

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

### SUBJECT MATTER, SCOPE AND DEFINITIONS

#### *Article 1*

##### **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*

##### **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<sup>(1)</sup>;
- b two- or three-wheel vehicles and quadricycles, as defined in Regulation (EU) No 168/2013 of the European Parliament and of the Council<sup>(2)</sup>;
- 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;

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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 [F1the Supply of Machinery (Safety) Regulations 2008].

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.

#### Textual Amendments

- F1** Words in Art. 2(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(1)**

### Article 3

#### 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 [F2Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market authorisation of motor vehicles and their trailers, and of systems, components and separate technical units, as it has effect in EU law];
- (2A) [F3‘GB type-approval’ means the procedure whereby the 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 [F4in Article 42] whereby [F5the approval] authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements F6 ...;
- (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;

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- (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;
- (5A) [<sup>F7</sup>“EU 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 in the European Union at the time of its production;
- (5B) “GB 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 this Regulation;
- (5C) “UK (NI) certificate of conformity” means that 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 in Northern Ireland at the time of its production, but does not include, for the purposes of this Regulation, a certificate of conformity relating to a UK (NI) national small series type-approval issued under regulation 16(7) of the Road Vehicles (Approval) Regulations 2020;]
- (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 <sup>F8</sup>... 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;
- (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 [<sup>F9</sup>GB] 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 [<sup>F10</sup>the 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 [<sup>F11</sup>GB] type-approval certificates for those systems;
- (12) ‘system type-approval’ means the procedure whereby [<sup>F12</sup>the 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 [<sup>F13</sup>the approval] authority certifies that a type of separate technical unit satisfies the relevant

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- administrative provisions and technical requirements in relation to one or more specified types of vehicles;
- (14) ‘component type-approval’ means the procedure whereby [<sup>F14</sup>the 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 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;

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- (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 [<sup>F15</sup>applicable] legislation and do not endanger health, safety, the environment or any other aspect of public interest protection;
- (35) ‘market surveillance authority’ means the <sup>F16</sup>... authority or authorities responsible for carrying out market surveillance <sup>F17</sup>...;
- (36) ‘approval authority’ means the authority or authorities <sup>F18</sup>... 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, <sup>F19</sup>... for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;
- (37) <sup>F20</sup> .....
- (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) [<sup>F21</sup>“national accreditation body” means—
- a the UK national accreditation body as defined in point (11) of Article 2 of Regulation (EC) No 765/2008, or
- b in cases where a technical service is located in a member State, the accreditation body as defined in point (11) of Article 2 of Regulation (EC) No 765/2008 as it has effect in EU law;]
- (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

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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 [F<sup>22</sup>Great Britain] 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 [F<sup>23</sup>Great Britain] 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 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;

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- (50) ‘placing on the market’ means making available a vehicle, system, component, separate technical unit, part or equipment for the first time in [<sup>F24</sup>Great Britain];
- (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 [<sup>F25</sup>Great Britain], 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 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;
- (59) [<sup>F26</sup>“EU Type Approval Regulation” means 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, as that Regulation has effect in EU law, as amended from time to time, and as it has effect by virtue of the Northern Ireland Protocol;
- (60) “qualifying Northern Ireland goods” has the meaning given in section 47 of the United Kingdom Internal Market Act 2020;
- (61) “retained direct EU legislation” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;
- (62) “the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.]

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#### Textual Amendments

- F2** Words in Art. 3(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(a)**

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- F3** Art. 3(2A) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(b)**
- F4** Words in Art. 3(3) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(c)(i)**
- F5** Words in Art. 3(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(c)(ii)**
- F6** Words in Art. 3(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(c)(iii)**
- F7** Art. 3(5A)-(5C) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(d)**
- F8** Words in Art. 3(6) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(e)**
- F9** Word in Art. 3(9) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(f)**
- F10** Words in Art. 3(10) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(g)**
- F11** Word in Art. 3(11) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(h)**
- F12** Words in Art. 3(12) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(i)**
- F13** Words in Art. 3(13) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(i)**
- F14** Words in Art. 3(14) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(i)**
- F15** Word in Art. 3(34) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(j)**
- F16** Word in Art. 3(35) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(k)(i)**
- F17** Words in Art. 3(35) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(k)(ii)**
- F18** Words in Art. 3(36) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(l)(i)**
- F19** Words in Art. 3(36) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **23(2)(l)(ii)**



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- F20** Art. 3(37) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(m)**
- F21** Words in Art. 3(39) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(n)**
- F22** Words in Art. 3(41) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(o)**
- F23** Words in Art. 3(42) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(o)**
- F24** Words in Art. 3(50) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(p)**
- F25** Words in Art. 3(52) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(p)**
- F26** Art. 3(59)-(62) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(2)(q)**

#### Article 4

#### 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 M<sub>1</sub> : 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 M<sub>2</sub> : 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 M<sub>3</sub> : 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 N<sub>1</sub> : motor vehicles with a maximum mass not exceeding 3,5 tonnes;

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- (ii) : motor vehicles with a maximum mass exceeding 3,5 tonnes but not exceeding 12 tonnes; and  
Category N<sub>2</sub>
- (iii) : motor vehicles with a maximum mass exceeding 12 tonnes;  
Category N<sub>3</sub>
- c Category O consists of trailers, divided into:
  - (i) : trailers with a maximum mass not exceeding 0,75 tonnes;  
Category O<sub>1</sub>
  - (ii) : trailers with a maximum mass exceeding 0,75 tonnes but not exceeding 3,5 tonnes;  
Category O<sub>2</sub>
  - (iii) : trailers with a maximum mass exceeding 3,5 tonnes but not exceeding 10 tonnes; and  
Category O<sub>3</sub>
  - (iv) : trailers with a maximum mass exceeding 10 tonnes.  
Category O<sub>4</sub>

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

[<sup>F27</sup>The Secretary of State may by regulations, amend] Annex I in relation to the types of vehicle and types of bodywork to take account of technical progress.

#### Textual Amendments

**F27** Words in Art. 4(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **23(3)**

## CHAPTER II

### GENERAL OBLIGATIONS

#### Article 5

#### Technical requirements

1 Vehicles, systems, components and separate technical units [<sup>F28</sup>for which approval is sought under this Regulation] shall comply with the requirements of the regulatory acts listed in Annex II.

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

- a if they deviate from the particulars in the [<sup>F29</sup>GB] type-approval certificates and their attachments or from the descriptive particulars in the test reports more than is permitted in the relevant regulatory act;

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- 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 [<sup>F30</sup>or market surveillance authorities].

Only checks, tests, inspections and assessments conducted by or carried out on behalf of the approval authorities [<sup>F31</sup>or market surveillance authorities] shall be taken into account when assessing compliance for the purposes of this paragraph.

3 [<sup>F32</sup>The Secretary of State may by regulations amend] Annex II in order to take into account technological and regulatory developments by introducing and updating references to the regulatory acts that contain the requirements with which vehicles, systems, components and separate technical units have to comply.

#### Textual Amendments

- F28** Words in Art. 5(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(a)**
- F29** Word in Art. 5(2)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(i)**
- F30** Words in Art. 5(2)(c) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(ii)**
- F31** Words in Art. 5(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(b)(ii)**
- F32** Words in Art. 5(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(1)(c)**

### <sup>F33</sup> Article 5A

#### Recognition of EU type approvals in Great Britain

1 Subject to compliance by manufacturers, distributors, importers and other economic operators with their obligations as set out in Articles 13, 14, 16, 17, 18, 19, 20, 38, 48, 50, 51 and 52, nothing in this Regulation, or in the regulatory acts listed in Annex II, prohibits the placing on the market, registration or entry into service in Great Britain of any vehicle, or any system, component or separate technical unit, to which this Article applies.

