13(10);
- f the results of the conformity of production activities carried out by approval authorities in accordance with Article 31;
- g the information submitted by Member States under Article 67(6) on their procedures for the assessment, designation and notification of technical services and for the monitoring of technical services;
- h matters of general relevance with regard to the implementation of the requirements laid down in this Regulation in relation to the assessment, designation and monitoring of technical services in accordance with Articles 67(10) and 78(4);
- i infringements by economic operators;
- j implementation of the corrective or restrictive measures laid down in Chapter XI;
- k the planning, coordination and results of market surveillance activities;
- l matters regarding access to vehicle OBD information and vehicle repair and maintenance information set out in Chapter XIV and, in particular, matters regarding the implementation of the procedures established under Article 65.

3 On the basis of the reports submitted by Member States in accordance with Article 8(7), the Commission shall make a summary report on market surveillance activities publicly available on a two-yearly basis.

4 Each year the Commission shall present a summary of the activities of the Forum to the European Parliament.

5 As part of its advisory task and taking into account the outcome of the considerations under paragraph 2, the Forum may express an opinion or issue a recommendation.

When expressing an opinion or issuing recommendations the Forum shall endeavour to reach a consensus. If no such consensus can be reached, the Forum shall express its opinion or issue its recommendations by a simple majority of the Member States. Each Member State shall have one vote. Member States with diverging positions may request that their positions and the grounds on which they are based be recorded in the Forum's opinion or recommendations.

6 When adopting implementing acts, the Commission shall duly take into account the opinions expressed by the Forum in accordance with paragraph 5.

7 The Forum shall establish its rules of procedure.

Article 12 U.K.

Online data exchange

1 The Commission and the Member States shall use the common secure electronic exchange system referred to in Article 27 for EU type-approval certificates and their attachments referred to in Article 28(1), including for any test reports as well as amendments, refusals or withdrawals of any EU type-approval.

The Commission and Member States shall use the Rapid Information System (RAPEX), established under Directive 2001/95/EC of the European Parliament and of the Council⁽⁵⁾ and the Information and Communication System on Market Surveillance (ICSMS), established under Regulation (EC) No 765/2008 for market

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surveillance, recalls and other relevant activities between market surveillance authorities, Member States and the Commission.

2 From 5 July 2026, Member States shall make accessible to the public, by vehicle identification number, the certificate of conformity of each vehicle as structured data in electronic format in the common secure electronic exchange system, in accordance with Article 37.

From 5 July 2026, Member States shall make accessible to the public the information contained in the certificate of conformity, excluding vehicle identification numbers, as structured data in electronic format in the common secure electronic exchange system, in accordance with Article 37.

The Commission shall adopt implementing acts establishing the format of, and the criteria for public access to, the information referred to in the first and second subparagraphs of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

3 The Commission shall take all necessary measures to establish an interface between the common secure electronic exchange system referred to in Article 27, RAPEX and ICSMS in order to facilitate market surveillance activities and ensure coordination, consistency and accuracy of the information provided to consumers and third parties.

4 Member States shall use the common secure electronic exchange system referred to in Article 27, in order to make a list of the EU type-approvals for vehicles, systems, components and separate technical units that they have granted, amended, refused or withdrawn, as well as a list of the technical services which have performed the tests for the respective EU type-approvals, accessible to the public as from 1 September 2022.

The Commission shall adopt implementing acts establishing the format of, and the criteria for public access to, the information referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

5 The Commission shall develop a tool to make publicly accessible test results and complaints about the performance of vehicles, systems, components and separate technical units from recognised third parties that meet the requirements laid down by the implementing acts referred to in Article 13(10).

Article 13 **U.K.**

General obligations of manufacturers

1 Manufacturers shall ensure that the vehicles, systems, components and separate technical units that they have manufactured and that are placed on the market have been manufactured and approved in accordance with the requirements laid down in this Regulation, and in particular, those in Article 5.

2 Manufacturers shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production.

In the case of multi-stage type-approval, manufacturers shall also be responsible for the approval and conformity of production of the systems, components or separate technical units that they have added at the stage of vehicle completion. Manufacturers who modify components, systems or separate technical units already approved at earlier stages shall

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be responsible for the type-approval and conformity of production of the modified components, systems or separate technical units. Manufacturers of the previous stage shall provide information to manufacturers of the subsequent stage regarding any change that may affect component type-approval, system type-approval or separate technical unit type-approval or the whole-vehicle type-approval. Such information shall be provided as soon as the new extension to the whole-vehicle type-approval has been granted and at the latest on the starting date of manufacture of the incomplete vehicle.

3 Manufacturers who modify an incomplete vehicle in such a manner that it qualifies as a different category of vehicle, with the consequence that the requirements already assessed in a previous stage of type-approval have changed, shall also be responsible for compliance with the requirements applicable to the category of vehicles for which the modified vehicle qualifies.

4 For the purposes of EU type-approval of vehicles, systems, components and separate technical units, a manufacturer established outside the Union shall appoint a single representative established within the Union to represent the manufacturer before the approval authority. That manufacturer shall also appoint a single representative established within the Union for the purposes of market surveillance, who may be the same as the representative appointed for the purposes of EU type-approval.

5 Manufacturers shall ensure that their vehicles, systems, components and separate technical units are not designed to incorporate strategies or other means that alter the performance exhibited during test procedures in such a way that they do not comply with this Regulation when operating under conditions that can reasonably be expected in normal operation.

6 Manufacturers shall establish procedures to ensure that series production of vehicles, systems, components and separate technical units remains in conformity with the approved type.

7 Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the vehicles, systems, components, separate technical units, parts and equipment that they have placed on the market.

Manufacturers shall keep a record of such complaints, including for each complaint a description of the issue and the details needed to precisely identify the affected type of vehicle, system, component, separate technical unit, part or equipment, and, in the case of substantiated complaints, manufacturers shall keep their distributors and importers informed thereof.

8 In addition to the statutory plate fixed to their vehicles and type-approval marks fixed to their components or separate technical units in accordance with Article 38, manufacturers shall indicate their name, registered trade name or registered trade mark and their contact address in the Union on their vehicles, components or separate technical units made available on the market or, where that is not possible, on the packaging or in a document accompanying the component or separate technical unit.

9 Manufacturers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements laid down in this Regulation.

10 Without prejudice to Article 9(5) and subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national law, manufacturers of vehicles shall make available data which is needed for testing by third parties for possible non-compliance, including all parameters and settings that are necessary to accurately replicate the test conditions that were applied at the time of the type-approval testing.

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For the purposes of the first subparagraph of this paragraph, the Commission shall adopt implementing acts specifying the data to be made available free of charge, as well as the requirements to be met by third parties to demonstrate their legitimate interest in the fields of public safety or environmental protection and their recourse to adequate testing facilities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 14 **U.K.**

Obligations of manufacturers concerning their vehicles, systems, components, separate technical units, parts and equipment that are not in conformity or that present a serious risk

1 Where a vehicle, system, component, separate technical unit, part or equipment that has been placed on the market or that has entered into service is not in conformity with this Regulation or where the type-approval has been granted on the basis of incorrect data, the manufacturer shall immediately take the corrective measures necessary to bring that vehicle, system, component, separate technical unit, part or equipment into conformity, to withdraw it from the market or to recall it, as appropriate.

The manufacturer shall immediately inform the approval authority that granted the type-approval in detail of the non-conformity and of any measures taken.

2 Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide to the approval authorities and market surveillance authorities detailed information on the risk and on any measures taken in relation thereto.

3 Manufacturers shall keep the EU type-approval certificates and their attachments referred to in Article 28(1) for a period of 10 years after the end of validity of the EU type-approval of a vehicle and for a period of five years after the end of validity of the EU type-approval of a system, component or separate technical unit.

Manufacturers of a vehicle shall keep at the disposal of the approval authorities for a period of 10 years from the date of manufacture of the vehicle a copy of the certificates of conformity referred to in Article 36.

4 Manufacturers shall, following a reasoned request from a national authority or the Commission, provide that authority or the Commission, with a copy of the EU type-approval certificate, or the authorisation referred to in Article 55(1) demonstrating conformity of the vehicle, system, component, separate technical unit, part or equipment, in a language that can be easily understood by the national authority or the Commission.

Manufacturers shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that they have made available on the market.

Article 15 **U.K.**

Obligations of manufacturer's representatives

1 The manufacturer's representative shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall at least, provide for the representative to:

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- a have access to the EU type-approval certificate and its attachments referred to in Article 28(1), and to the certificate of conformity in one of the official Union languages; such documentation shall be made available to the approval authorities and to the market surveillance authorities for a period of 10 years after the end of the validity of the EU type-approval of a vehicle and for a period of five years after the end of validity of the EU type-approval of a system, component or separate technical unit;
 - b provide an approval authority, following a reasoned request from that authority, with all information, documentation and any other technical specifications, including access to software and algorithms, that are necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;
 - c cooperate with the approval authorities or the market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;
 - d immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents or non-compliance issues that relate to vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;
 - e have the right to terminate the mandate without penalty if the manufacturer acts contrary to its obligations under this Regulation.
- 2 A manufacturer's representative who terminates the mandate on the grounds referred to in point (e) of paragraph 1 shall immediately inform both the approval authority that granted the type-approval and the Commission.

The information to be provided shall specify at least:

- a the date of termination of the mandate;
- b the date until which the outgoing manufacturer's representative may be indicated in the information supplied by the manufacturer, including any promotional material;
- c the transfer of documents, including confidentiality aspects and property rights;
- d the obligation of the outgoing manufacturer's representative after the end of the mandate to forward to the manufacturer or incoming manufacturer's representative any complaints or reports about risks and suspected incidents relating to a vehicle, system, component, separate technical unit, part or equipment for which the outgoing manufacturer's representative had been designated as manufacturer's representative.

Article 16 **U.K.**

Obligations of importers

1 Importers shall only place on the market vehicles, systems, components or separate technical units that comply with this Regulation.

2 Before placing on the market a type-approved vehicle, system, component or separate technical unit, importers shall verify that it is covered by a valid EU type-approval certificate and that the system, component or separate technical unit bears the required type-approval mark and complies with Article 13(8).

In the case of a vehicle, the importer shall ensure that the vehicle is accompanied by the required certificate of conformity.

3 Where a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular where it does not correspond to its type-approval, importers shall not place on the market, allow to enter into service or register the vehicle, system, component or separate technical unit, until it has been brought into conformity.

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4 Where a vehicle, system, component, separate technical unit, part or equipment presents a serious risk, importers shall inform the manufacturer and the market surveillance authorities thereof. For type-approved vehicles, systems, components and separate technical units, importers shall also inform the approval authority that granted the type-approval.

5 Importers shall indicate their name, registered trade name or registered trade mark, and their contact address on the vehicle, component, separate technical unit, part or equipment, or, where this is not possible, on its packaging or in a document accompanying the component, separate technical unit, part or equipment.

6 Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by instructions and information, as required by Article 59, in the official language or languages of the Member States concerned.

7 To protect the health and safety of consumers, importers shall keep a record of complaints and recalls relating to vehicles, systems, components, separate technical units, parts or equipment that they have placed on the market, and shall keep their distributors informed of such complaints and recalls.

8 Importers shall immediately inform the relevant manufacturer of any complaints they received regarding risks, suspected incidents or non-compliance issues relating to vehicles, systems, components, separate technical units, parts or equipment that they have placed on the market.

9 Importers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements laid down in this Regulation.

Article 17 **U.K.**

Obligations of importers concerning their vehicles, systems, components, separate technical units, parts and equipment that are not in conformity or that present a serious risk

1 Where a vehicle, system, component, separate technical unit, part or equipment that has been placed on the market by importers is not in conformity with this Regulation, importers shall immediately take the corrective measures necessary to bring that vehicle, system, component, separate technical unit, part or equipment into conformity under the manufacturer's supervision, to withdraw it from the market or to recall it, as appropriate. Importers shall also inform the manufacturer and the approval authority that granted the EU type-approval.

2 Where a vehicle, system, component, separate technical unit, part or equipment that has been placed on the market presents a serious risk, importers shall immediately provide detailed information on the serious risk to the manufacturers and the approval authorities and market surveillance authorities.

Importers shall also inform the approval authorities and market surveillance authorities of any action taken and give details, in particular of the serious risk and of any measure taken by the manufacturer.

3 Importers shall, for a period of 10 years after the end of the validity of EU type-approval of a vehicle and for a period of five years after the end of the validity of the EU type-approval of a system, component or separate technical unit, keep a copy of the EU type-approval certificate and its attachments referred to in Article 28(1), and shall ensure that they can be made available to the approval authorities and market surveillance authorities upon request.

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4 Importers shall, following a reasoned request from a national authority, provide that authority with all information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit, in a language that can be easily understood by that authority.

Importers shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that they have made available on the market.

Article 18 **U.K.**

Obligations of distributors

1 Distributors shall verify, before making available on the market a vehicle, system, component or separate technical unit, that the vehicle, system, component or separate technical unit bears the required statutory plate or type-approval mark, that it is accompanied by the required documents and by instructions and safety information, as required by Article 59, in the official language or languages of the relevant Member State, and that the manufacturer and the importer have complied with the requirements set out in Article 13(8) and Article 16(5) respectively.

2 Distributors shall immediately inform the relevant manufacturer of any complaints they received relating to risks, suspected incidents or non-compliance issues with vehicles, systems, components, separate technical units, parts or equipment that they have made available on the market.