- 2 This Article applies to the following vehicles—
- a a vehicle which was in the United Kingdom before IP completion day, and a trailer which was in the United Kingdom before 1st January 2023, provided that the manufacturer of the vehicle or trailer holds a relevant EU approval in relation to that vehicle or trailer;
  - b a vehicle in relation to which the manufacturer holds a valid type-approval certificate issued by the Secretary of State under section 55(1A) or (1D) of the Road Traffic Act 1988;

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- c a vehicle in relation to which the manufacturer holds a relevant NI approval;
  - d a vehicle—
    - i which is a qualifying Northern Ireland good, and
    - ii in relation to which the manufacturer holds a relevant EU approval;
  - e an incomplete vehicle—
    - i to which Article 22(4A) applies, and
    - ii in respect of which the manufacturer holds a relevant EU approval.
- 3 This Article applies to the following systems, components and separate technical units—
- a a system, component or separate technical unit which was manufactured before 1st January 2023 in relation to which the manufacturer holds a relevant EU approval;
  - b a system, component or separate technical unit in relation to which the manufacturer holds a valid type-approval certificate issued by the Secretary of State under section 55(1A) or (1D) of the Road Traffic Act 1988;
  - c a system, component or separate technical unit in relation to which the manufacturer holds a relevant NI approval;
  - d a system, component or separate technical unit—
    - i which is a qualifying Northern Ireland good, and
    - ii in relation to which the manufacturer holds a relevant EU approval;
  - e any system or component fitted to a complete or an incomplete vehicle—
    - i to which Article 22(4A) applies, and
    - ii in relation to which the manufacturer holds a relevant EU approval.
- 4 For the purposes of this Regulation—
- a “a relevant EU approval” means a valid EU type-approval or EU individual vehicle approval issued—
    - i before IP completion day by a member State other than the United Kingdom in accordance with this Regulation as it has effect in EU law, or
    - ii on or after IP completion day in accordance with the EU Type Approval Regulation by a member State,
 and includes any such approval which is revised or extended;
  - b “a relevant NI approval” means a valid EU type-approval, EU individual vehicle approval, national small series type-approval or national individual vehicle approval issued by the Secretary of State on or after IP completion day in accordance with the EU Type Approval Regulation as it has effect by virtue of the Northern Ireland Protocol, and includes any such approval which is revised or extended.
- 5 This Article applies without prejudice to Article 50(6).]

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#### Textual Amendments

**F33** Art. 5A inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(2)**

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Article 6

Obligations of [F34 the authorities]

F351 .....

F352 .....

F353 .....

[F364 Vehicles, systems, components and separate technical units may only be placed on the market, registered or entered into service if they comply with this Regulation, or, where Article 5A applies to the vehicle, system or component, with the EU Type Approval Regulation.]

5 [F37The Secretary of State must] 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, [F38the Secretary of State] 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 [F39dimensions laid down in regulations 7 and 8 of the Road Vehicles (Construction and Use) Regulations 1986 and weights and axle loads laid down in regulation 4 of the Road Vehicles (Authorised Weight) Regulations 1998].

6 [F40The market surveillance authority must] 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.

F417 .....

8 [F42The Secretary of State must] periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every four years F43 ....

[F42The Secretary of State must] make accessible to the public a summary of the results of periodic reviews and assessments.

F44 ...

9 [F45The Secretary of State must] periodically review and assess the functioning of their market surveillance activities. Such reviews and assessments shall be carried out at least every four years F46 ....

[F45The Secretary of State must] make accessible to the public a summary of the results of periodic reviews and assessments.

F47 ...

F4810 .....

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### Textual Amendments

- F34** Words in Art. 6 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(a)**
- F35** Art. 6(1)–(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(b)**
- F36** Art. 6(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(c)**
- F37** Words in Art. 6(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(d)(i)**
- F38** Words in Art. 6(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(d)(ii)(aa)**
- F39** Words in Art. 6(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(d)(ii)(bb)**
- F40** Words in Art. 6(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(e)**
- F41** Art. 6(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(f)**
- F42** Words in Art. 6(8) substituted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(g)(i)**
- F43** Words in Art. 6(8) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(g)(ii)**
- F44** Words in Art. 6(8) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(g)(iii)**
- F45** Words in Art. 6(9) substituted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(h)(i)**
- F46** Words in Art. 6(9) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(h)(ii)**
- F47** Words in Art. 6(9) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(h)(iii)**
- F48** Art. 6(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(3)(i)**

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## Article 7

### Obligations of approval authorities

1 <sup>[F49]</sup>The approval authority] shall only approve vehicles, systems, components or separate technical units that comply with this Regulation <sup>[F50]</sup>or, in the case of a relevant NI approval (within the meaning of Article 5A), the EU Type Approval Regulation].

2 <sup>[F49]</sup>The approval authority] shall carry out their duties independently and impartially. <sup>[F51]</sup>It must] observe confidentiality in order to protect commercial secrets, subject to <sup>F52</sup>... applicable disclosure requirements laid down in <sup>[F53]</sup>the law of the United Kingdom or of any part of the United Kingdom] in order to protect the interests of users <sup>[F54]</sup>in the United Kingdom].

<sup>F55</sup>  
...

3 For the purpose of enabling <sup>[F56]</sup>the market surveillance authority] to carry out checks, <sup>[F57]</sup>the approval authority] shall make available to <sup>[F56]</sup>the market surveillance authority] 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 <sup>[F58]</sup>GB type-approval certificate] and its attachments referred to in Article 28(1). <sup>[F49]</sup>The approval authority] shall provide that information to the market surveillance authorities without undue delay.

4 Where <sup>[F59]</sup>the 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.

#### Textual Amendments

- F49** Words in Art. 7 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(a)**
- F50** Words in Art. 7(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(b)**
- F51** Words in Art. 7(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(c)(i)(aa)**
- F52** Words in Art. 7(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(c)(i)(bb)**
- F53** Words in Art. 7(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(c)(i)(cc)**
- F54** Words in Art. 7(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(c)(i)(dd)**
- F55** Words in Art. 7(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(c)(ii)**

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- F56** Words in Art. 7(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(d)(i)**
- F57** Words in Art. 7(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(d)(ii)**
- F58** Words in Art. 7(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(d)(iii)**
- F59** Words in Art. 7(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(4)(e)**

*Article 8*

**Obligations of market surveillance authorities**

1 <sup>F60</sup>The market surveillance authority] shall carry out regular checks to verify that vehicles, systems, components and separate technical units comply with the relevant requirements. Such checks shall be performed on an adequate scale by means of documentary checks and, where appropriate, laboratory tests and on-road tests conducted on the basis of statistically relevant samples.

When carrying out such checks, <sup>F61</sup>market surveillance authority] shall take account of:

- a established principles of risk assessment;
- b substantiated complaints; and
- c any other relevant information, including <sup>F62</sup>... testing results published by recognised third parties that meet the requirements laid down by <sup>F63</sup>any retained direct EU legislation made under Article 13(10) as it had effect before IP completion day, or any regulations made under Article 13(10) as it is now in force].

2 Without prejudice to paragraph 1, the <sup>F64</sup>market surveillance authority]<sup>F65</sup>... shall carry out at least a minimum number of tests on vehicles per year. That minimum number of tests <sup>F66</sup>... shall be one for every 40 000 new motor vehicles registered <sup>F67</sup>in Great Britain] in the preceding year, but shall not be less than five tests.

Each test shall verify compliance with the applicable regulatory acts listed in Annex II <sup>F68</sup>or, where Article 5A applies to the vehicle, the applicable regulatory acts listed in Annex II of the EU Type Approval Regulation.]

3 <sup>F69</sup>The market surveillance authority] carrying out more than five tests per year shall carry out at least 20 % of the minimum number of tests in the form of emission-related tests comparable to type-approval tests covering all applicable emissions-related requirements to the tested type laid down in the regulatory acts listed in Annex II.

- <sup>F70</sup>4 .....
- <sup>F70</sup>5 .....
- <sup>F70</sup>6 .....
- <sup>F70</sup>7 .....



**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 07 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) View outstanding changes

8 [F71The market surveillance authority] shall require economic operators to make available [F72to the authority] such documentation, information and other technical specifications, including access to software and algorithms, that the [F73authority considers] necessary for the purpose of carrying out the market surveillance activities.

9 For type-approved vehicles, systems, components and separate technical units, [F74market surveillance authority] shall take due account of certificates of conformity, type-approval marks or type-approval certificates presented by economic operators.

10 [F75The market surveillance authority] shall take appropriate measures to alert users [F76... within an adequate timeframe of hazards that they F77... 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.

[F60The market surveillance authority] shall cooperate with economic operators regarding actions that could prevent or reduce the risks caused by vehicles, systems, components or separate technical units that those operators have made available on the market.

11 Where the [F78market surveillance authority] F79... [F80decides] 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 F81... approval authority.

12 [F82The market surveillance authority] shall carry out their duties independently and impartially. They shall observe confidentiality in order to protect commercial secrets, subject F83... to other applicable disclosure requirements laid down in [F84the law of the United Kingdom, or any part of the United Kingdom] in order to protect the interests of users [F85in the United Kingdom].

F86 13 .....

F86 14 .....

F86 15 .....

#### Textual Amendments

**F60** Words in Art. 8(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(a)**

**F61** Words in Art. 8(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(b)**

**F62** Words in Art. 8(1)(c) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(c)(i)**

**F63** Words in Art. 8(1)(c) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(c)(ii)**

**F64** Words in Art. 8(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(b)**

**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 07 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) View outstanding changes

- F65** Words in Art. 8(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(d)(i)(aa)**
- F66** Words in Art. 8(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(d)(i)(bb)**
- F67** Words in Art. 8(2) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(d)(i)(cc)**
- F68** Words in Art. 8(2) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(d)(ii)**
- F69** Words in Art. 8(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(a)**
- F70** Art. 8(4)-(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(e)**
- F71** Words in Art. 8(8) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(a)**
- F72** Words in Art. 8(8) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(f)(i)**
- F73** Words in Art. 8(8) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(f)(ii)**
- F74** Words in Art. 8(9) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(b)**
- F75** Words in Art. 8(10) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(a)**
- F76** Words in Art. 8(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(g)(i)**
- F77** Words in Art. 8(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(g)(ii)**
- F78** Words in Art. 8(11) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(b)**
- F79** Words in Art. 8(11) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(h)(i)**
- F80** Word in Art. 8(11) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(h)(ii)**
- F81** Word in Art. 8(11) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **24(5)(h)(iii)**

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- F82** Words in Art. 8(12) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(a)**
- F83** Words in Art. 8(12) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(i)(i)**
- F84** Words in Art. 8(12) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(i)(ii)**
- F85** Words in Art. 8(12) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(i)(iii)**
- F86** Art. 8(13)-(15) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(5)(j)**

*F87* Article 9

**Compliance verification by the Commission**

.....

**Textual Amendments**

- F87** Arts. 9-11 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(6)**

*F87* Article 10

**Assessments by the Commission**

.....

**Textual Amendments**

- F87** Arts. 9-11 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(6)**

*F87* Article 11

**Forum for Exchange of Information on Enforcement**

.....

*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 07 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) View outstanding changes*

### Textual Amendments

**F87** Arts. 9-11 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **24(6)**

## Article 12

### Online data exchange

**F88**<sup>1</sup> .....

2 From 5 July 2026, [<sup>F89</sup>the Secretary of State] shall make accessible to the public, by vehicle identification number, the certificate of conformity of each vehicle as structured data in electronic format <sup>F90</sup>... in accordance with Article 37.

From 5 July 2026, [<sup>F89</sup>the Secretary of State] shall make accessible to the public the information contained in the certificate of conformity, excluding vehicle identification numbers, as structured data in electronic format <sup>F90</sup>... in accordance with Article 37.

[<sup>F91</sup>The Secretary of State may by regulations establish the format of, and the criteria for, public access to the information referred to in the first and second subparagraphs of this paragraph.]

**F92**<sup>3</sup> .....

4 [<sup>F93</sup>The Secretary of State must] make a list of the [<sup>F94</sup>GB] 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 [<sup>F94</sup>GB] type-approvals, accessible to the public as from [<sup>F95</sup>1 September 2024].

[<sup>F96</sup>The Secretary of State may by regulations establish the format of, and the criteria for, public access to the information referred to in the first subparagraph of this paragraph.]

5 The [<sup>F97</sup>Secretary of State] 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 [<sup>F98</sup>regulations] referred to in Article 13(10).

### Textual Amendments

**F88** Art. 12(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **24(7)(a)**

**F89** Words in Art. 12(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **24(7)(b)(i)(aa)**

**F90** Words in Art. 12(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **24(7)(b)(i)(bb)**

**F91** Words in Art. 12(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **24(7)(b)(ii)**

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- F92** Art. 12(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(c)**
- F93** Words in Art. 12(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(d)(i)(aa)**
- F94** Word in Art. 12(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(d)(i)(bb)**
- F95** Words in Art. 12(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(d)(i)(cc)**
- F96** Words in Art. 12(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(d)(ii)**
- F97** Words in Art. 12(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(e)(i)**
- F98** Word in Art. 12(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(7)(e)(ii)**

### Article 13

#### 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 [<sup>F99</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation], and in particular, [<sup>F100</sup>the requirements of Article 5 of the Regulation in question].

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 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.

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4 For the purposes of [F101GB type-approval] of vehicles, systems, components and separate technical units, a manufacturer established outside [F102Great Britain] shall appoint a single representative established within [F102Great Britain] to represent the manufacturer before the approval authority. That manufacturer shall also appoint a single representative established within [F102Great Britain] for the purposes of market surveillance, who may be the same as the representative appointed for the purposes of [F101GB 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 [F103or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval 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 [F104Great Britain] 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 [F105or, where Article 5A applies to a vehicle, system, component or separate technical unit, in the EU Type Approval Regulation].

10 <sup>F106</sup>... Subject to the protection of commercial secrets and the preservation of personal data pursuant to [F107the law of the United Kingdom or of any part of the United Kingdom], 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.

[F108For the purposes of the first subparagraph of this paragraph, the Secretary of State may by regulations specify—

- a the data to be made available free of charge, and
- b the requirements to be met by third parties to demonstrate that they have—
  - i a legitimate interest in public safety or environmental protection, and
  - ii recourse to adequate testing facilities.]

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### Textual Amendments

- F99** Words in Art. 13(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(a)(i)**
- F100** Words in Art. 13(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(a)(ii)**
- F101** Words in Art. 13(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(b)(i)**
- F102** Words in Art. 13(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(b)(ii)**
- F103** Words in Art. 13(5) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(c)**
- F104** Words in Art. 13(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(d)**
- F105** Words in Art. 13(9) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(e)**
- F106** Words in Art. 13(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(f)(i)(aa)**
- F107** Words in Art. 13(10) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(f)(i)(bb)**
- F108** Words in Art. 13(10) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(8)(f)(ii)**

### Article 14

#### **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 [<sup>F109</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval 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 <sup>F110</sup>... 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 [<sup>F111</sup>authority]

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and market surveillance [F111 authority] detailed information on the risk and on any measures taken in relation thereto.

3 Manufacturers shall keep the [F112 GB] 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 [F112 GB] type-approval of a vehicle and for a period of five years after the end of validity of the [F112 GB] type-approval of a system, component or separate technical unit.