3 Distributors shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements laid down in this Regulation.

Article 19 **U.K.**

Obligations of distributors concerning their vehicles, systems, components, separate technical units, parts and equipment that are not in conformity or that present a serious risk

1 Where a vehicle, system, component, separate technical unit, part or equipment is not in conformity with the requirements of this Regulation, distributors shall inform the manufacturer, the importer and the approval authority that granted the EU type-approval in respect thereof, and shall not make available on the market the vehicle, system, component, separate technical unit, part or equipment until it has been brought into conformity.

2 Where a vehicle, system, component, separate technical unit, part or equipment that distributors have made available on the market is not in conformity with this Regulation, they shall inform the manufacturer, the importer and the approval authority that granted the EU type-approval.

3 Where a vehicle, system, component, separate technical unit, part or equipment presents a serious risk, distributors shall immediately provide detailed information on that serious risk to the manufacturer, the importer and the approval authorities and the market surveillance authorities of the Member States in which that vehicle, system, component, separate technical unit, part or equipment has been made available on the market.

Status: Point in time view as at 31/12/2020.

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Distributors shall also inform them of any action taken and give details of any measure taken by the manufacturer.

4 Distributors shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that they have made available on the market.

Article 20 **U.K.**

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation, and shall be subject to the obligations of the manufacturer under Articles 8, 13 and 14, in the following cases:

- (a) where the importer or distributor makes available on the market, or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark, or modifies a vehicle, system, component or separate technical unit in such a way that the vehicle, system, component or separate technical unit may no longer comply with the applicable requirements; or
- (b) where the importer or distributor makes available on the market or is responsible for the entry into service of a system, component or separate technical unit on the basis of a UN type-approval that was granted to a manufacturer outside the Union, and it is not possible to identify a manufacturer's representative in the territory of the Union.

Article 21 **U.K.**

Identification of economic operators

Upon a request of an approval authority or a market surveillance authority, for a period of 10 years after the placing on the market of a vehicle and for a period of five years after the placing on the market of a system, component, separate technical unit, part or equipment, economic operators shall provide information on the following:

- (a) the identity of any economic operator that has supplied them with a vehicle, system, component, separate technical unit, part or equipment;
- (b) the identity of any economic operator to which they have supplied a vehicle, system, component, separate technical unit, part or equipment.

CHAPTER III **U.K.**

PROCEDURES FOR EU TYPE-APPROVAL

Article 22 **U.K.**

Procedures for EU type-approval

1 Where applying for a whole-vehicle type-approval, the manufacturer may choose one of the following procedures:

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- a step-by-step type-approval;
- b single-step type-approval;
- c mixed type-approval.

In addition, the manufacturer may choose a multi-stage type-approval for an incomplete or completed vehicle.

2 Without prejudice to the requirements of the regulatory acts listed in Annex II, for system type-approval, component type-approval and separate technical unit type-approval only the single-step type-approval is applicable.

3 Multi-stage type-approval shall be granted in respect of an incomplete or completed type of vehicle that, having regard to the state of completion of the vehicle, conforms to the particulars in the information folder referred to in Article 24 and that meets the technical requirements laid down in the relevant regulatory acts listed in Annex II.

Multi-stage type-approval shall also apply to complete vehicles that have been converted or modified by another manufacturer after their completion.

4 The EU type-approval for the final stage of completion shall only be granted after the approval authority has verified, in accordance with the procedures laid down in Annex IX, that the type of vehicle approved at the final stage meets all applicable technical requirements at the time of the approval. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, including where the EU type-approval was granted for a different category of vehicle.

5 The choice of the procedure for EU type-approval referred to in paragraph 1 shall not affect the applicable requirements with which the approved type of vehicle has to comply at the time of granting of the whole-vehicle type-approval.

6 Multi-stage type-approval may also be used by a single manufacturer, provided it is not used to circumvent the requirements applicable to vehicles built in a single stage. Vehicles built by a single manufacturer are not considered to have been built in multiple stages for the purposes of Articles 41, 42 and 49.

Article 23 **U.K.**

Application for EU type-approval

1 The manufacturer shall submit to the approval authority an application for EU type-approval and the information folder referred to in Article 24.

2 Only one application shall be submitted in respect of a particular type of vehicle, system, component or separate technical unit. That single application shall be submitted in only one Member State and to only one approval authority therein.

A new application may not be submitted in another Member State in respect of the same type of vehicle, system, component or separate technical unit where:

- a an approval authority has refused to grant a type-approval of that type;
- b an approval authority has withdrawn type-approval of that type; or
- c the manufacturer has revoked an application for a type-approval of that type.

The approval authority shall reject an application for a type-approval of a different type designation or of a modification with respect to a previous application where the changes

Status: Point in time view as at 31/12/2020.

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are not sufficient to constitute a new type of vehicle, system, component or separate technical unit.

3 An application for an EU type-approval of a particular type of vehicle, system, component or separate technical unit shall include a declaration by the manufacturer certifying, in accordance with the second subparagraph of paragraph 2 that:

- a the manufacturer has not applied for an EU type-approval for the same type to any other approval authority, and no other approval authority granted the manufacturer such an approval;
- b no approval authority has refused to grant type-approval of that type;
- c no approval authority has withdrawn type-approval of that type; and
- d the manufacturer has not revoked an application for a type-approval of that type.

4 A separate application shall be submitted for each type of vehicle, system, component or separate technical unit to be approved.

Article 24 **U.K.**

Information folder

1 The information folder shall include the following:

- a an information document, in accordance with the template laid down in the implementing acts referred to in paragraph 4, for single-step type-approval or mixed whole-vehicle type-approval or for step-by-step whole-vehicle type-approval or, in the case of the type-approval of a system, component or separate technical unit, in accordance with the relevant regulatory act listed in Annex II;
- b all data, drawings, photographs and other relevant information;
- c for vehicles, an indication of the procedure or procedures chosen in accordance with Article 22(1);
- d any additional information requested by the approval authority in the context of the EU type-approval procedure.

2 The information document referred to in point (a) of paragraph 1 for whole-vehicle type-approval shall contain a complete set of information on the characteristics of the type of vehicle that is necessary for the approval authority to identify the type of vehicle and to properly conduct the type-approval procedure.

3 The manufacturer shall submit the information folder to the approval authority in an electronic format that is acceptable to that authority. The approval authority may also accept the information folders that are submitted in paper format.

4 The Commission shall adopt implementing acts laying down the template for the information document and any other part of the information folder, and a harmonised electronic format for the purposes of paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

Status: Point in time view as at 31/12/2020.

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Article 25 **U.K.**

Additional information to be provided with an application for EU type-approval

1 An application for a step-by-step type-approval shall be accompanied, in addition to the information folder referred to in Article 24, by the complete set of EU type-approval certificates or UN type-approval certificates, and their attachments, that are required pursuant to the regulatory acts listed in Annex II.

In the case of a system type-approval, a component type-approval or a separate technical unit type-approval, pursuant to the regulatory acts listed in Annex II, the approval authority shall have access to the information folder and, if applicable, the EU type-approval certificates and their attachments until the whole-vehicle type-approval is either granted or refused.

2 An application for a mixed type-approval shall be accompanied, in addition to the information folder referred to in Article 24, by the EU type-approval certificates or UN type-approval certificates, and their attachments, that are required pursuant to the regulatory acts listed in Annex II.

For systems for which no EU type-approval certificate or UN type-approval certificate has been presented, the application shall be accompanied, in addition to the information folder referred to in Article 24, by the information required for the approval of those systems during the vehicle approval phase, and by a test report instead of the EU type-approval certificate or UN type-approval certificate.

3 An application for a multi-stage type-approval shall be accompanied by the following information:

- a in the first stage, by those parts of the information folder and the EU type-approval certificates, UN type-approval certificates or, if applicable, the test reports, that are relevant to the state of completion of the base vehicle;
- b in the second and subsequent stages, by those parts of the information folder and the EU type-approval certificates or UN type-approval certificates that are relevant to the current stage of completion, together with a copy of the EU whole-vehicle type-approval certificate that was issued at the preceding stage of construction, as well as full details of any changes or additions that the manufacturer has made to the vehicle.

The information specified in this paragraph shall be supplied in accordance with Article 24(3).

4 The approval authority and technical services shall have the access to the software and algorithms of the vehicle that they consider to be necessary for the purpose of carrying out their activities.

The approval authority and technical services may also require the manufacturer to supply documentation or any additional information needed to allow the approval authority or technical services to develop an appropriate level of understanding of the systems, including the system development process and the system concept, as well as the functions of software and algorithms that are necessary to verify compliance with the requirements of this Regulation, to take a decision on which tests are required or to facilitate the execution of those tests.

CHAPTER IV **U.K.****CONDUCT OF PROCEDURES FOR EU TYPE-APPROVAL**Article 26 **U.K.****General provisions on conduct of procedures for EU type-approval**

1 For each type of vehicle, system, component or separate technical unit, only one EU type-approval may be granted.

2 An approval authority, having received an application in accordance with Article 23, shall only grant an EU type-approval after having verified all of the following:

- a the conformity of production arrangements referred to in Article 31;
- b that the declaration referred to in Article 23(3) has been submitted;
- c the compliance of the type of vehicle, system, component or separate technical unit with the applicable requirements;
- d in the case of whole-vehicle type-approvals in accordance with the step-by-step, mixed or multi-stage type-approval procedures, the approval authority shall verify, in accordance with Article 22(4), that the systems, components and separate technical units are covered by separate and valid type-approvals that have been granted pursuant to the requirements applicable at the time of the granting of the whole-vehicle type-approval.

3 The procedures with respect to EU type-approval, that are set out in Annex III, and the procedures with respect to multi-stage type-approval, set out in Annex IX, shall apply.

The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annexes III and IX to take into account regulatory and technological developments by updating the procedures therein with respect to EU type-approval and multi-stage type-approval.

4 The approval authority shall put together an information package consisting of the information folder referred to in Article 24, accompanied by the test reports and all other documents that were added to the information folder by the technical service or by the approval authority while carrying out their tasks.

The information package may be kept electronically. It shall contain an index that clearly indicates all of the pages and the format of each document, and that chronologically records any changes to the EU type-approval.

The approval authority shall keep the information package available for a period of 10 years after the end of the validity of the EU type-approval concerned.

5 The approval authority shall refuse to grant an EU type-approval where it finds that a type of vehicle, system, component or separate technical unit that complies with the applicable requirements nonetheless presents a serious risk to safety or may seriously harm the environment or public health. In such case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

6 In accordance with Article 22(4), in the case of step-by-step, mixed and multi-stage type-approval procedures, the approval authority shall refuse to grant an EU type-approval

Status: Point in time view as at 31/12/2020.

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where it finds that systems, components or separate technical units do not comply with the requirements set out in this Regulation.

The approval authority shall ask the approval authorities that granted type-approvals for the systems, components, or separate technical units, to act in accordance with Article 54(2).

Article 27 **U.K.**

Notification of EU type-approval granted, amended, refused and withdrawn

1 The approval authority shall, when issuing or amending the EU type-approval certificate, make available to the approval authorities of the other Member States, to the market surveillance authorities, and to the Commission, a copy of the EU type-approval certificate for each type of vehicle, system, component and separate technical unit for which it has granted a type-approval and its attachments, including the test reports referred to in Article 30. That copy shall be made available by means of the common secure electronic exchange system in accordance with the implementing acts referred to in paragraph 3 of this Article.

2 The approval authority shall without delay inform the approval authorities of the other Member States and the Commission of its refusal or withdrawal of any EU type-approval, stating the reasons for its decision, by means of the common secure electronic exchange system in accordance with the implementing acts referred to in paragraph 3.

3 As regards the common secure electronic exchange system, the Commission shall adopt implementing acts laying down the format of the electronic documents that are to be made available, the exchange mechanism, the procedures to inform authorities on the granting of EU type-approvals, on amendments, refusals and withdrawals thereof and on the relevant security measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

Article 28 **U.K.**

EU type-approval certificate

1 The EU type-approval certificate shall contain the following attachments:

- a the information package referred to in Article 26(4);
- b the test reports referred to in Article 30 in the case of a system, component or separate technical unit type-approval, or the test results sheet in the case of whole-vehicle type-approval;
- c in the case of the whole-vehicle type-approval, the name and the specimen of the signature of the person or persons authorised to sign the certificates of conformity and a statement of their position in the company;
- d in the case of the whole-vehicle type-approval, a filled-out specimen of the certificate of conformity of the vehicle type.

2 The EU type-approval certificate shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the EU type-approval and for the identification of the requirements to which the type of vehicle, system, component or separate technical unit conforms.

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3 The Commission shall adopt implementing acts laying down the templates for the EU type-approval certificate, the harmonised numbering system, and the test result sheet, respectively, including providing the relevant electronic formats. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

4 In respect of each type of vehicle, system, component and separate technical unit, the approval authority shall:

- a complete all the relevant sections of the EU type-approval certificate, including its attachments;
- b compile the index to the information package as referred to in Article 26(4);
- c issue the completed EU type-approval certificate and its attachments to the manufacturer without delay.

5 In the case of an EU type-approval, the validity of which has been restricted in accordance with Article 39, Article 43 or Part III of Annex II, or in relation to which certain provisions of this Regulation or of the regulatory acts listed in Annex II do not apply, the EU type-approval certificate shall specify those restrictions or the relevant provisions that do not apply.