Manufacturers of a vehicle shall keep at the disposal of the approval [F113 authority] 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 [F114 and, where Article 5A applies to a vehicle, a copy of any EU certificate of conformity or UK (NI) certificate of conformity].

4 F115 ...

Manufacturers shall, following a reasoned request from [F116 the approval authority or the market surveillance 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.

#### Textual Amendments

- F109** Words in Art. 14(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(a)(i)**
- F110** Words in Art. 14(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(a)(ii)**
- F111** Word in Art. 14(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(b)**
- F112** Word in Art. 14(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(c)(i)**
- F113** Word in Art. 14(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(c)(ii)(aa)**
- F114** Words in Art. 14(3) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(c)(ii)(bb)**
- F115** Words in Art. 14(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(d)(i)**
- F116** Words in Art. 14(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(9)(d)(ii)**



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## Article 15

### 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:

- a have access to the [F117GB] type-approval certificate and its attachments referred to in Article 28(1), and to the certificate of conformity in [F118English]; such documentation shall be made available to the approval [F119authority] and to the market surveillance [F119authority] for a period of 10 years after the end of the validity of the [F117GB] type-approval of a vehicle and for a period of five years after the end of validity of the [F117GB] type-approval of a system, component or separate technical unit;
- b provide [F120the 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 [F119authority] or the market surveillance [F119authority], 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 [F121the approval authority].

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.

#### Textual Amendments

**F117** Word in Art. 15(1)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(10)(a)(ii)(aa)**

**F118** Word in Art. 15(1)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(10)(a)(ii)(bb)**

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**F119** Word in Art. 15(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(10)(a)(i)**

**F120** Words in Art. 15(1)(b) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(10)(a)(iii)**

**F121** Words in Art. 15(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(10)(b)**

## Article 16

### Obligations of importers

1 Importers shall only place on the market vehicles, systems, components or separate technical units that comply with this Regulation [<sup>F122</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit, with the EU Type Approval 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 [<sup>F123</sup>GB] type-approval certificate [<sup>F124</sup>or a type-approval certificate which is valid under the EU Type Approval Regulation, as appropriate,] and that the system, component or separate technical unit bears the required type-approval mark and complies with Article 13(8) [<sup>F125</sup>of this Regulation or, where applicable, of the EU Type Approval Regulation].

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 [<sup>F126</sup>or of the EU Type Approval Regulation, where applicable], 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.

4 Where a vehicle, system, component, separate technical unit, part or equipment presents a serious risk, importers shall inform the manufacturer and the [<sup>F127</sup>market surveillance authority] thereof. For type-approved vehicles, systems, components and separate technical units, importers shall also inform the approval authority <sup>F128</sup>....

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, [<sup>F129</sup>of this Regulation or, where applicable, of the EU Type Approval Regulation] in [<sup>F130</sup>English].

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.

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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 [<sup>F131</sup>or, where applicable, in the EU Type Approval Regulation].

#### Textual Amendments

- F122** Words in Art. 16(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(a)**
- F123** Word in Art. 16(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(b)(i)**
- F124** Words in Art. 16(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(b)(ii)**
- F125** Words in Art. 16(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(b)(iii)**
- F126** Words in Art. 16(3) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(c)**
- F127** Words in Art. 16(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(d)(i)**
- F128** Words in Art. 16(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(d)(ii)**
- F129** Words in Art. 16(6) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(e)(i)**
- F130** Word in Art. 16(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(e)(ii)**
- F131** Words in Art. 16(9) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(11)(f)**

#### Article 17

#### **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 [<sup>F132</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit,

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the EU Type Approval 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 <sup>F133</sup>....

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 [<sup>F134</sup>authority] and market surveillance [<sup>F134</sup>authority].

Importers shall also inform the approval [<sup>F134</sup>authority] and market surveillance [<sup>F134</sup>authority] 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 [<sup>F135</sup>GB] type-approval of a vehicle and for a period of five years after the end of the validity of the [<sup>F135</sup>GB] type-approval of a system, component or separate technical unit, keep a copy of the [<sup>F135</sup>GB] type-approval certificate and its attachments referred to in Article 28(1), and shall ensure that they can be made available to the approval [<sup>F134</sup>authority] and market surveillance [<sup>F134</sup>authority] upon request.

<sup>F136</sup>3A Where Article 5A applies to a vehicle, system, component or separate technical unit, the importer must—

- a keep a copy of any EU type-approval certificate which applies to the vehicle, system or component in question, including the attachments referred to in Article 28(1) of the EU Type Approval Regulation, for a period of—
  - i ten years after the end of the validity of the EU type-approval of a vehicle, and
  - ii five years after the end of the validity of the EU type-approval of a system, component or separate technical unit, and
- b ensure that the certificate and attachments referred to in subparagraph (a) can be made available to the approval authority and the market surveillance authority on request.]

4 Importers shall, following a reasoned request from [<sup>F137</sup>the approval authority or the market surveillance authority], provide that authority with all information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit [<sup>F138</sup>with this Regulation or, where applicable, the EU Type Approval Regulation], in [<sup>F139</sup>English].

Importers shall, following a reasoned request from [<sup>F137</sup>the approval authority or the market surveillance 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.

#### Textual Amendments

**F132** Words in Art. 17(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(c)(i)**

**F133** Words in Art. 17(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(c)(ii)**

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- F134** Word in Art. 17 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(a)**
- F135** Word in Art. 17 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(b)**
- F136** Art. 17(3A) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(d)**
- F137** Words in Art. 17(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(e)(i)**
- F138** Words in Art. 17(4) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(e)(ii)(aa)**
- F139** Word in Art. 17(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(12)(e)(ii)(bb)**

## Article 18

### 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 <sup>F140</sup> of this Regulation, or, where Article 5A applies to a vehicle, system, component or separate technical unit, of the EU Type Approval Regulation], in <sup>F141</sup>English], and that the manufacturer and the importer have complied with the requirements set out in Article 13(8) and Article 16(5) respectively <sup>F142</sup> of this Regulation or, where Article 5A applies, of the EU Type Approval Regulation].

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 <sup>F143</sup> or, where Article 5A applies to a vehicle, system, component or separate technical unit, in the EU Type Approval Regulation].

#### Textual Amendments

- F140** Words in Art. 18(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(13)(a)(i)**
- F141** Word in Art. 18(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(13)(a)(ii)**

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- F142** Words in Art. 18(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(13)(a)(iii)**
- F143** Words in Art. 18(3) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(13)(b)**

### Article 19

#### **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 [<sup>F144</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation], distributors shall inform the manufacturer, the importer and the approval authority <sup>F145</sup> ... 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 [<sup>F146</sup>or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation], they shall inform the manufacturer, the importer and the approval authority <sup>F147</sup> ....

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 [<sup>F148</sup>authority] and the market surveillance [<sup>F148</sup>authority]<sup>F149</sup> ....

4 Distributors shall, following a reasoned request from [<sup>F150</sup>the approval authority or the market surveillance 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.

#### **Textual Amendments**

- F144** Words in Art. 19(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(a)(i)**
- F145** Words in Art. 19(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(a)(ii)**
- F146** Words in Art. 19(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(b)(i)**
- F147** Words in Art. 19(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(b)(ii)**

**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 07 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) View outstanding changes

- F148** Word in Art. 19(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(c)(i)**
- F149** Words in Art. 19(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(c)(ii)**
- F150** Words in Art. 19(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(14)(d)**

## Article 20

### 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 [<sup>F151</sup>Great Britain], and it is not possible to identify a manufacturer's representative in <sup>F152</sup>... [<sup>F151</sup>Great Britain]<sup>F153</sup>;
- (c) 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 to which Article 5A applies on the basis of a relevant EU approval or a relevant NI approval that was granted to a manufacturer outside Great Britain, and it is not possible to identify a manufacturer's representative in Great Britain].

#### Textual Amendments

- F151** Words in Art. 20(b) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(15)(a)(i)**
- F152** Words in Art. 20(b) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(15)(a)(ii)**
- F153** Art. 20(c) and semicolon inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(15)(b)**

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## Article 21

### Identification of economic operators

Upon a request of [<sup>F154</sup>the approval] authority or [<sup>F155</sup>the 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.

#### Textual Amendments

**F154** Words in Art. 21 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(16)(a)**

**F155** Words in Art. 21 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **24(16)(b)**

## CHAPTER III

### PROCEDURES FOR [<sup>F156</sup>GB] TYPE-APPROVAL

## Article 22

### Procedures for [<sup>F157</sup>GB] type-approval

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

- 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.



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

4 The [F158GB] 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 [F158GB] type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, including where the [F158GB] type-approval was granted for a different category of vehicle.

[F1594A Until 31 July 2026 for M and N category vehicles, and 31 July 2027 for O category vehicles, where the approval authority is considering whether to grant multi-stage type-approval in respect of a completed vehicle, it may, for the purposes of paragraphs 3 and 4 of this Article, paragraphs 2 and 6 of Article 26, and paragraphs 2.1, 3.2 and 4.1 of Annex IX, consider any EU type-approvals which are valid under the EU Type Approval Regulation and have been issued in respect of the incomplete or complete vehicle or its systems and components, as valid GB type-approvals granted under this Regulation pursuant to the technical requirements in the regulatory acts listed in Annex II.

4B Paragraph 4A does not apply where the approval authority is considering whether to grant multi-stage type-approval to a single manufacturer, or two or more manufacturers who are part of a group of connected manufacturers, as defined in Article 3(2) of Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles.]

5 The choice of the procedure for [F160GB] 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.

#### Textual Amendments

**F157** Word in Art. 22 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(2)(a)**

**F158** Word in Art. 22(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(2)(a)**

**F159** Art. 22(4A)(4B) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(2)(b)**

**F160** Word in Art. 22(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(2)(a)**

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### Article 23

#### Application for [<sup>F161</sup>GB] type-approval

1 The manufacturer shall submit to the approval authority an application for [<sup>F162</sup>GB] 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. <sup>F163</sup>...

<sup>F164</sup>  
...

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

<sup>F165</sup>3 .....

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

#### Textual Amendments

**F161** Word in Art. 23 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(3)(a)(b)**

**F162** Word in Art. 23(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(3)(a)(b)**

**F163** Words in Art. 23(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(3)(c)(i)**

**F164** Words in Art. 23(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(3)(c)(ii)**

**F165** Art. 23(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(3)(d)**

### Article 24

#### Information folder

1 The information folder shall include the following:

- a an information document, in accordance with the template laid down in the [<sup>F166</sup>retained direct EU legislation made under paragraph 4 as it had effect before IP completion day, or regulations made under paragraph 4 as it is now in force, except where paragraph 1A applies], 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

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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 07 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) View outstanding changes

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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 [F167GB] type-approval procedure.

[F168]1A The information document submitted as part of an information folder accompanying an application for GB type-approval in relation to a vehicle, system, component or separate technical unit, which has previously been used to apply for an EU type-approval in accordance with the EU Type Approval Regulation, may be in the same format as the information document used to apply for that EU type-approval, if the application is made—

- a before 1st August 2026, in the case of a vehicle in category M or N, or
- b before 1st August 2027, in the case of a vehicle in category O, a component or a separate technical unit.]

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.

[F169]4 The Secretary of State may, by regulations prescribe—

- a the template for the information document and any other part of the information folder, and
- b a harmonised electronic format for the purposes of paragraph 3 of this Article.]

#### Textual Amendments

**F166** Words in Art. 24(1)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(4)(a)(i)**

**F167** Word in Art. 24(1)(d) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(4)(a)(ii)**

**F168** Art. 24(1A) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(4)(b)**

**F169** Art. 24(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(4)(c)**

### Article 25

#### Additional information to be provided with an application for [F170GB] 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 [F171GB type-approval]

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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 [F171GB 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 [F172GB 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 [F172GB 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 [F172GB 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 [F173GB 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 [F173GB type-approval] certificates or UN type-approval certificates that are relevant to the current stage of completion, together with a copy of the [F174GB 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.

#### Textual Amendments

**F170** Word in Art. 25 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(5)(a)**

**F171** Words in Art. 25(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(5)(b)**

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- F172** Words in Art. 25(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(5)(b)**
- F173** Words in Art. 25(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(5)(b)**
- F174** Words in Art. 25(3)(b) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(5)(d)**

#### Textual Amendments

- F156** Word in Ch. 3 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **25(1)**

## CHAPTER IV

### CONDUCT OF PROCEDURES FOR <sup>F175</sup>GB] TYPE-APPROVAL

#### Article 26

#### General provisions on conduct of procedures for <sup>F176</sup>GB] type-approval

- 1 For each type of vehicle, system, component or separate technical unit, only one <sup>F177</sup>GB] type-approval may be granted.
- 2 <sup>F178</sup>The approval] authority, having received an application in accordance with Article 23, shall only grant <sup>F179</sup>a GB] type-approval after having verified all of the following:
- a the conformity of production arrangements referred to in Article 31;
  - <sup>F180</sup>b .....
  - 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 <sup>F181</sup>GB] 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.
- <sup>F182</sup>The Secretary of State may by regulations amend Annexes III and IX to update the procedures in those Annexes in relation to GB type-approval and multi-stage approval to take into account regulatory and technological developments.]
- 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.

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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 [F181GB] 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 [F181GB] type-approval concerned.

5 The approval authority shall refuse to grant [F183a GB] 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. F184 ...

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 [F185a GB] type-approval where it finds that systems, components or separate technical units do not comply with the requirements set out in this Regulation.

F186 ...

#### Textual Amendments

- F176** Word in Art. 26 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(a)**
- F177** Word in Art. 26(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(a)**
- F178** Words in Art. 26(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(b)(i)(aa)**
- F179** Words in Art. 26(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(b)(i)(bb)**
- F180** Art. 26(2)(b) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(b)(ii)**
- F181** Word in Art. 26(3)(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(a)**
- F182** Words in Art. 26(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(c)**
- F183** Words in Art. 26(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(d)(i)**
- F184** Words in Art. 26(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(d)(ii)**
- F185** Words in Art. 26(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(e)(i)**

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**F186** Words in Art. 26(6) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(2)(e)(ii)**

### *F187* Article 27

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

#### **Textual Amendments**

**F187** Art. 27 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(3)**

### Article 28

#### **[<sup>F188</sup>GB] type-approval certificate**

- 1 The [<sup>F189</sup>GB] 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 [<sup>F189</sup>GB] type-approval certificate shall be given a unique number in accordance with a <sup>F190</sup>... numbering system, which shall at least allow for <sup>F191</sup>... the identification of the requirements to which the type of vehicle, system, component or separate technical unit conforms.
- [<sup>F192</sup>3 The Secretary of State may by regulations lay down templates and provide for electronic formats for—
  - a the GB type-approval certificate;
  - b the numbering system; and
  - c the test result sheet.]
- 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 [<sup>F193</sup>GB] 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 [<sup>F193</sup>GB] type-approval certificate and its attachments to the manufacturer without delay.

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5 In the case of [F194a GB] 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 [F195GB] 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 [F196GB] type-approval certificate a list of relevant regulatory acts [F197 or regulations] in accordance with the template provided in [F198Commission Implementing Regulation (EU) 2020/683, or regulations made under paragraph 3 as it is now in force].