6 Where a manufacturer of a vehicle chooses the mixed type-approval procedure, the approval authority shall complete the information package as referred to in Article 26(4) with the references to the test reports referred to in Article 30 for the systems, components or separate technical units for which no EU type-approval certificate has been issued. The approval authority shall also clearly identify in the information package the technical requirements of the regulatory acts listed in Annex II against which the vehicle was tested.

7 Where a manufacturer of a vehicle chooses the single-step type-approval procedure, the approval authority shall attach to the EU type-approval certificate a list of relevant regulatory acts in accordance with the template provided in the implementing acts referred to in paragraph 3.

Article 29 **U.K.**

Specific provisions concerning EU type-approvals for systems, components and separate technical units

1 An EU type-approval shall be granted in respect of a system, component or separate technical unit that conforms to the particulars in the information folder referred to in Article 24 and that meets the technical requirements laid down in the relevant regulatory acts listed in Annex II.

2 Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit type-approval shall be required unless such type-approval is provided for under the relevant regulatory acts listed in Annex II.

3 Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance only where the component or separate technical unit operates in conjunction with those other vehicle parts, the scope of the EU type-approval of the component or the separate technical unit shall be restricted accordingly.

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In such cases, the EU type-approval certificate shall specify any restrictions on the use of the component or the separate technical unit, and shall indicate the special conditions for fitting that component or separate technical unit in a vehicle.

Where that component or separate technical unit is fitted in a vehicle, the approval authority shall verify, at the time of the approval of the vehicle, that the component or separate technical unit complies with all applicable restrictions on the use or conditions for fitting.

Article 30 **U.K.**

Tests required for EU type-approval

1 For the purpose of granting EU type-approvals, the approval authority shall verify compliance with the technical requirements of this Regulation by means of appropriate tests that are performed by its technical services.

2 The fundamental elements of the tests, including the technical requirements for which compliance was verified by the tests, shall be recorded in a test report.

3 The Commission shall adopt implementing acts laying down the format of the test reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

4 The manufacturer shall make available to the approval authorities and provide to the technical services concerned the vehicles, systems, components or separate technical units that are required under the relevant regulatory acts listed in Annex II for the performance of the required tests.

5 The required tests shall be performed on vehicles, systems, components and separate technical units that are representative of the type to be approved.

6 Where a range of values is provided for the parameters and for the conditions used for the performance of the appropriate tests referred to in paragraph 1, the technical services may choose any value within that range.

7 At the request of the manufacturer, and subject to the agreement of the approval authority, virtual testing methods may be used in accordance with Annex VIII as alternatives to the tests referred to in paragraph 1.

8 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex VIII to take into account technical and regulatory developments by updating the list of regulatory acts in respect of which virtual testing methods may be used by a manufacturer or a technical service and the specific conditions under which those virtual testing methods are to be used.

Article 31 **U.K.**

Conformity of production arrangements

1 An approval authority that has granted an EU type-approval shall take the necessary measures in accordance with Annex IV to verify, if necessary in cooperation with the approval

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authorities of the other Member States, that the manufacturer produces the vehicles, systems, components or separate technical units in conformity with the approved type.

2 An approval authority that has granted a whole-vehicle type-approval shall verify a statistically relevant number of samples of vehicles and certificates of conformity on their compliance with Articles 36 and 37 and shall verify that the data in those certificates of conformity are correct.

3 An approval authority that has granted an EU type-approval shall take the necessary measures to verify, if necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and 2 of this Article continue to be adequate so that vehicles, systems, components or separate technical units in production continue to conform to the approved type and that certificates of conformity continue to comply with Articles 36 and 37.

4 In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that granted the EU type-approval shall take the necessary measures to carry out the checks or tests on samples taken at the manufacturer's premises, including production facilities that are required for EU type-approval.

In accordance with Annex IV, the approval authority shall take the necessary measures to carry out such checks or tests with the frequency set out in the regulatory acts listed in Annex II, or, if no frequency is specified in those acts, at least once every three years.

5 In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority or the technical services shall:

- a if a range of values is provided for in the test procedures laid down in the relevant regulatory acts listed in Annex II, set the values in a random manner within the provided range when carrying out checks or tests; and
- b have access to the software, algorithms, documentation and any additional information in accordance with Article 25(4).

6 An approval authority that has granted an EU type-approval shall take the necessary measures to verify that the manufacturer complies with the obligations set out in Chapter XIV. It shall verify in particular whether, in order to comply with those obligations, the manufacturer has amended or supplemented the vehicle OBD information and vehicle repair and maintenance information.

7 Where an approval authority that has granted an EU type-approval establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type or with the requirements of this Regulation, or establishes that the certificates of conformity no longer comply with Articles 36 and 37, even though production is continued, it shall take the necessary measures to ensure that the arrangements for conformity of production are followed correctly or withdraw the type-approval. The approval authority may decide to take all necessary restrictive measures in accordance with Chapter XI.

8 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex IV to take account of technological and regulatory developments by updating the conformity of production procedures.

Status: Point in time view as at 31/12/2020.

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Article 32 **U.K.**

Fees

1 The fees for EU type-approval activities shall be levied on the manufacturers who have applied for EU type-approval in the Member State concerned.

The Member State shall ensure that sufficient resources are available to cover the costs for market surveillance activities. Without prejudice to national law, those costs may be recovered by fees that can be levied by the Member State in which the vehicles are placed on the market.

2 The Member States may levy administrative fees on technical services applying to be designated to cover wholly or partly the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.

CHAPTER V **U.K.**

AMENDMENTS TO AND VALIDITY OF EU TYPE-APPROVALS

Article 33 **U.K.**

General provisions on amendments of EU type-approvals

1 The manufacturer shall inform the approval authority that granted the EU type-approval without delay of any change in the particulars recorded in the information package referred to in Article 26(4), including any change in the extended documentation package under the regulatory acts listed in Annex II.

The approval authority shall decide whether that change requires an amendment, in the form of either a revision or an extension of the EU type-approval in accordance with Article 34, or whether that change requires a new EU type-approval.

2 An application for an amendment shall only be submitted to the approval authority that granted the existing EU type-approval.

3 Where an approval authority finds that an amendment requires the repetition of inspections or tests, it shall inform the manufacturer accordingly.

4 Where an approval authority finds on the basis of the inspections or tests referred to in paragraph 3 of this Article that the requirements for the EU type-approval continue to be fulfilled, the procedures referred to in Article 34 shall apply.

5 Where the approval authority finds that the changes in the particulars recorded in the information package cannot be covered by an extension of the existing type-approval, it shall refuse to amend the EU type-approval and shall request the manufacturer to apply for a new EU type-approval.

Status: Point in time view as at 31/12/2020.

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Article 34 **U.K.**

Revisions and extensions of EU type-approvals

1 An amendment shall be designated a ‘revision’ where an approval authority finds that, despite the change in the particulars recorded in the information package referred to in Article 26(4), the concerned type of vehicle, system, component or separate technical unit continues to comply with the applicable requirements for that type and that, therefore, no inspections or tests need to be repeated.

In such case, the approval authority shall issue the revised pages of the information package as necessary and without delay, marking each revised page to show clearly the nature of the change and the date of reissue, or it shall issue a consolidated, updated version of the information package, accompanied by a detailed description of the changes.

2 The amendment shall be designated an ‘extension’ where the approval authority finds that the particulars recorded in the information package have changed, and where any of the following apply:

- a further inspections or tests are required to verify continued compliance with the requirements upon which the existing EU type-approval has been based;
- b any information on the EU type-approval certificate, except for its attachments, has changed; or
- c new requirements under any regulatory act listed in Annex II become applicable to the approved type of vehicle, system, component or separate technical unit.

In the event of an extension, the approval authority shall issue an updated EU type-approval certificate without delay, which shall be denoted by an extension number that is incremented in accordance with the number of successive extensions already granted. That approval certificate shall clearly state the reason for the extension, the date of reissue and, where relevant, the period of validity.

3 Whenever amended pages of the information package or a consolidated, updated version of the information package are issued, the index to the information package shall be amended accordingly to show the date of the most recent extension or revision, or the date of the most recent consolidation of the updated version.

4 No extension to the type-approval of a type of vehicle shall be required if the new requirements referred to in point (c) of paragraph 2 are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

Article 35 **U.K.**

Termination of validity

1 Seven years after the latest update of the information package in case of an EU whole-vehicle type-approval certificate for vehicles of categories M₁ and N₁, and 10 years for vehicles of categories M₂, M₃, N₂, N₃ and O, the approval authority shall verify that the type of vehicle complies with all the regulatory acts that are relevant to that type.

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Where the approval authority carries out the verification referred to in the first subparagraph of this paragraph, it is not necessary for the tests referred to in Article 30 to be repeated.

- 2 An EU type-approval shall become invalid in each of the following cases:
- a where new requirements applicable to the approved type of vehicle, system, component or separate technical unit become mandatory for the making available on the market, registration or entry into service and the EU type-approval cannot be extended on the grounds laid down in point (c) of Article 34(2);
 - b where a verification carried out in accordance with paragraph 1 of this Article concludes that the vehicle does not comply with all the regulatory acts that are relevant to that type;
 - c where the production of vehicles in conformity with the approved type of vehicle is definitively discontinued on a voluntary basis, which shall be deemed to have occurred where no vehicle of the type concerned has been produced in the previous two years; however, such type-approvals shall continue to be valid for the purpose of registration or entry into service as long as point (a) of this paragraph is not applicable;
 - d where the EU type-approval has been withdrawn in accordance with Article 31(7);
 - e where the validity of the EU type-approval certificate expires due to a restriction referred to in Article 39(6);
 - f where the type-approval was found to be based on false declarations, falsified test results or where data were withheld which would have led to the refusal to grant the type-approval.

3 Where the whole-vehicle type-approval of only one variant within a type of vehicle or one version within a variant becomes invalid, the whole-vehicle type-approval of the type of vehicle in question shall become invalid only in so far as the particular variant or version is concerned.

4 Where the production of a particular type of vehicle, system, component or separate technical unit is definitively discontinued, the manufacturer shall notify the approval authority that granted the EU type-approval without delay.

Within one month of receiving the notification referred to in the first subparagraph, the approval authority that granted the EU type-approval for the type of vehicle, system, component, or separate technical unit, shall inform the approval authorities of the other Member States accordingly.

5 Where an EU type-approval certificate is due to become invalid, the manufacturer shall notify the approval authority that granted the EU type-approval without delay.

6 Upon receiving the notification from the manufacturer, the approval authority that granted the EU type-approval shall communicate to the approval authorities of the other Member States and the Commission without delay all relevant information for the making available on the market, registering or entering into service of vehicles, systems, components or separate technical units, as appropriate.

In the case of vehicles, the communication referred to in the first subparagraph of this paragraph shall specify the date of manufacture and the vehicle identification number ('VIN'), as defined in point (2) of Article 2 of Commission Regulation (EU) No 19/2011⁽⁶⁾, of the last vehicle produced.

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CHAPTER VI U.K.

CERTIFICATE OF CONFORMITY AND MARKINGS

Article 36 U.K.

Certificate of conformity in paper format

1 The manufacturer shall issue a certificate of conformity in paper format to accompany each vehicle, whether complete, incomplete or completed, that is manufactured in conformity with the approved type of vehicle. For that purpose, the manufacturer shall use the template set out in the implementing acts referred to in paragraph 4.

The certificate of conformity in paper format shall describe the main characteristics of the vehicle, as well as its technical performance in concrete terms. The certificate of conformity in paper format shall include the date of manufacture of the vehicle. The certificate of conformity in paper format shall be designed in such a way as to prevent forgery.

The certificate of conformity in paper format shall be delivered free of charge to the buyer, together with the vehicle. Its delivery may not be made dependent on an explicit request or on the submission of additional information to the manufacturer.

2 From 5 July 2026, the manufacturer shall be exempted from the obligation in paragraph 1 of this Article to issue the certificate of conformity in paper format to accompany each vehicle, where the manufacturer makes the certificate of conformity available as structured data in electronic format in accordance with the Article 37(1).

3 For a period of 10 years after the date of manufacture of the vehicle, the manufacturer shall, at the request of the vehicle owner, issue a duplicate of the certificate of conformity in paper format in return for a payment that does not exceed the cost of issuing the duplicate certificate. The word 'duplicate' shall be clearly visible on the face of any duplicate certificate.

4 The Commission shall adopt implementing acts concerning the certificate of conformity in paper format, setting out, in particular:

- a the template for the certificate of conformity;
- b the security elements to prevent forgery of the certificate of conformity; and
- c the specification concerning the manner of signing of the certificate of conformity.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted before 1 September 2020.

5 The certificate of conformity in paper format shall be drawn up in at least one of the official languages of the Union.

6 The person or persons authorised to sign certificates of conformity in paper format shall be employed by the manufacturer, and shall be duly authorised to engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

7 The certificate of conformity in paper format shall be completed in its entirety and shall not contain restrictions as regards the use of the vehicle other than those provided for in this Regulation or in any of the regulatory acts listed in Annex II.

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Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

8 In the case of an incomplete base vehicle, the manufacturer shall only fill in those fields of the certificate of conformity in paper format that are relevant in view of the state of completeness of the vehicle.

9 In the case of an incomplete or completed vehicle, the manufacturer shall only fill in those fields of the certificate of conformity in paper format that concern the additions or changes carried out at the current stage of approval and, where applicable, shall attach all certificates of conformity in paper format that were delivered at the previous stages.