#### Textual Amendments

- F188** Word in Art. 28 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(a\)](#)
- F189** Word in Art. 28(1)(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(a\)](#)
- F190** Word in Art. 28(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(b\)\(i\)](#)
- F191** Words in Art. 28(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(b\)\(ii\)](#)
- F192** Art. 28(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(c\)](#)
- F193** Word in Art. 28(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(a\)](#)
- F194** Words in Art. 28(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(d\)\(i\)](#)
- F195** Word in Art. 28(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(d\)\(ii\)](#)
- F196** Word in Art. 28(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(a\)](#)
- F197** Words in Art. 28(7) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 26\(4\)\(e\)\(i\)](#)



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**F198** Words in Art. 28(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(4)(e)(ii)**

## Article 29

### Specific provisions concerning [<sup>F199</sup>GB] type-approvals for systems, components and separate technical units

1 [<sup>F200</sup>A GB] 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 [<sup>F201</sup>GB] type-approval of the component or the separate technical unit shall be restricted accordingly.

In such cases, the [<sup>F201</sup>GB] 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.

#### Textual Amendments

**F199** Word in Art. 29 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(5)(a)**

**F200** Words in Art. 29(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(5)(b)**

**F201** Word in Art. 29(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(5)(a)**

## Article 30

### Tests required for [<sup>F202</sup>GB] type-approval

1 For the purpose of granting [<sup>F202</sup>GB] type-approvals, the approval authority shall verify compliance with the technical requirements of this Regulation by means of appropriate

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tests that are performed by its technical services [<sup>F203</sup>or, where paragraph 2A applies, by the technical services of an approval authority of a member State (“an EU approval authority”)].

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.

[<sup>F204</sup>2A The approval authority may rely on tests performed by the technical services of an EU approval authority where those tests are recorded in test reports and—

- a the test report was issued—
  - i before 31st December 2026, in the case of vehicles in category M or N, or
  - ii before 31st December 2027, in the case of vehicles in category O, components or separate technical units;
- b the tests described in the test report were made under any regulatory act set out in the table in Part I of Annex II as those regulatory acts apply in the law of the member State concerned;
- c the test report shows that the vehicle, component or separate technical unit meets one or more of the requirements of that regulatory act as it has effect in domestic law on the date on which the GB type-approval is issued; and
- d the EU type-approval to which the test report relates has not been invalidated since IP completion day otherwise than in accordance with Article 35(2)(a) of the EU Type Approval Regulation as that Regulation has effect in the law of the member State concerned.

2B Where the EU type-approval referred to in paragraph 2A(d) has been extended or revised, the approval authority may take into account any test report or letter of no concern which accompanied any such extension or revision.]

[<sup>F205</sup>3 The Secretary of State may by regulations—

- a amend Commission Implementing Regulation (EU) 2020/683, or
- b make further provision on the format of the test reports.]

4 The manufacturer shall make available to the approval [<sup>F206</sup>authority] 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.

[<sup>F207</sup>8 The Secretary of State may by regulations amend Annex VIII to take account of technical and regulatory developments by updating the list of regulatory acts relating to—

- a which virtual testing methods may be used by a manufacturer or a technical service, and
- b the specific conditions under which those virtual testing methods are to be used.]

**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 07 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) View outstanding changes

### Textual Amendments

- F202** Word in Art. 30 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(a)**
- F203** Words in Art. 30(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(b)**
- F204** Art. 30(2A)(2B) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(c)**
- F205** Art. 30(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(d)**
- F206** Word in Art. 30(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(e)**
- F207** Art. 30(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(6)(f)**

## Article 31

### Conformity of production arrangements

1 <sup>[F208]</sup>Where the approval authority has granted a GB type-approval, it must] take the necessary measures in accordance with Annex IV to verify <sup>F209</sup>..., that the manufacturer produces the vehicles, systems, components or separate technical units in conformity with the approved type.

2 <sup>[F210]</sup>Where the approval authority has granted a GB whole-vehicle type-approval, it must] 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 <sup>[F211]</sup>Where the approval authority has granted a GB type-approval, it must] take the necessary measures to verify <sup>F212</sup>..., 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 <sup>F213</sup>... 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 <sup>[F214]</sup>GB] 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:

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- 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 <sup>[F215]</sup>Where the approval authority has granted a GB type-approval, it must] 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 <sup>[F216]</sup>Where the approval authority has granted a GB type-approval and] 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.

<sup>[F2178]</sup> The Secretary of State may by regulations amend Annex IV to take account of technological and regulatory developments by updating the conformity of production procedures.]

#### Textual Amendments

- F208** Words in Art. 31(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(a)(i)**
- F209** Words in Art. 31(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(a)(ii)**
- F210** Words in Art. 31(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(b)**
- F211** Words in Art. 31(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(c)(i)**
- F212** Words in Art. 31(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(c)(ii)**
- F213** Words in Art. 31(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(d)(i)**
- F214** Word in Art. 31(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(d)(ii)**
- F215** Words in Art. 31(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(e)**

**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 07 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) View outstanding changes

**F216** Words in Art. 31(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(f)**

**F217** Art. 31(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(7)(g)**

## <sup>F218</sup>Article 32

### Fees

#### Textual Amendments

**F218** Art. 32 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(8)**

#### Textual Amendments

**F175** Word in Ch. 4 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **26(1)**

## CHAPTER V

### AMENDMENTS TO AND VALIDITY OF [<sup>F219</sup>GB] TYPE-APPROVALS

#### Article 33

#### General provisions on amendments of [<sup>F220</sup>GB type]-approvals

1 The manufacturer shall inform the approval authority <sup>F221</sup>... 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 [<sup>F222</sup>GB type]-approval in accordance with Article 34, or whether that change requires a new [<sup>F222</sup>GB type]-approval.

<sup>F223</sup>2 .....

3 Where [<sup>F224</sup>the approval] authority finds that an amendment requires the repetition of inspections or tests, it shall inform the manufacturer accordingly.

4 Where [<sup>F225</sup>the approval] authority finds on the basis of the inspections or tests referred to in paragraph 3 of this Article that the requirements for the [<sup>F222</sup>GB type]-approval continue to be fulfilled, the procedures referred to in Article 34 shall apply.

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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 [F<sup>222</sup>GB type]-approval and shall request the manufacturer to apply for a new [F<sup>222</sup>GB type]-approval.

#### Textual Amendments

- F220** Words in Art. 33 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(a)**
- F221** Words in Art. 33(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(b)**
- F222** Words in Art. 33 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(a)**
- F223** Art. 33(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(c)**
- F224** Words in Art. 33(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(d)**
- F225** Words in Art. 33(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(2)(d)**

#### Article 34

#### Revisions and extensions of [F<sup>226</sup>GB type]-approvals

1 An amendment shall be designated a ‘revision’ where [F<sup>227</sup>the 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 [F<sup>228</sup>GB type]-approval has been based;
- b any information on the [F<sup>228</sup>GB 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.

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In the event of an extension, the approval authority shall issue an updated [F<sup>228</sup>GB 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.

#### Textual Amendments

**F226** Words in Art. 34 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(3)(a)**

**F227** Words in Art. 34(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(3)(b)**

**F228** Words in Art. 34(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(3)(a)**

### Article 35

#### Termination of validity

1 Seven years after the latest update of the information package in case of [F<sup>229</sup>a GB] whole-vehicle type-approval certificate for vehicles of categories M<sub>1</sub> and N<sub>1</sub>, and 10 years for vehicles of categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub>, N<sub>3</sub> and O, the approval authority shall verify that the type of vehicle complies with all the regulatory acts that are relevant to that type.

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 [F<sup>230</sup>A GB] 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 [F<sup>231</sup>GB 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;

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- 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 [<sup>F232</sup>GB type]-approval has been withdrawn in accordance with Article 31(7);
- e where the validity of the [<sup>F233</sup>GB 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 <sup>F234</sup>... without delay.
- <sup>F235</sup> ...
- 5 Where [<sup>F236</sup>a GB] type-approval certificate is due to become invalid, the manufacturer shall notify the approval authority <sup>F237</sup>... without delay.
- <sup>F238</sup>6 .....