Modifications etc. (not altering text)

C1 Art. 36(3) applied (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), regs. 1(b), **16(9)** (with Sch. 4 paras. 16, 17)

Article 37 **U.K.**

Certificate of conformity in electronic format

1 Without prejudice to Article 36(1), from 5 July 2026, the manufacturer shall, free of charge and without undue delay after the date of manufacture of the vehicle, make the certificate of conformity available to the approval authority that has granted the whole-vehicle type-approval as structured data in electronic format in accordance with the implementing acts referred to in paragraph 8 of this Article.

2 Without prejudice to Article 36(1), any manufacturer may make available certificates of conformity in accordance with paragraph 1 of this Article before 5 July 2026.

3 The approval authority shall make available the certificate of conformity as structured data in electronic format in accordance with the implementing acts referred to in paragraph 8, so that the certificate of conformity can be accessed by the approval authorities, market surveillance authorities and registration authorities of the Member States and by the Commission.

4 Member States may exempt manufacturers from the obligation set out in paragraph 1 of this Article with respect to types of vehicles which have national small series vehicle type-approval, in accordance with Article 42.

5 The approval authority receiving the certificate of conformity as structured data in electronic format in accordance with the implementing acts referred to in paragraph 8 of this Article, shall give read-only access to the certificate of conformity as laid down in Article 12(2). In the case of vehicles built in multiple stages such access shall be given to the manufacturer of the subsequent stage.

6 All data exchange in accordance with this Article shall be performed by means of secure data exchange protocols.

7 Member States shall establish the organisation and structure of their data network to enable data reception of the certificates of conformity as structured data in electronic format in accordance with the implementing acts referred to in paragraph 8 as from 1 September 2025, preferably by making use of existing systems for the exchange of structured data.

8 Taking into account the data that are required to be provided on the certificate of conformity in paper format, the Commission shall adopt implementing acts concerning certificates of conformity as structured data in electronic format setting out, in particular:

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

- a the basic format and structure of the data elements of the certificates of conformity in electronic format and the messages used in the exchange;
- b minimum requirements for secure data exchange, including the prevention of data corruption and data misuse, and measures to guarantee the authenticity of the electronic data, such as the use of digital signature;
- c the means of exchange of the data of the certificate of conformity in electronic format;
- d the minimum requirements for a vehicle-specific unique identifier and the form of information for the buyer in accordance with paragraph 5;
- e the read-only access referred to in paragraph 5;
- f exemptions for manufacturers of particular vehicle categories and types of vehicle that are produced in small series.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted before 1 September 2020.

9 Member States shall be able to exchange certificates of conformity in electronic format in accordance with this Article with the other Member States at the latest from 5 July 2026.

10 From 5 July 2026, where, in exceptional cases, a national authority so requests, the manufacturer shall issue a duplicate of the certificate of conformity in paper format.

Article 38 **U.K.**

Manufacturer's statutory and additional plates, markings and type-approval mark of components and separate technical units

1 The manufacturer of a vehicle shall affix to every vehicle manufactured in conformity with the approved type a statutory plate, where relevant additional plates, and indications or symbols, with the markings required under this Regulation and the relevant regulatory acts listed in Annex II.

2 The manufacturer of a component or separate technical unit shall affix to every component and separate technical unit manufactured in conformity with the approved type, whether or not it is part of a system, the type-approval mark required by the relevant regulatory acts listed in Annex II.

Where no such type-approval mark is required, the manufacturer shall affix at least the trade name or trade mark of the manufacturer, as well as the type number or an identification number, to the component or separate technical unit.

3 The Commission shall adopt implementing acts laying down the model for the EU type-approval mark. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

4 Economic operators shall only place on the market or make available on the market vehicles, components and separate technical units which are marked in compliance with this Regulation.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

CHAPTER VII **U.K.**

NEW TECHNOLOGIES OR NEW CONCEPTS

Article 39 **U.K.**

Exemptions for new technologies or new concepts

1 The manufacturer may apply for an EU type-approval in respect of a type of vehicle, system, component or separate technical unit that incorporates new technologies or new concepts that are incompatible with one or more regulatory acts listed in Annex II.

2 The approval authority shall grant the EU type-approval referred to in paragraph 1 where all of the following conditions are met:

- a the application for the EU type-approval states the reasons why the new technologies or new concepts make the vehicles, systems, components or separate technical units incompatible with one or more regulatory acts listed in Annex II;
- b the application for the EU type-approval describes the safety and environmental implications of the new technology or new concept and the measures taken in order to ensure at least an equivalent level of safety and environmental protection to that provided by the requirements in respect of which an exemption is sought;
- c test descriptions and results are presented proving that the condition in point (b) is met.

3 The granting of EU type-approvals exempting new technologies or new concepts shall be subject to the authorisation by the Commission.

The Commission shall adopt implementing acts to decide whether to grant the authorisation referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

4 Pending adoption of implementing acts referred to in paragraph 3, the approval authority may grant a provisional EU type-approval, valid only in the territory of the Member State of that approval authority, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.

The provisional nature and the limited territorial validity of the EU type-approval shall be apparent from the heading of the EU type-approval certificate and the heading of the certificate of conformity.

5 Approval authorities of other Member States may accept the provisional EU type-approval referred to in paragraph 4 within their territory, provided they inform the approval authority that granted the provisional EU type-approval of their acceptance in writing.

6 Where appropriate, the implementing acts referred to in paragraph 3 shall specify whether authorisations are subject to any restrictions, in particular with regard to the maximum number of vehicles covered. In all cases, the EU type-approval shall be valid for at least 36 months.

7 Where the Commission adopts implementing acts referred to in paragraph 3 to refuse to grant the authorisations, the approval authority shall immediately inform the holder of the provisional EU type-approval referred to in paragraph 4 that the provisional EU type-approval shall be revoked six months after the date of the implementing act.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

However, vehicles that have been manufactured in conformity with the provisional EU type-approval before it ceased to be valid may be placed on the market, be registered or enter into service in any Member State that has accepted the provisional EU type-approval in accordance with paragraph 5.

Article 40 **U.K.**

Subsequent adaptation of regulatory acts

1 Where the Commission has authorised the granting of an EU type-approval in accordance with Article 39, it shall immediately take the necessary steps to adapt the regulatory acts concerned to the latest technological developments.

Where the exemption under Article 39 relates to a UN Regulation, the Commission shall make proposals to amend the relevant UN Regulation in accordance with the procedure applicable under the Revised 1958 Agreement.

2 Once the relevant regulatory acts have been amended, any restriction in the implementing acts referred to in Article 39(3) shall be lifted.

3 Where the necessary steps to adapt the regulatory acts referred to in paragraph 1 of this Article have not been taken, the Commission may, at the request of the Member State that granted the provisional EU type-approval, adopt implementing acts to decide whether to grant the authorisation of the extension of the validity of the provisional EU type-approval. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

CHAPTER VIII **U.K.**

VEHICLES PRODUCED IN SMALL SERIES

Article 41 **U.K.**

EU type-approval of vehicles produced in small series

1 At the request of the manufacturer and within the quantitative annual limits for vehicle categories M, N and O set out in point 1 of Part A of Annex V, Member States shall grant an EU type-approval for a type of vehicle produced in small series that satisfies at least the technical requirements laid down in Appendix 1 to Part I of Annex II.

2 Paragraph 1 shall not apply to special purpose vehicles.

3 The EU type-approval certificate for vehicles produced in small series shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the EU type-approval and for the identification of the requirements to which the type of vehicle, system, component or separate technical unit conforms.

4 The Commission shall adopt implementing acts laying down the template and the numbering system for EU type-approval certificates for vehicles produced in small series. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

5 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Appendix 1 of Part I to Annex II to set out the technical requirements for vehicle categories M, N and O and amending point 1 of Part A of Annex V accordingly as regards the quantitative annual limits.

Article 42 **U.K.**

National type-approval of vehicles produced in small series

1 Manufacturers may apply for a national type-approval of vehicles produced in small series within the quantitative annual limits set out in point 2 of Part A of Annex V. Those limits shall apply to the making available on the market, the registration or the entry into service of vehicles of the approved type in the market of each Member State in a given year.

2 Member States may decide to exempt any type of vehicle referred to in paragraph 1 from the obligation to comply with one or more of the requirements of this Regulation or with one or more of the requirements laid down in the regulatory acts listed in Annex II, provided that those Member States have laid down relevant alternative requirements.

3 For the national type-approval of vehicles produced in small series, the approval authority shall accept systems, components and separate technical units that are type-approved in accordance with the regulatory acts listed in Annex II.

4 The national type-approval certificate for vehicles produced in small series shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the type-approval and for characterising the approval as one granted for a national small series.

5 The Commission shall adopt implementing acts laying down the template and harmonised numbering system of the national type-approval certificate of vehicles produced in small series which shall bear the heading ‘National small series vehicle type-approval certificate’ and shall specify the content and the nature of the exemptions granted pursuant to paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). Until such time as the Commission adopts such implementing acts, Member States may continue to determine the format of national type-approval certificates.

Article 43 **U.K.**

Validity of a national type-approval of vehicles produced in small series

1 The validity of a national type-approval of vehicles produced in small series shall be restricted to the territory of the Member State of the approval authority that has granted that type-approval.

2 At the request of the manufacturer, the approval authority shall send to the approval authorities of the Member States chosen by the manufacturer a copy of the national type-approval certificate, including the relevant parts of the information package referred to in Article 26(4), either by registered mail or electronic mail.

3 The approval authorities of the Member States shall accept the national type-approval, unless they have reasonable grounds to believe that the national technical requirements in accordance with which the type of vehicle has been approved are not equivalent to their own.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

4 Within two months of receipt of the documents referred to in paragraph 2, the approval authorities of Member States chosen by the manufacturer shall communicate to the approval authority that granted the national type-approval their decision to accept the type-approval or not. Where no such decision has been communicated within that two-month period, the national type-approval shall be deemed to have been accepted.

5 At the request of an applicant who wishes to place on the market, register or enter into service in another Member State a vehicle with a national type-approval of vehicles produced in small series, the approval authority that granted the national type-approval of vehicles produced in small series shall provide the national authority of the other Member State with a copy of the type-approval certificate, including the relevant parts of the information package.

The national authority of the other Member State shall permit the placing on the market, registration or entry into service of such vehicle, unless it has reasonable grounds to believe that the national technical requirements in accordance with which the type of vehicle has been approved are not equivalent to its own.

CHAPTER IX **U.K.**

INDIVIDUAL VEHICLE APPROVALS

Article 44 **U.K.**

EU individual vehicle approvals

1 Member States shall grant an EU individual vehicle approval for a vehicle that complies with the requirements laid down in Appendix 2 to Part I of Annex II or, for special purpose vehicles, in Part III of Annex II.

This Chapter shall not apply to incomplete vehicles.

2 An application for an EU individual vehicle approval shall be submitted by the owner of the vehicle, the manufacturer, the manufacturer's representative or the importer.

3 Member States shall not carry out destructive tests to establish whether the vehicle complies with the requirements referred to in paragraph 1, but shall instead use any relevant information provided by the applicant for that purpose.

4 The EU individual vehicle approval certificate shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the EU individual vehicle approval.

5 The Commission shall adopt implementing acts laying down the template and the numbering system of EU individual vehicle approval certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The first such implementing act shall be adopted by 5 July 2020.

6 Member States shall permit the placing on the market, registration or entry into service of vehicles with a valid EU individual vehicle approval certificate.

7 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Part I of Annex II to set out the technical requirements for vehicles of categories M, N and O.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

Article 45 **U.K.**

National individual vehicle approvals

1 Member States may decide to exempt a particular vehicle, whether unique or not, from the obligation to comply with one or more of the requirements of this Regulation or with one or more of the requirements laid down in the regulatory acts listed in Annex II, provided that those Member States have imposed relevant alternative requirements.

2 An application for national individual vehicle approval shall be submitted by the owner of the vehicle, the manufacturer, the manufacturer's representative or the importer.

3 Member States shall not carry out destructive tests to establish whether the vehicle complies with the alternative requirements referred to in paragraph 1, but shall instead use any relevant information provided by the applicant for that purpose.

4 For the purpose of a national individual vehicle approval, the approval authority shall accept systems, components and separate technical units that are type-approved in accordance with the regulatory acts listed in Annex II.

5 A Member State shall issue without delay a national individual vehicle approval certificate where the vehicle conforms to the description appended to the application and satisfies the relevant alternative requirements.

6 The national individual vehicle approval certificate shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the approval and for the identification of the requirements with which the vehicle conforms.

7 The Commission shall adopt implementing acts laying down the template and the numbering system of the national individual vehicle approval certificate. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). Until such time as the Commission adopts such implementing acts, Member States may continue to determine the format of national individual vehicle approval certificates.

Article 46 **U.K.**

Validity of national individual vehicle approvals

1 The validity of a national individual vehicle approval shall be restricted to the territory of the Member State that granted the individual vehicle approval.

2 At the request of an applicant who wishes to make available on the market, register or enter into service in another Member State a vehicle with a national individual vehicle approval, the Member State that granted the approval shall provide the applicant with a statement of the technical requirements on the basis of which the vehicle has been approved.

3 A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 45 to be made available on the market, be registered or enter into service in its territory, unless that Member State has reasonable grounds to believe that the relevant alternative requirements on the basis of which the vehicle has been approved are not equivalent to its own or that the vehicle does not comply with those requirements.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

4 This Article applies to vehicles that have been type-approved in accordance with this Regulation and that have been modified before their first registration or entry into service.

Article 47 **U.K.**

Specific provisions

1 The procedures set out in Articles 44 and 45 may apply to a particular vehicle built in multiple stages.

2 The procedures set out in Articles 44 and 45 shall not replace an intermediate stage within the normal sequence of a multi-stage type-approval, and shall not apply for the purposes of obtaining the first-stage approval of a vehicle.

CHAPTER X **U.K.**

MAKING AVAILABLE ON THE MARKET, REGISTRATION OR ENTRY INTO SERVICE

Article 48 **U.K.**

Making available on the market, registration or entry into service of vehicles other than end-of-series vehicles

1 Without prejudice to Articles 51, 52 and 53, vehicles for which whole-vehicle type-approval is mandatory, or for which the manufacturer has obtained that type-approval, shall only be made available on the market, registered or enter into service if they are accompanied by a valid certificate of conformity issued in accordance with Articles 36 and 37.

Registration and entry into service of incomplete vehicles may be refused as long as the vehicles remain incomplete. Registration and entry into service of incomplete vehicles shall not be used to circumvent the application of Article 49.

2 The number of vehicles produced in small series that are made available on the market, are registered, or enter into service in the course of the same year shall not exceed the quantitative annual limits laid down in Annex V.

Article 49 **U.K.**

Making available on the market, registration or entry into service of end-of-series vehicles

1 Subject to the limits specified in Part B of Annex V, and for a limited period of time as specified in paragraph 2, Member States may register and permit the making available on the market or entry into service of vehicles conforming to a type of vehicle whose EU type-approval is no longer valid.

The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production and which had not been registered or entered into service before that EU type-approval lost its validity.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

2 Paragraph 1 shall only apply, in the case of complete vehicles, for a period of 12 months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of 18 months from that date.

3 A manufacturer who wishes to benefit from paragraph 1 shall submit a request to the competent authority of each Member State concerned by the registration or the entry into service of the vehicles in question. The request shall specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

The Member States concerned shall decide, within three months of receiving such a request, whether to permit the registration or the entry into service of those vehicles within their territory, and if so, the number of such vehicles.

4 Member States shall apply appropriate measures to ensure that the number of vehicles to be registered or entered into service in the framework of the procedure set out in this Article is effectively monitored.

Article 50 **U.K.**

Making available on the market or entry into service of components and separate technical units

1 Components and separate technical units, including those intended for the aftermarket, may only be made available on the market or entered into service [^{F2}if paragraph 1A applies to the components or separate technical units].

[^{F3}1A This paragraph applies to components or separate technical units if they—

- a comply with the requirements of the relevant regulatory acts listed in Annex 2 and are properly marked in accordance with Article 38;
- b comply with the requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect in EU law and are properly marked in accordance with Article 38 of that Regulation; or
- c comply with requirements of the relevant regulatory acts listed in Annex 2 to Regulation (EU) No 2018/858 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement and are properly marked in accordance with Article 38 of that Regulation.]

2 Paragraph 1 shall not apply to components or separate technical units that are specifically constructed or designed for vehicles that are not covered by this Regulation.

3 Member States may permit the making available on the market or the entry into service of components and separate technical units that are exempted under Article 39 or that are to be used on vehicles covered by approvals granted under Article 41, 42, 44 and 45 concerning the component or separate technical unit in question.

4 Member States may also permit the making available on the market or the entry into service of components and separate technical units to be used on vehicles that were not required to be type-approved under this Regulation or under Directive 2007/46/EC at the time those vehicles were made available on the market, were registered, or entered into service.

5 Member States may also permit the making available on the market or the entry into service of replacement components and separate technical units to be used on vehicles to which type-approval was granted before the entry into force of the requirements of the relevant

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regulatory acts listed in Annex II, in accordance with the requirements of the relevant act that applied when those type-approvals were originally granted.

Textual Amendments

- F2** Words in [Art. 50\(1\)](#) substituted (temp.) (31.12.2020 for a period of two years at the end of which this affecting provision will expire) by [S.I. 2019/648](#), [reg. 10ZA\(2A\)\(a\)](#) (with [reg. 11](#)) (as inserted by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), [regs. 1\(2\)](#), [2\(10\)\(b\)](#) (with [reg. 2\(12\)](#)))
- F3** [Art. 50\(1A\)](#) inserted (temp.) (31.12.2020 for a period of two years at the end of which this affecting provision will expire) by [S.I. 2019/648](#), [reg. 10ZA\(2A\)\(b\)](#) (with [reg. 11](#)) (as inserted by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1393), [regs. 1\(2\)](#), [2\(10\)\(b\)](#) (with [reg. 2\(12\)](#)))

CHAPTER XI **U.K.**

SAFEGUARD CLAUSES

Article 51 **U.K.**

National evaluation regarding vehicles, systems, components and separate technical units suspected of presenting a serious risk or non-compliance

Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authorities of one Member State have sufficient reasons to believe that a vehicle, system, component or separate technical unit presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation or does not comply with the requirements laid down in this Regulation, they shall evaluate the vehicle, system, component or separate technical unit concerned with respect to the relevant requirements laid down in this Regulation. The relevant economic operators and the relevant approval authorities shall cooperate fully with the market surveillance authorities, which shall include forwarding the results of all relevant checks or tests performed in accordance with Article 31.

Article 20 of Regulation (EC) No 765/2008 shall apply to the risk assessment of the vehicle, system, component or separate technical unit concerned.

Article 52 **U.K.**

National procedures for dealing with vehicles, systems, components and separate technical units presenting a serious risk or non-compliance

1 Where, after having performed the evaluation pursuant to Article 51, the market surveillance authority of one Member State finds that a vehicle, system, component or separate technical unit presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

2 Where, after having performed the evaluation pursuant to Article 51, the market surveillance authority of one Member State finds that a vehicle, system, component or separate technical unit does not comply with this Regulation, but does not present a serious risk as referred to in paragraph 1 of this Article, it shall require without delay that the relevant economic operator take all appropriate corrective measures within a reasonable period to bring a vehicle, system, component or separate technical unit into compliance. That period shall be proportionate to the seriousness of non-compliance to ensure that the vehicle, system, component or separate technical unit concerned is compliant when it is placed on the market, is registered, or enters into service.

Economic operators shall, in accordance with the obligations set out in Articles 13 to 21, ensure that all appropriate corrective measures are taken in respect of all concerned vehicles, systems, components or separate technical units that they have placed on the market, registered or entered into service in the Union.

3 Where economic operators do not take adequate corrective measures within the relevant period referred to in paragraph 1 or 2, or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration or the entry into service of the concerned vehicles, systems, components or separate technical units, on their national market, or to withdraw them from that market or to recall them.

Article 21 of Regulation (EC) No 765/2008 shall apply to the restrictive measures referred to in the first subparagraph of this paragraph.

4 The Commission may adopt implementing acts laying down a classification of the seriousness of the non-compliance and the appropriate measures to be taken by national authorities to ensure the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 53 **U.K.**

Corrective and restrictive measures at Union level

1 The Member State taking corrective or restrictive measures in accordance with Article 52 shall notify the Commission and the other Member States without delay, by means of ICSMS. It shall also inform without delay the approval authority that granted the approval about its findings.

The information provided shall include all available details, in particular the data necessary for the identification of the concerned vehicle, system, component or separate technical unit, its origin, the nature of the alleged non-compliance and the risk involved, the nature and duration of the national corrective and restrictive measures taken, and the arguments put forward by the relevant economic operator.

2 The Member State that takes the corrective or restrictive measure shall also indicate whether the risk or the non-compliance is due to the following:

- a the failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, to the protection of the environment or to other aspects of the protection of public interests covered by this Regulation; or
- b shortcomings in the relevant regulatory acts listed in Annex II.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

3 Member States other than the Member State that takes corrective or restrictive measures shall inform within one month after the notification referred to in paragraph 1, the Commission and the other Member States of any corrective or restrictive measures they have adopted and of any additional information at their disposal relating to the non-compliance and the risk of the vehicle, system, component or separate technical unit concerned, as well as, in the event of disagreement with the notified national measure, of their objections.

4 Where, within one month after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, that measure shall be deemed to be justified. The other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the vehicle, system, component or separate technical unit concerned.

5 Where, within one month after the notification referred to in paragraph 1, another Member State or the Commission raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.

On the basis of the consultation referred to in the first subparagraph of this paragraph, the Commission shall adopt implementing acts to decide on harmonised corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

The Commission shall immediately communicate the decision referred to in the second subparagraph to the relevant economic operator or operators. Member States shall implement such acts without delay and shall inform the Commission accordingly.

Where the Commission considers that a notified national measure is unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in the second subparagraph.

6 Where following tests and inspections carried out by the Commission in accordance with Article 9, the Commission establishes that a corrective or restrictive measure is necessary at Union level, it shall without delay consult the Member States concerned and the relevant economic operator or operators.

On the basis of consultation referred to in the first subparagraph of this paragraph, the Commission shall adopt implementing acts to decide on corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

The Commission shall immediately communicate the decision referred to in the second subparagraph to the relevant economic operator or operators. Member States shall implement such acts without delay and shall inform the Commission accordingly.

7 Where the risk or non-compliance is attributed to shortcomings in regulatory acts listed in Annex II, the Commission shall propose appropriate measures as follows:

- a where legal acts of the Union are concerned, the Commission shall propose the necessary amendments to the acts concerned;
- b where UN Regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UN Regulations in accordance with the procedure applicable under the Revised 1958 Agreement.

8 Where a corrective measure is considered to be justified in accordance with this Article or is subject to the implementing acts as referred to in paragraph 5 or 6, that measure shall

Status: Point in time view as at 31/12/2020.

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be available free of charge to holders of registrations for the affected vehicles. Where repairs have been carried out at the registration holder's expense before the adoption of the corrective measure, the manufacturer shall reimburse the cost of such repairs up to the cost of the repairs required by that corrective measure.

Article 54 **U.K.**

Non-compliant EU type-approval

1 Where an approval authority finds that a type-approval that has been granted does not comply with this Regulation, it shall refuse to recognise that approval.

2 The approval authority shall notify its refusal to the approval authority that granted the EU type-approval, to the approval authorities of the other Member States, and to the Commission. Where within one month after the notification, the non-compliance of the type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority shall withdraw the type-approval.

3 Where, within one month after the notification referred to in paragraph 2, an objection has been raised by the approval authority that granted the EU type-approval, the Commission shall consult the Member States without delay, in particular the approval authority that granted the type-approval and the relevant economic operator.

4 On the basis of the consultation referred to in paragraph 3 of this Article, the Commission shall adopt implementing acts to decide if the refusal of recognition of EU type-approval referred to in paragraph 1 of this Article is justified. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

The Commission shall immediately communicate the decision referred to in the first subparagraph to the relevant economic operators. The Member States shall implement such acts without delay and shall inform the Commission accordingly.

5 Where, following tests and inspections carried out by the Commission in accordance with Article 9, the Commission establishes that a type-approval that has been granted is not compliant with this Regulation, it shall consult the Member States without delay, in particular the approval authority that granted the type-approval and the relevant economic operator.

On the basis of consultations referred to in the first subparagraph of this paragraph the Commission shall adopt an implementing act to decide on the refusal of the recognition of type-approval referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

6 Articles 51, 52 and 53 apply to vehicles, systems, components and separate technical units that are the subject of a non-compliant type-approval and that are already made available on the market.

Article 55 **U.K.**

Placing on the market and entry into service of parts or equipment that may pose a serious risk to the correct functioning of essential systems

1 Parts or equipment that may pose a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall not be

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placed on the market, shall not enter into service, and shall be prohibited, unless they have been authorised by an approval authority in accordance with Article 56.

2 Such authorisations shall only apply to the limited number of parts or equipment, that are included in the list referred to in paragraph 4.

3 The Commission is empowered to adopt delegated acts in accordance with Article 82, supplementing this Regulation by laying down the requirements for the authorisation of the parts and equipment referred to in paragraph 1 of this Article.

Those requirements may be based on the regulatory acts listed in Annex II or may consist of a comparison of the environmental or safety performance of the parts or equipment with the environmental or safety performance of the original parts or equipment, as appropriate. In either case, the requirements shall ensure that the parts or equipment do not impair the functioning of the systems that are essential for the safety of the vehicle or for its environmental performance.

4 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex VI to take account of technical and regulatory developments by laying down and updating the list of parts or equipment on the basis of an evaluation of the following:

- a the extent to which there exists a serious risk to the safety or environmental performance of vehicles that are fitted with the parts or equipment in question;
- b the potential effect on consumers and aftermarket manufacturers of a possible authorisation of the parts or equipment under Article 56(1).

5 Paragraph 1 shall not apply to original parts or equipment or to parts or equipment belonging to a system that has been type-approved in accordance with the regulatory acts listed in Annex II, except where the type-approval relates to aspects other than the serious risk referred to in paragraph 1.

For the purposes of this Article, original parts or equipment means parts or equipment that are manufactured according to the specifications and production standards provided by the vehicle manufacturer for the assembly of the vehicle in question.

6 Paragraph 1 of this Article shall not apply to parts or equipment that are exclusively produced for racing vehicles. Parts or equipment listed in Annex VI that are used both in racing and on the road shall only be made available on the market for vehicles intended for use on public roads, if they comply with the requirements laid down in the delegated acts referred to in paragraph 3 of this Article and have been authorised by the Commission. The Commission shall adopt implementing acts to decide whether to grant those authorisations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

Article 56 U.K.