#### Textual Amendments

- F229** Words in Art. 35(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(a)**
- F230** Words in Art. 35(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(b)(i)**
- F231** Words in Art. 35(2)(a) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(b)(ii)**
- F232** Words in Art. 35(2)(d) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(b)(ii)**
- F233** Words in Art. 35(2)(e) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(b)(ii)**
- F234** Words in Art. 35(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(c)(i)**
- F235** Words in Art. 35(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(c)(ii)**
- F236** Words in Art. 35(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(d)(i)**
- F237** Words in Art. 35(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(d)(ii)**



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**F238** Art. 35(6) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(4)(e)**

### Textual Amendments

**F219** Word in Ch. 5 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **27(1)**

## CHAPTER VI

### CERTIFICATE OF CONFORMITY AND MARKINGS

#### *Article 36*

#### **Certificate of conformity in paper format**

1 <sup>[F239]</sup>Except as permitted in paragraph 1A, 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 <sup>[F240]</sup>Commission Implementing Regulation (EU) 2020/683, or regulations made under paragraph 4 as it is now in force].

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.

<sup>[F241]</sup>1A A manufacturer may use the template provided for in Commission Implementing Regulation (EU) 2020/683 as it has effect in EU law in the case of a vehicle which was manufactured before 6 July 2026 and to which a valid EU type-approval granted in accordance with the EU Type Approval Regulation also applies. A certificate of conformity so issued is to be treated as a GB certificate of conformity issued in accordance with this Article.]

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 <sup>[F242]</sup>The Secretary of State may by regulations make provision in relation to] the certificate of conformity in paper format, setting out, in particular:

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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 07 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) View outstanding changes

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- 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.

F243  
...

5 The certificate of conformity in paper format shall be drawn up in [<sup>F244</sup>English].

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.

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.

#### Textual Amendments

**F239** Words in Art. 36(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(a)(i)**

**F240** Words in Art. 36(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(a)(ii)**

**F241** Art. 36(1A) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(b)**

**F242** Words in Art. 36(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(c)(i)**

**F243** Words in Art. 36(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(c)(ii)**

**F244** Word in Art. 36(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(1)(d)**

#### 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)

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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 07 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) View outstanding changes

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## Article 37

### 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 <sup>F245</sup>... as structured data in electronic format in accordance with <sup>F246</sup>retained direct EU legislation made under paragraph 8 as it had effect before IP completion day, or regulations made under paragraph 8 as it is now in force].

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.

<sup>F247</sup>3 .....

4 <sup>F248</sup>The approval authority] may exempt manufacturers from the obligation set out in paragraph 1 of this Article with respect to types of vehicles which have <sup>F249</sup>GB small series type-approval in accordance with Article 42], in accordance with Article 42.

5 <sup>F250</sup>Where the approval authority receives] the certificate of conformity as structured data in electronic format in accordance with <sup>F251</sup>retained direct EU legislation made under paragraph 8 as it has effect before IP completion day or regulations made under paragraph 8 as it is now in force], <sup>F252</sup>it must] 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 <sup>F253</sup>The Secretary of State must] 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 <sup>F254</sup>retained direct EU legislation made under paragraph 8 as it has effect before IP completion day or regulations made under paragraph 8 as it is now in force] 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 <sup>F255</sup>Secretary of State may make regulations] concerning certificates of conformity as structured data in electronic format setting out, in particular:

- 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.

<sup>F256</sup> ...

**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 07 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) View outstanding changes

F2579

10 From 5 July 2026, where, in exceptional cases, [<sup>F258</sup>the Secretary of State] so requests, the manufacturer shall issue a duplicate of the certificate of conformity in paper format.

### Textual Amendments

- F245** Words in Art. 37(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(a)(i)**
- F246** Words in Art. 37(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(a)(ii)**
- F247** Art. 37(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(b)**
- F248** Words in Art. 37(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(c)(i)**
- F249** Words in Art. 37(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(c)(ii)**
- F250** Words in Art. 37(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(d)(i)**
- F251** Words in Art. 37(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(d)(iii)**
- F252** Words in Art. 37(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(d)(ii)**
- F253** Words in Art. 37(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(e)(i)**
- F254** Words in Art. 37(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(e)(ii)**
- F255** Words in Art. 37(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(f)(i)**
- F256** Words in Art. 37(8) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(f)(ii)**
- F257** Art. 37(9) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(g)**
- F258** Words in Art. 37(10) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **28(2)(h)**

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### Article 38

#### **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 [<sup>F259</sup>or, where Article 5A applies to the vehicle, the markings required under the EU Type Approval Regulation and the relevant regulatory acts listed in Annex II to that Regulation].

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.

[<sup>F260</sup>3 The Secretary of State may by regulations—

- a amend Commission Implementing Regulation (EU) 2020/683, and
- b make further provision concerning the model for the GB type-approval mark.]

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 [<sup>F261</sup>or, where Article 5A applies to the vehicle, component or separate technical unit, with the EU Type Approval Regulation].

#### **Textual Amendments**

**F259** Words in Art. 38(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **28(3)(a)**

**F260** Art. 38(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **28(3)(b)**

**F261** Words in Art. 38(4) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **28(3)(c)**

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CHAPTER VII

NEW TECHNOLOGIES OR NEW CONCEPTS

Article 39

Exemptions for new technologies or new concepts

1 The manufacturer may apply for [F262a GB] 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 [F263GB type]-approval referred to in paragraph 1 where all of the following conditions are met:

- a the application for the [F263GB 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 [F263GB 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.

F264 3 .....

[F2654 If type-approval is granted under this Article, that circumstance must be reflected in the heading of—

- a the type-approval certificate, and
b any certificate of conformity.

4A The Secretary of State may by regulations—

- a amend Commission Implementing Regulation (EU) 2020/683, and
b make further provision regarding the template which is to be used for type-approval certificates and certificates of conformity for the purposes of this paragraph.]

F266 5 .....

6 Where appropriate, [F267the approval authority] shall specify whether [F268the approval is] subject to any restrictions, in particular with regard to the maximum number of vehicles covered. In all cases, the [F269GB type]-approval shall be valid for at least 36 months.

F270 7 .....

Textual Amendments

F262 Words in Art. 39(1) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), 29(1)(a)

F263 Words in Art. 39(2) substituted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), 29(1)(b)

**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 07 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) View outstanding changes

- F264** Art. 39(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(c\)](#)
- F265** Art. 39(4)(4A) substituted for Art. 39(4) (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(d\)](#)
- F266** Art. 39(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(e\)](#)
- F267** Words in Art. 39(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(f\)\(i\)](#)
- F268** Words in Art. 39(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(f\)\(ii\)](#)
- F269** Words in Art. 39(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(f\)\(iii\)](#)
- F270** Art. 39(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(1\)\(g\)](#)

## Article 40

### Subsequent adaptation of regulatory acts

1 <sup>[F271]</sup>Where the approval authority has authorised the granting of a GB type-approval in accordance with Article 39, the Secretary of State must, where necessary, amend the regulatory acts or regulations concerned to make provision in relation to the latest technological developments.]

Where the exemption under Article 39 relates to a UN Regulation, the <sup>[F272]</sup>Secretary of State must] 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 <sup>[F273]</sup>imposed on the type-approval under Article 39(6)] shall be lifted.

<sup>F274</sup>3 .....