Related requirements for parts or equipment that may pose a serious risk to the correct functioning of essential systems

1 A manufacturer of parts or equipment may apply for the authorisation referred to in Article 55(1) by submitting to the approval authority an application accompanied by a test report that is drafted by a technical service and that certifies that the parts or equipment for which authorisation is sought comply with the requirements referred to in Article 55(3). Such manufacturer may submit only one application for each type of part or equipment and to one approval authority only.

Status: Point in time view as at 31/12/2020.

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2 The application for the authorisation shall include details of the manufacturer of the parts or equipment, the type, the identification and part numbers of the parts or equipment, the vehicle manufacturer's name, the type of vehicle and, where appropriate, the year of construction and any other information permitting the identification of the vehicle to which the parts or equipment are to be fitted.

The approval authority shall authorise the placing on the market and the entering into service of the parts or equipment where it finds, taking into account the test report referred to in paragraph 1 of this Article and other evidence, that the parts or equipment in question comply with the requirements referred to in Article 55(3).

The approval authority shall issue to the manufacturer an authorisation certificate without delay.

The Commission shall adopt implementing acts laying down the template and the numbering system for the authorisation certificate referred to in the third subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

3 The manufacturer shall inform without delay the approval authority that issued the authorisation of any change affecting the conditions under which the authorisation has been issued. That approval authority shall decide whether the authorisation has to be reviewed or reissued and whether further tests are necessary.

The manufacturer shall ensure that the parts or equipment are produced and continue to be produced under the conditions under which the authorisation has been issued.

4 Before issuing any authorisation, the approval authority shall verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the authorisation.

5 Upon request of a national authority of another Member State, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

6 An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement. *Inter alia*, the Commission may, where necessary and after having consulted the relevant approval authorities, adopt implementing acts requiring the withdrawal of the authorisation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

7 Until the list referred to in Article 55(4) has been established, Member States may maintain national provisions regarding parts or equipment that may affect the correct functioning of systems essential for the safety of the vehicle or its environmental performance.

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CHAPTER XII U.K.

INTERNATIONAL REGULATIONS

Article 57 U.K.

UN Regulations required for EU type-approval

1 UN Regulations or amendments thereto which the Union has voted in favour of, or that the Union applies and that are listed in Annex II, shall be part of the requirements for the EU type-approval of vehicles, systems, components or separate technical units.

2 Where the Union has voted in favour of a UN Regulation or amendments thereto for the purpose of whole-vehicle type-approval, the Commission shall adopt delegated acts in accordance with Article 82, supplementing this Regulation by making that UN Regulation or the amendments thereto compulsory or amending this Regulation.

Those delegated acts shall specify the dates from which that UN Regulation or amendments are to be compulsory, and shall include transitional provisions, where appropriate, and, where applicable for the purposes of EU type-approval, first registration and entry into service of vehicles and making available on the market of systems, components and separate technical units.

Article 58 U.K.

Equivalence of UN Regulations for the purpose of EU type-approval

1 The UN Regulations listed in Part II of Annex II are recognised as being equivalent to the corresponding regulatory acts to the extent that they share the same scope and subject matter.

2 The approval authorities of the Member States shall accept type-approvals granted in accordance with the UN Regulations referred to in paragraph 1 and, where applicable, shall accept the relevant approval marks in place of the corresponding type-approvals and approval marks that were granted in accordance with this Regulation and the regulatory acts listed in Annex II.

CHAPTER XIII U.K.

PROVISION OF TECHNICAL INFORMATION

Article 59 U.K.

Information intended for users

1 The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component, separate technical unit, part or equipment provided for in this Regulation or in the regulatory acts listed in Annex II, that diverges from the particulars of the type-approval granted by the approval authority.

2 The manufacturer shall make available to users all relevant information and necessary instructions that describe any special conditions or restrictions on the use of a vehicle, system, component, separate technical unit, part or equipment.

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3 The information referred to in paragraph 2 shall be supplied in the official language or languages of the Member State where the vehicle, system, component, separate technical unit, part or equipment is to be placed on the market, registered or is to be entered into service. It shall also be provided in the owner's manual.

Article 60 U.K.

Information intended for manufacturers

1 Manufacturers of vehicles shall make available to the manufacturers of systems, components, separate technical units, parts or equipment all particulars that are necessary for EU type-approval of systems, components or separate technical units or to obtain the authorisation referred to in Article 55(1).

Manufacturers of vehicles may impose a binding agreement on the manufacturers of systems, components, separate technical units, parts or equipment to protect the confidentiality of any information that is not in the public domain, including information related to intellectual property rights.

2 Manufacturers of systems, components, separate technical units, parts or equipment shall provide the manufacturers of vehicles with all detailed information on the restrictions that apply to their type-approvals and that are either referred to in Article 29(3) or imposed by a regulatory act listed in Annex II.

CHAPTER XIV U.K.

ACCESS TO VEHICLE OBD INFORMATION AND VEHICLE REPAIR AND MAINTENANCE INFORMATION

Article 61 U.K.

Manufacturers' obligations to provide vehicle OBD information and vehicle repair and maintenance information

1 Manufacturers shall provide to independent operators unrestricted, standardised and non-discriminatory access to vehicle OBD information, diagnostic and other equipment, tools including the complete references, and available downloads, of the applicable software and vehicle repair and maintenance information. Information shall be presented in an easily accessible manner in the form of machine-readable and electronically processable datasets. Independent operators shall have access to the remote diagnosis services used by manufacturers and authorised dealers and repairers.

Manufacturers shall provide a standardised, secure and remote facility to enable independent repairers to complete operations that involve access to the vehicle security system.

2 Until the Commission has adopted a relevant standard through the work of the European Committee for Standardisation (CEN) or a comparable standardisation body, the vehicle OBD information and vehicle repair and maintenance information shall be presented in an easily accessible manner that can be processed with reasonable effort by independent operators.

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The vehicle OBD information and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. For independent operators other than repairers, the information shall also be given in a machine-readable format that is capable of being electronically processed with commonly available information technology tools and software and which allows independent operators to carry out the task associated with their business in the aftermarket supply chain.

3 However, in the following cases, it shall be sufficient that the manufacturer provides the required information promptly in an easily accessible manner when an independent operator so requests:

- a for vehicle types covered by a national type-approval of vehicles produced in small series as referred to in Article 42;
- b for special purpose vehicles;
- c for vehicle types of categories O₁ and O₂ that do not use diagnostic tools or a physical or wireless communication with the on-board electronic control unit or units for the purpose of diagnostics or reprogramming of their vehicles;
- d for the final stage of type-approval in a multi-stage type-approval procedure, where the final stage only covers bodywork which does not contain electronic vehicle control systems, and all electronic vehicle control systems of the base vehicle remain unchanged.

4 The details of the technical requirements for access to vehicle OBD information and vehicle repair and maintenance information, in particular technical specifications on how vehicle OBD information and vehicle repair and maintenance information are to be provided, are laid down in Annex X.

5 Manufacturers shall also make training material available to independent operators and authorised dealers and repairers.

6 Manufacturers shall ensure that the vehicle OBD information and the vehicle repair and maintenance information are always accessible, except as required for maintenance purposes of the information system.

Manufacturers shall make any subsequent amendments and supplements to vehicle OBD information and vehicle repair and maintenance information available on their websites at the same time they are made available to authorised repairers.

7 For the purposes of manufacturing and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant vehicle OBD information and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer or repairer of components, diagnostic tools or test equipment.

8 For the purposes of the design, manufacturing and the repair of automotive equipment for alternative-fuel vehicles, manufacturers shall provide the relevant vehicle OBD information and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.

9 Where repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall have access to such records free of charge and shall be able to enter information on repair and maintenance which they have performed.

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10 This Chapter shall not apply to vehicles that are covered by individual vehicle approvals.

11 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex X to take account of technical and regulatory developments or prevent misuse by updating the requirements concerning the access to vehicle OBD information and vehicle repair and maintenance information, including the repair and maintenance activities supported by wireless wide area networks and by adopting and integrating the standards referred to in paragraph 2 of this Article. The Commission shall take into account current information technology, foreseeable vehicle technology developments, existing ISO standards and the possibility of a worldwide ISO standard.

Article 62 **U.K.**

Obligations with regard to holders of several type-approvals

1 The manufacturer responsible for the respective type-approval of a system, component or separate technical unit or for a particular stage of a vehicle shall be responsible, in the event of a mixed type-approval, a step-by-step type-approval or a multi-stage type-approval, for communicating to both the final manufacturer and the independent operators the repair and maintenance information relating to the particular system, component or separate technical unit or to the particular stage.

2 In the case of multi-stage type-approval, the final manufacturer shall be responsible for providing access to vehicle OBD information and vehicle repair and maintenance information regarding its own manufacturing stage or stages and the link to the previous stage or stages.

Article 63 **U.K.**

Fees for access to vehicle repair and maintenance information

1 The manufacturer may charge reasonable and proportionate fees for access to vehicle repair and maintenance information other than the records referred to in Article 61(10). Those fees shall not discourage access to such information by failing to take into account the extent to which the independent operator uses it. Access to vehicle repair and maintenance information shall be offered free of charge to national authorities, the Commission and technical services.

2 The manufacturer shall make available vehicle repair and maintenance information, including transactional services such as reprogramming or technical assistance, on an hourly, daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted.

In addition to time-based access, manufacturers may offer transaction-based access for which fees are charged per transaction and not based on the duration for which access is granted.

Where the manufacturer offers both systems of access, independent repairers shall choose systems of access, which may be either time-based or transaction-based.

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Article 64 **U.K.**

Proof of compliance with vehicle OBD information and repair and maintenance information obligations

1 The manufacturer that has applied for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with this Chapter within six months from the date of the respective type-approval.

2 Where such proof of compliance is not provided within the period referred to in paragraph 1 of this Article, the approval authority shall take appropriate measures in accordance with Article 65.

Article 65 **U.K.**

Compliance with the obligations regarding access to vehicle OBD information and vehicle repair and maintenance information

1 An approval authority may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check that a manufacturer is in compliance with this Chapter and with the Manufacturer's certificate on access to vehicle OBD information and vehicle repair and maintenance information referred to in Appendix 1 to Annex X.

2 Where an approval authority finds that the manufacturer has failed to comply with its obligations regarding access to vehicle OBD information and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

Those measures may include the withdrawal or suspension of the type-approval, fines or other measures adopted pursuant to Article 84.

3 Where an independent operator or a trade association representing independent operators files a complaint to the approval authority on the failure of the manufacturer to comply with this Chapter, the approval authority shall carry out an audit in order to verify compliance by the manufacturer. The approval authority shall request the approval authority that granted the whole vehicle type-approval to investigate the complaint and subsequently to ask for evidence from the vehicle manufacturer demonstrating that the system that the vehicle manufacturer has in place is in compliance with this Regulation. The results of that investigation shall be communicated to the national approval authority and the independent operator or trade association concerned within three months of the request.

4 When carrying out the audit, the approval authority may ask a technical service or any other independent expert to carry out an assessment to verify whether the obligations concerning access to vehicle OBD information and vehicle repair and maintenance information have been met.

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Article 66 **U.K.**

Forum on Access to Vehicle Information

1 The Forum on Access to Vehicle Information regarding access to vehicle OBD information and vehicle repair and maintenance information, established in accordance with Article 13(9) of Commission Regulation (EC) No 692/2008⁽⁷⁾, shall also cover all vehicles within the scope of this Regulation.

It shall carry out its activities in accordance with Annex X to this Regulation.

2 The Forum on Access to Vehicle Information shall consider whether access to vehicle OBD information and vehicle repair and maintenance information affects the advances made in reducing vehicle theft, and shall make recommendations for improving the requirements relating to access to such information. In particular, the Forum on Access to Vehicle Information shall advise the Commission on the introduction of a process by which accredited organisations approve and authorise independent operators to access information on vehicle security.

The Commission may decide to keep the discussions and findings of the Forum on Access to Vehicle Information confidential.

CHAPTER XV **U.K.**

ASSESSMENT, DESIGNATION, NOTIFICATION AND MONITORING OF TECHNICAL SERVICES

Article 67 **U.K.**

Type-approval authority responsible for technical services

1 The approval authority designated by the Member State in accordance with Article 6(2), (referred to for the purposes of this Chapter as the ‘type-approval authority’), shall be responsible for the assessment, designation, notification and monitoring of technical services, including, where appropriate, the subcontractors or subsidiaries of those technical services. The type-approval authority may decide that the assessment and monitoring of technical services and, where appropriate, of the subcontractors or subsidiaries of those technical services, is to be carried out by a national accreditation body.

2 Type-approval authorities shall be subject to peer evaluations in respect of any activity which they carry out related to the assessment and monitoring of technical services.

Peer evaluations shall cover the assessments of the entire or partial operations of technical services that have been carried out by type-approval authorities in accordance with Article 73(4), including the competence of the personnel, the correctness of the test and inspection methodology and the correctness of test results based on a defined scope of regulatory acts listed in Part I of Annex II.

Activities related to the assessment and monitoring of technical services that only deal with national individual approvals that were granted in accordance with Article 45 or with national type-approvals of vehicles produced in small series that were granted in accordance with Article 42 are exempted from peer evaluations

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Any assessment of accredited technical services by type-approval authorities shall be exempt from peer evaluations.

3 Type-approval authorities shall not be subject to peer evaluations when they designate all their technical services exclusively on the basis of accreditation of the technical services.

4 The type-approval authority shall not provide consultancy services on a commercial or competitive basis.

5 The type-approval authority shall have a sufficient personnel at its disposal to carry out the tasks laid down in this Regulation.

6 Each Member State shall provide the Commission, the Forum and other Member States that so request with information on its procedures for the assessment, designation and notification of technical services and for the monitoring of technical services, and of any changes to the procedures.

The Commission may adopt implementing acts laying down the model for the provision of information on the procedures of the Member States referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

7 Type-approval authorities that are subject to peer-evaluations shall establish procedures for internal audits in accordance with Appendix 2 of Annex III. Such internal audits shall be performed at least once a year. However, the frequency of internal audits may be reduced if the type-approval authority can demonstrate that its management system is being implemented effectively and has proven stability.

8 Peer-evaluations of a type-approval authority shall be carried out at least once every five years by a peer-evaluation team, composed of two type-approval authorities from other Member States.

The Commission may decide to participate in the peer-evaluation team on the basis of a risk assessment analysis.

The peer-evaluation shall be carried out under the responsibility of the approval authority that is subject to evaluation, and shall include a visit to the premises of a technical service selected at the discretion of the peer-evaluation team.

Type-approval authorities that are not subject to peer-evaluation in accordance with paragraph 3 shall not be included in any of the activities related to the peer-evaluation team.

9 Taking duly into account the considerations of the Forum, the Commission may adopt implementing acts setting out a plan for peer-evaluations covering a period of at least five years, laying down criteria concerning the composition of the peer-evaluation team, the methodology used for the peer-evaluation, the schedule, periodicity and the other tasks related to the peer-evaluation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

10 The outcome of the peer evaluations shall be examined by the Forum. The Commission shall draw up summaries of the outcome of peer evaluations and make them public.

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Article 68 **U.K.**

Designation of technical services

1 The type-approval authorities shall designate technical services for one or more of the following categories of activities, depending on their field of competence:

- a category A: tests referred to in this Regulation and in the regulatory acts listed in Annex II that technical services carry out in their own facilities;
- b category B: the supervision of the tests, which includes test preparation, referred to in this Regulation and in the regulatory acts listed in Annex II, where such tests are performed at the manufacturer's facilities or at the facilities of a third party;
- c category C: the assessment and monitoring on a regular basis of the procedures of the manufacturer for controlling the conformity of production;
- d category D: the supervision or performance of tests or inspections for the surveillance of the conformity of production.

2 Each Member State may designate a type-approval authority as a technical service for one or more of the categories of activities referred to in paragraph 1.

3 A technical service shall be established under the law of a Member State and have legal personality, except for a technical service belonging to a type-approval authority and except for an accredited in-house technical service of the manufacturer, as referred to in Article 72.

4 A technical service shall take out liability insurance for its activities, unless such liability is assumed by its Member State in accordance with national law, or unless the Member State itself is directly responsible for the conformity assessment.

5 Technical services of a third country, other than those that have been designated in accordance with Article 72, may only be designated and may only be notified to the Commission for the purposes of Article 74 where a bilateral agreement between the Union and the third country concerned provides for the possibility of designating such technical services. This shall not prevent a technical service that is established under the law of a Member State in accordance with paragraph 3 of this Article from establishing subsidiaries in third countries, provided that those subsidiaries are directly managed and controlled by the designated technical service.

Article 69 **U.K.**

Independence of the technical services

1 A technical service, including its personnel, shall be independent and shall carry out the activities for which it has been designated with the highest degree of professional integrity and the requisite technical competence in the specific field in which it operates and shall be free from all pressures and inducements, particularly financial, that might influence its judgment or the results of its assessment activities, in particular such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

2 Technical services shall be third-party organisation or body that is not involved in the process of the design, manufacturing, supply or maintenance of the vehicle, system, component or separate technical unit that it assesses, tests or inspects.

An organisation or body that belongs to a trade association or to a professional federation representing undertakings that are involved in the design, manufacturing, supply or

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maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the type-approval authority of the relevant Member State.

3 A technical service, its top-level management and the personnel responsible for carrying out the activities for which they are designated in accordance with Article 68(1) shall not design, manufacture, supply, or maintain the vehicles, systems, components or separate technical units that they assess, nor represent parties engaged in those activities. This shall not preclude the use of those vehicles, systems, components or separate technical units that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.

4 A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of the categories of activities for which it has been designated.

5 The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation, except in relation to the type-approval authority and, where relevant, to the national accreditation body, or where required by Union or national law.

Article 70 U.K.

Competence of the technical services

1 A technical service shall be capable of carrying out all the activities for which it is applying to be designated in accordance with Article 68(1). It shall demonstrate to the type-approval authority or to the national accreditation body carrying out the assessment or monitoring of that technical service that it satisfies all of the following conditions:

- a its personnel have the appropriate skills, the specific technical knowledge, the vocational training and sufficient and appropriate experience to perform the activities for which it is applying to be designated;
- b it possesses descriptions of the procedures relevant for the performance of the activities for which it is applying to be designated, taking due account of the degree of complexity of the technology of the relevant vehicle, system, component or separate technical unit in question, as well as the mass or serial nature of the production process. The technical service shall demonstrate the transparency and reproducibility of those procedures;
- c it has the necessary means to perform the tasks connected with the category or categories of activities for which it is applying to be designated, and it has access to all necessary equipment or facilities.

2 A technical service shall also demonstrate that it has the appropriate skills, the specific technical knowledge and proven experience to carry out tests and inspections for assessing the conformity of the vehicles, systems, components and separate technical units with this Regulation and shall demonstrate its compliance with the standards listed in Appendix 1 to Annex III. However, the standards listed in Appendix 1 to Annex III do not apply for the purposes of the last stage of a national multi-stage procedure referred to in Article 47(1).

3 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex III as regards the requirements for the assessment of the technical services.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

Article 71 **U.K.**

Subsidiaries of and subcontracting by technical services

1 Technical services may subcontract, with the agreement of the designating type-approval authority, some of the categories of activities for which they have been designated in accordance with Article 68(1), or have those activities carried out by a subsidiary.

2 Where a technical service subcontracts specific tasks within the categories of activities for which it has been designated or has a subsidiary perform those tasks, it shall ensure that the subcontractor or the subsidiary complies with the requirements set out in Articles 68, 69 and 70 and shall inform the type-approval authority thereof.

3 Technical services shall take full responsibility for the tasks performed by their subcontractors or subsidiaries, regardless of their place of establishment.

4 Technical services shall keep at the disposal of the designating type-approval authority the relevant documents concerning the assessment carried out by the type-approval authority or the accreditation carried out by the national accreditation body of the subcontractor or the subsidiary and the tasks performed by them.

Article 72 **U.K.**

In-house technical service of the manufacturer

1 An in-house technical service of a manufacturer may be designated as a technical service for activities under category A as referred to in point (a) of Article 68(1), and only with regard to the regulatory acts listed in Annex VII. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses.

2 An in-house technical service referred to in paragraph 1 shall comply with the following requirements:

- a it has been accredited by a national accreditation body and complies with the requirements laid down in Appendices 1 and 2 to Annex III;
- b the in-house technical service, including its personnel, is organisationally identifiable and has reporting methods within the manufacturer's company of which they form part that ensures its impartiality and demonstrates that impartiality to the relevant type-approval authority and to the national accreditation body;
- c neither the in-house technical service nor its personnel is engaged in any activity that might conflict with its independence or with its integrity to perform the activities for which it has been designated;
- d it supplies its services only to the manufacturer's company of which it forms part.

3 The Commission is empowered to adopt delegated acts in accordance with Article 82, amending Annex VII to take account of technical and regulatory developments by updating the list of regulatory acts and restrictions contained therein.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

Article 73 **U.K.**

Assessment and designation of technical services

1 The applicant technical service shall submit a formal application to the type-approval authority of the Member State in which it requests to be designated in accordance with point 4 of Appendix 2 to Annex III. The application shall specify the categories of the activities for which the technical service is applying to be designated.

2 Before a type-approval authority designates a technical service, the type-approval authority or the national accreditation body shall assess it in accordance with an assessment check-list that covers at least the requirements laid down in Appendix 2 to Annex III. The assessment shall include an on-site assessment in the premises of the applicant technical service, and, where relevant, of any subsidiary or sub-contractor, whether located inside or outside the Union.

3 In cases where the assessment is carried out by a national accreditation body, the applicant technical service shall deliver to the type-approval authority a valid accreditation certificate and the corresponding assessment report attesting that the technical service fulfils the requirements laid down in Appendix 2 to Annex III for the categories of activities for which the applicant technical service is applying to be designated.

4 In cases where the assessment is carried out by the type-approval authority, the type-approval authority of the Member State from which the applicant technical service has requested to be designated shall formally appoint a joint assessment team composed of representatives of the type-approval authorities of at least two other Member States and a representative of the Commission.

Where the technical service applies to be designated in a Member State other than the Member State of its establishment, one of the representatives of the joint assessment team shall be from the type-approval authority of the Member State of its establishment, unless that type-approval authority decides against participating in the joint assessment team.

The joint assessment team shall participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State in which the applicant technical service has requested to be designated shall give the joint assessment team all necessary assistance and provide timely access to all documentation necessary to assess the applicant technical service.

5 In cases where the assessment is carried out by the type-approval authority that designates technical services which apply to perform tests exclusively for national individual vehicle approvals in accordance with Article 45, the type-approval authority of the Member State in which the applicant technical service has requested to be designated shall be exempt from the obligation to appoint a joint assessment team. The technical services which are only checking the correct installation of components on categories O₁ and O₂ shall also be exempt from assessment.

6 If the technical service has requested to be designated by one or more type-approval authorities from Member States other than the Member State of its establishment in accordance with Article 74(2), the assessment shall be carried out only once, provided that the entire scope of the technical service's designation has been covered in that assessment.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

7 The joint assessment team shall raise findings regarding non-compliance of the applicant technical service with the requirements laid down in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III during the assessment process. Such findings shall be discussed within the joint assessment team.

8 The joint assessment team shall produce after the on-site assessment a report setting out the extent to which the applicant technical service complies with the requirements laid down in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III.

9 The report referred to in paragraph 8 shall contain a summary of any identified non-compliances, together with a recommendation as to whether the applicant may be designated as technical service.

10 The type-approval authority shall notify to the Commission the names and the expertise of their representatives who are to participate in each joint assessment team.

11 The type-approval authority of the Member State where the applicant technical service has requested to be designated shall send the report on the outcome of the assessment in accordance with the procedures laid down in Appendix 2 to Annex III, to the Commission and, upon request, to the type-approval authorities of the other Member States. That report shall include documentary evidence regarding the competence of the technical service and the arrangements that the type-approval authority has in place to regularly monitor the technical service.

12 The type-approval authorities of the other Member States and the Commission may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month from the date of reception of the assessment report and the documentary evidence.

13 The type-approval authority of the Member State where the applicant technical service has requested to be designated shall respond to the questions, concerns and requests for further documentary evidence within four weeks following their receipt.

14 Within four weeks following the receipt of the response referred to in paragraph 13, the type-approval authorities of the other Member States or the Commission may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service has requested to be designated. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

15 The validity of the designation of technical services shall be limited to five years.

16 The type-approval authority that intends to be designated as a technical service in accordance with Article 68(2) shall document compliance with this Regulation through an assessment conducted by independent auditors. Those auditors may be from within the same organisation provided that they are managed autonomously from the personnel undertaking the assessed activity, and provided that they comply with the requirements laid down in Appendix 2 to Annex III.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

Article 74 **U.K.**

Notification to the Commission concerning designation of technical services

1 The type-approval authorities shall notify to the Commission the name, the address, including the electronic address, the responsible persons and the category of activities of every technical service that they have designated. The notification shall clearly specify the scope of the designation, the conformity assessment activities and procedures, the type of vehicles, systems, components and separate technical units, and the subjects listed in Annex II, for which the technical services have been designated, as well as any subcontractors or subsidiaries of the technical services, and any subsequent modifications to any of those details.

Such notification shall be made before the designated technical service concerned conducts any activity referred to in Article 68(1).

2 A technical service may be designated by one or more type-approval authorities of Member States other than the Member State of its establishment, provided that the entire scope of the designation by the type-approval authority is covered by an accreditation issued in accordance with Article 73(3), or by an assessment carried out in accordance with Article 73(4).

3 The Commission shall publish on its website, and keep up-to-date, a list with contact details of the designated technical services, their subcontractors and their subsidiaries that have been notified to it in accordance with this Article.

Article 75 **U.K.**

Changes to and renewal of designations of technical services

1 Where the type-approval authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this Regulation, that type-approval authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

The type-approval authority shall immediately notify to the Commission and the type-approval authorities of the other Member States any restriction, suspension or withdrawal of a designation.

The Commission shall update the list referred to in Article 74(3) accordingly.

2 In the event of a restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the type-approval authority shall keep the files of that technical service available for the approval authorities or for the market surveillance authorities or transfer those files to another technical service chosen by the manufacturer in agreement with that technical service.

3 The type-approval authority shall assess within three months of the notification referred to in the second subparagraph of paragraph 1 whether the non-compliance of the technical service has an impact on EU type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in designation and inform the other type-approval authorities and the Commission accordingly.

Within two months after having notified the changes to the designation, the type-approval authority shall submit a report on its findings regarding the non-compliance

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to the Commission and the other type-approval authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the designating type-approval authority shall instruct the type-approval authorities concerned to suspend or withdraw within a reasonable period of time, any EU type-approval certificates which were unduly issued.

4 Where the designation of technical services has been restricted, suspended or withdrawn, the EU type-approval certificates which were issued on the basis of inspection and test reports issued by those technical services shall remain valid unless those type-approvals become invalid in accordance with point (f) of Article 35(2).

5 Extensions of the scope of the technical service's designation that lead to the designation of an additional category of activities referred to in Article 68(1) shall be assessed in accordance with the procedure set out in Article 73.

Extensions of the scope of a technical service's designation only for the regulatory acts listed in Annex II may be carried out in accordance with the procedures laid down in Appendix 2 to Annex III, and subject to the notification referred to in Article 74.

6 The designation of a technical service shall only be renewed after the type-approval authority has verified that the technical service continues to comply with the requirements of this Regulation. That assessment shall be carried out in accordance with the procedure set out in Article 73.

Article 76 **U.K.**

Monitoring of technical services

1 The designating type-approval authority shall continuously monitor the technical services to ensure compliance with the requirements laid down in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III.

The first subparagraph of this paragraph shall not apply to any activities of technical services which are monitored by accreditation bodies in accordance with Article 67(1) for the purposes of ensuring compliance with the requirements laid down in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III.

Technical services shall supply on request all relevant information and documents that are required to enable the designating type-approval authority or national accreditation body to verify compliance with those requirements.

Technical services shall inform the designating type-approval authority or national accreditation body without delay of any changes, in particular regarding their personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

2 Technical services shall respond without delay to requests by a type-approval authority or by the Commission in relation to the conformity assessments they have carried out.

3 The designating type-approval authority shall ensure that the technical service carries out its obligation laid down in paragraph 2 of this Article, unless there is a legitimate reason for not doing so.

Status: Point in time view as at 31/12/2020.

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Where that type-approval authority acknowledges a legitimate reason, it shall inform the Commission thereof.

The Commission shall consult the Member States without delay. On the basis of that consultation, the Commission shall adopt implementing acts to decide if the legitimate reason is justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

The technical service and the designating type-approval authority may request that any information that is transmitted to the type-approval authority of another Member State or to the Commission shall be treated confidentially.

4 At least every 30 months, the designating type-approval authority shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 68 to 72, in Articles 80 and 81 and in Appendix 2 to Annex III. That assessment shall include an on-site assessment of each technical service under its responsibility.

Within two months after finalising the assessment of the technical service, each Member State shall report to the Commission and to the other Member States on its monitoring activities. Those reports shall contain a summary of the assessment, which shall be made publicly available.

Article 77 **U.K.**

Challenge to the competence of technical services

1 The Commission, in cooperation with the type-approval authority of the Member State concerned, shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. The Commission may also commence such investigations on its own initiative.

The Commission shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds for considering that a type-approval has been granted on the basis of false data, that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type-approval.

2 The Commission shall consult the designating type-approval authority, as part of the investigation referred to in paragraph 1. That type-approval authority shall provide the Commission, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

3 The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

4 Where the Commission ascertains that a technical service does not comply or no longer complies with the requirements for its designation, or that it is responsible for any of the situations referred to in paragraph 1, it shall inform the Member State of the designating type-approval authority thereof.

The Commission shall request that Member State to take restrictive measures, including the restriction, suspension or withdrawal of the designation, where necessary.

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Where a Member State fails to take the necessary restrictive measures, the Commission may adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 74(3) accordingly.

Article 78 **U.K.**

Exchange of information on assessment, designation and monitoring of technical services

1 Type-approval authorities shall consult each other and the Commission on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.

2 Type-approval authorities shall communicate to each other and the Commission the model for the assessment check-list used in accordance with Article 73(2) by 5 July 2020 and, thereafter, the adaptations made to that check-list, until the Commission has adopted a harmonised assessment check-list. The Commission is empowered to adopt implementing acts to establish the template of the harmonised assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 83(2).

3 Where the assessment reports referred to in Article 73(8) indicate discrepancies in the general practice of type-approval authorities, Member States or the Commission may request an exchange of information.

The exchange of information shall be coordinated by the Forum.

Article 79 **U.K.**

Cooperation with national accreditation bodies

1 Where the designation of a technical service is based on accreditation within the meaning of Regulation (EC) No 765/2008, the national accreditation body and the type-approval authority shall fully cooperate and shall exchange relevant information in compliance with Regulation (EC) No 765/2008, including incident reports and other information that relate to matters under the control of the technical service when that information is relevant for the assessment of the performance of the technical service.

2 Member States shall ensure that type-approval authority of the Member State in which the technical service is established keeps the national accreditation body in charge of the accreditation of a particular technical service informed of any findings that are relevant to the accreditation. The national accreditation body shall inform the type-approval authority of the Member State in which the technical service is established of its findings.

Article 80 **U.K.**

Operational obligations of technical services

1 Technical services shall carry out the activities for which they have been designated in accordance with Article 68(1).

Status: Point in time view as at 31/12/2020.

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- 2 At all times, technical services shall:
 - a allow the designating type-approval authority to witness the performance of the technical service during testing for type-approval; and
 - b where requested, provide the designating type-approval authority with information on the categories of activities for which they have been designated.
- 3 Where a technical service finds that a manufacturer does not comply with the requirements laid down in this Regulation, it shall report this non-compliance to the type-approval authority in order for that type-approval authority to require the manufacturer to take appropriate corrective measures. The type-approval authority shall refuse to issue a type-approval certificate where those appropriate corrective measures have not been taken.

Article 81 U.K.

Information obligations of technical services

- 1 Technical services shall inform the designating type-approval authority of the following:
 - a any non-conformity encountered which may require the refusal, restriction, suspension or withdrawal of a type-approval certificate;
 - b any circumstances affecting the scope of and conditions for their designation;
 - c any request for information which they have received from market surveillance authorities regarding their activities.
- 2 Upon request from the designating type-approval authority, technical services shall provide information on the activities within the scope of their designation or on any other activity they have performed, including cross-border activities and subcontracting.

CHAPTER XVI U.K.

DELEGATED AND IMPLEMENTING POWERS

Article 82 U.K.

Exercise of the delegation

- 1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2 The power to adopt delegated acts referred to in Article 4(2), Article 5(3), Article 26(3), Article 30(8), Article 31(8), Article 41(5), Article 44(7), Article 55(3) and (4), Article 57(2), Article 61(11), Article 70(3), Article 72(3) and Article 85(2) shall be conferred on the Commission for a period of five years from 4 July 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
- 3 The delegation of power referred to in Article 4(2), Article 5(3), Article 26(3), Article 30(8), Article 31(8), Article 41(5), Article 44(7), Article 55(3) and (4), Article 57(2), Article 61(11), Article 70(3), Article 72(3) and Article 85(2) may be revoked at any time by the

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European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 4(2), Article 5(3), Article 26(3), Article 30(8), Article 31(8), Article 41(5), Article 44(7), Article 55(3) and (4), Article 57(2), Article 61(11), Article 70(3), Article 72(3) and Article 85(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 83 **U.K.**

Committee procedure

1 The Commission shall be assisted by the Technical Committee — Motor Vehicles (TCMV). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

CHAPTER XVII **U.K.**

FINAL PROVISIONS

Article 84 **U.K.**

Penalties

1 Member States shall lay down the rules on penalties applicable to infringements by economic operators and technical services of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. In particular, those penalties shall be proportionate to the seriousness of the non-compliance and to the number of non-compliant vehicles, systems, components or separate technical units made available on the market of the Member State concerned. Member States shall, by 1 September 2020, notify the Commission of those rules

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and of those measures and shall notify it without delay of any subsequent amendment affecting them.

2 The types of infringements by economic operators and technical services subject to penalties shall be at least the following:

- a making false declarations during approval procedures or corrective or restrictive measures being imposed in accordance with Chapter XI;
- b falsifying test results for type-approval or for market surveillance;
- c withholding data or technical specifications that could lead to the recall of vehicles, systems, components and separate technical units, or to the refusal or withdrawal of EU type-approval certificate;
- d non-compliance by technical services in respect of the requirements for their designation.

3 In addition to the types of infringements set out in paragraph 2, the types of infringements by economic operators that are also subject to penalties shall be at least the following:

- a refusing to provide access to information;
- b making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents, certificates of conformity, statutory plates or approval marks with that intention.

4 Member States shall report to the Commission every year on the penalties they have imposed in the preceding year. If no penalties were imposed in a given year, Member States shall not be required to report to the Commission.

5 Each year, the Commission shall elaborate a summary report on the penalties imposed by Member States. That report may include recommendations for Member States and shall be submitted to the Forum.

Article 85 **U.K.**

Administrative fines in support of corrective and restrictive measures at Union level

1 When the Commission takes decisions in accordance with Article 53, it may impose administrative fines upon the concerned economic operators for non-compliance of the vehicle, system, component or separate technical unit with the requirements laid down in this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

The administrative fines imposed by the Commission shall not be in addition to the penalties imposed by the Member States in accordance with Article 84 for the same infringement. The administrative fines imposed by the Commission shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

The Commission may not bring, start afresh or continue proceedings under this Article against economic operators for infringements of this Regulation for which the concerned economic operators have been penalised or declared not liable in accordance with Article 84 by an earlier decision that can no longer be challenged.

2 The Commission shall adopt, on the basis of the principles set out in paragraph 3 of this Article, delegated acts in accordance with Article 82, supplementing this Regulation by laying

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down the procedure for, and methods for the calculation and collection of, the administrative fines referred to in paragraph 1 of this Article.

- 3 The delegated acts referred to in paragraph 2 shall respect the following principles:
- a the procedure by the Commission shall respect the right to good administration, and in particular the right to be heard and the right to have access to the file, while respecting the legitimate interests of confidentiality and of commercial secrets;
 - b in calculating the appropriate administrative fine, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness, taking into consideration, where relevant, the seriousness and the effects of the infringement, the good faith of the economic operator, the degree of diligence and cooperation of the economic operator, the repetition, frequency or duration of the infringement as well as prior sanctions imposed on the same economic operator;
 - c administrative fines shall be collected without undue delay by fixing deadlines for the payment and, as appropriate, including the possibility of splitting payments into several instalments and phases.
- 4 The amounts of administrative fines shall be considered as revenue for the general budget of the Union.

Article 86 **U.K.**

Amendments to Regulation (EC) No 715/2007

- 1 Regulation (EC) No 715/2007 is amended as follows:
- (1) The title is replaced by the following:
Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6);
 - (2) in Article 1, paragraph 2 is replaced by the following:
2. In addition, this Regulation lays down rules for in-service conformity, the durability of pollution control devices, vehicle on-board diagnostic (OBD) systems and the measurement of fuel consumption.;
 - (3) in Article 3, points 14 and 15 are deleted;
 - (4) Chapter III is deleted;
 - (5) in Article 13(2), point (e) is deleted.
- 2 References to the deleted provisions of Regulation (EC) No 715/2007 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 1 of Annex XI to this Regulation.

Article 87 **U.K.**

Amendments to Regulation (EC) No 595/2009

- 1 Regulation (EC) No 595/2009 is amended as follows:
- (1) The title is replaced by the following:

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

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;

(2) in Article 1, second paragraph is replaced by the following:

This Regulation also lays down rules for in-service conformity of vehicles and engines, the durability of pollution control devices, vehicle on-board diagnostic (OBD) systems and the measurement of fuel consumption and CO₂ emissions.;

(3) in Article 3, points 11 and 13 are deleted;

(4) Article 6 is deleted;

(5) in Article 11(2), point (e) is deleted.

2 References to the deleted provisions of Regulation (EC) No 595/2009 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 2 of Annex XI to this Regulation.

Article 88 **U.K.**

Repeal of Directive 2007/46/EC

Directive 2007/46/EC is repealed with effect from 1 September 2020.

References to Directive 2007/46/EC shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in point 3 of Annex XI to this Regulation.

Article 89 **U.K.**

Transitional provisions

1 This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units by 31 August 2020.

2 Approval authorities shall grant extensions and revisions of whole-vehicle type-approvals and EU type-approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 of this Article in accordance with Articles 33 and 34.

3 Technical services already designated before 4 July 2018 shall be subject to the assessment referred to in Article 73.

The designation of technical services already designated before 4 July 2018 shall be renewed by 5 July 2022 where those technical services comply with the relevant requirements set out in this Regulation.

The validity of the designation of technical services made before 4 July 2018 shall terminate by 5 July 2022.

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

Article 90 **U.K.**

Reporting

1 By 1 September 2025, Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

2 By 1 September 2026, on the basis of the information supplied under paragraph 1 of this Article, the Commission shall submit an evaluation report to the European Parliament and to the Council on the application of this Regulation, including on the functioning of the compliance verification in accordance with Article 9.

Article 91 **U.K.**

Entry into force and application

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

It shall apply from 1 September 2020.

However, from 5 July 2020, 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, if a manufacturer so requests.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 30 May 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

L. PAVLOVA

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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)

- (1) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural or forestry vehicles (OJ L 60, 2.3.2013, p. 1).
- (2) 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 (OJ L 60, 2.3.2013, p. 52).
- (3) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).
- (4) Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).
- (5) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).
- (6) Commission Regulation (EU) 19/2011 of 11 January 2011 concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 8, 12.1.2011, p. 1).
- (7) Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Regulation (EU) 2018/858 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 06 July 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.