#### Textual Amendments

- F271** Words in Art. 40(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(2\)\(a\)\(i\)](#)
- F272** Words in Art. 40(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(2\)\(a\)\(ii\)](#)
- F273** Words in Art. 40(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [29\(2\)\(b\)](#)

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**F274** Art. 40(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **29(2)(c)**

## CHAPTER VIII

### VEHICLES PRODUCED IN SMALL SERIES

#### Article 41

#### [<sup>F275</sup>GB] type-approval of vehicles produced in [<sup>F276</sup>medium] 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, [<sup>F277</sup>the approval authority] shall grant [<sup>F278</sup>a GB] type-approval for a type of vehicle produced in [<sup>F279</sup>medium] 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 [<sup>F280</sup>GB] type-approval certificate for vehicles produced in [<sup>F281</sup>medium] series shall be given a unique number in accordance with a [<sup>F282</sup>... numbering system, which shall at least allow for [<sup>F283</sup>... the identification of the requirements to which the type of vehicle, system, component or separate technical unit conforms.

4 The [<sup>F284</sup>Secretary of State may by regulations lay] down the template and the numbering system for [<sup>F285</sup>GB] type-approval certificates for vehicles produced in [<sup>F286</sup>medium] series. [<sup>F287</sup>...

[<sup>F288</sup>5 The Secretary of State may by regulations amend—

- a Appendix I of Part I to Annex II to set out the technical requirements for vehicle categories M, N and O, and
- b point 1 of Part A of Annex V accordingly as regards the quantitative annual limits.]

#### Textual Amendments

**F275** Word in Art. 41 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(a)(i)**

**F276** Word in Art. 41 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(a)(ii)**

**F277** Words in Art. 41(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(b)(i)**

**F278** Words in Art. 41(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(b)(ii)**

**F279** Word in Art. 41(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(b)(iii)**



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- F280** Word in Art. 41(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(c)(i)**
- F281** Word in Art. 41(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(c)(ii)**
- F282** Word in Art. 41(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(c)(iii)**
- F283** Words in Art. 41(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(c)(iv)**
- F284** Words in Art. 41(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(d)(i)**
- F285** Word in Art. 41(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(d)(ii)**
- F286** Word in Art. 41(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(d)(iii)**
- F287** Words in Art. 41(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(d)(iv)**
- F288** Art. 41(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(1)(e)**

## Article 42

### <sup>F289</sup> ... Type-approval of vehicles produced in small series

1 Manufacturers may apply for a <sup>F290</sup>... 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 [<sup>F291</sup>in Great Britain] in a given year.

2 [<sup>F292</sup>The approval authority] 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 [<sup>F293</sup>the vehicle type satisfies the relevant alternative requirements specified in Schedule 1 to the Road Vehicles (Approval) Regulations 2020].

3 For the <sup>F290</sup>... 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 <sup>F290</sup>... type-approval certificate for vehicles produced in small series shall be given a unique number in accordance with a <sup>F294</sup>... numbering system, which shall at least allow for <sup>F295</sup>... characterising the approval as one granted for a <sup>F290</sup>... small series.

[<sup>F296</sup>5 The Secretary of State may by regulations lay down the template and numbering system for the type-approval certificate of vehicles produced in small series which must bear

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the heading “GB small series vehicle type-approval certificate” and must bear the content and nature of the exemptions granted pursuant to paragraph 2 of this Article.]

#### Textual Amendments

- F289** Word in Art. 42 heading omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(a)**
- F290** Word in Art. 42 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(a)**
- F291** Words in Art. 42(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(b)**
- F292** Words in Art. 42(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(c)(i)**
- F293** Words in Art. 42(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(c)(ii)**
- F294** Word in Art. 42(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(d)(i)**
- F295** Words in Art. 42(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(d)(ii)**
- F296** Art. 42(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(2)(e)**

#### <sup>F297</sup> Article 43

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

#### Textual Amendments

- F297** Art. 43 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **30(3)**

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## CHAPTER IX

## INDIVIDUAL VEHICLE APPROVALS

*F298* Article 44

## EU individual vehicle approvals

**Textual Amendments**

**F298** Art. 44 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **31(1)**

*Article 45***F299 ... Individual vehicle approvals**

1 <sup>F300</sup>[The approval authority] 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 <sup>F301</sup>[the vehicle complies with the relevant alternative requirements specified in Schedule 2 to the Road Vehicles (Approval) Regulations 2020].

2 An application for <sup>F302</sup>... individual vehicle approval shall be submitted by the owner of the vehicle, the manufacturer, the manufacturer's representative or the importer.

3 <sup>F303</sup>[The approval authority must] 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 <sup>F302</sup>... 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 <sup>F304</sup>[The approval authority must] issue without delay a <sup>F302</sup>... individual vehicle approval certificate where the vehicle conforms to the description appended to the application and satisfies the relevant alternative requirements.

6 The <sup>F302</sup>... individual vehicle approval certificate shall be given a unique number in accordance with a harmonised numbering system, which <sup>F305</sup>[must allow for the identification of the requirements with which the vehicle conforms].

<sup>F306</sup>7 [The Secretary of State may by regulations lay down the template and the numbering system to be used in the GB individual vehicle approval certificate.]

**Textual Amendments**

**F299** Word in Art. 45 heading omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **31(2)(a)**

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- F300** Words in Art. 45(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(b)(i)**
- F301** Words in Art. 45(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(b)(ii)**
- F302** Word in Art. 45 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(a)**
- F303** Words in Art. 45(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(c)**
- F304** Words in Art. 45(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(d)**
- F305** Words in Art. 45(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(e)**
- F306** Art. 45(7) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(2)(f)**

### *F307* Article 46

## Validity of national individual vehicle approvals

### Textual Amendments

- F307** Art. 46 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(3)**

### Article 47

## Specific provisions

- 1 The procedures set out in [<sup>F308</sup>Article 45] may apply to a particular vehicle built in multiple stages.
- 2 The procedures set out in [<sup>F309</sup>Article 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.

### Textual Amendments

- F308** Words in Art. 47(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(4)**

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**F309** Words in Art. 47(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **31(4)**

## CHAPTER X

### MAKING AVAILABLE ON THE MARKET, REGISTRATION OR ENTRY INTO SERVICE

#### Article 48

#### **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 <sup>[F310]</sup>or, where Article 5A applies to the vehicle, Articles 36 and 37 of the EU Type Approval Regulation.]

2 The number of vehicles produced in <sup>[F311]</sup>medium and] 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.

#### **Textual Amendments**

**F310** Words in Art. 48(1) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(1)(a)**

**F311** Words in Art. 48(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(1)(b)**

#### Article 49

#### **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, <sup>[F312]</sup>the Secretary of State] may register and permit the making available on the market or entry into service of vehicles conforming to a type of vehicle whose <sup>[F313]</sup>GB] type-approval is no longer valid.

The first subparagraph shall apply only to vehicles within the territory of the <sup>[F314]</sup>United Kingdom] which were covered by a valid <sup>[F313]</sup>GB] type-approval at the time of their

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production and which had not been registered or entered into service before that [F313GB] type-approval lost its validity.

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 [F315GB] 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 [F316approval authority]. The request shall specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

The [F317approval authority] shall decide, within three months of receiving such a request, whether to permit the registration or the entry into service of those vehicles F318 ..., and if so, the number of such vehicles.

4 [F319The Secretary of State must] 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.

[F3205 A request may be made under paragraph 3 in relation to—

- a motor vehicles in relation to which the manufacturer holds a relevant EU approval which is no longer valid under the EU Type Approval Regulation and that—
  - i were in the United Kingdom before IP completion date, or
  - ii are qualifying Northern Ireland goods,
- b trailers in relation to which the manufacturer holds a relevant EU approval which is no longer valid under the EU Type Approval Regulation and that—
  - i were in the United Kingdom before 1st January 2023, or
  - ii are qualifying Northern Ireland goods, and
- c motor vehicles or trailers in relation to which the manufacturer holds a relevant NI type-approval which is no longer valid under the EU Type Approval Regulation.

6 In paragraph 5, “relevant EU approval” and “relevant NI approval” have the meanings given in Article 5A.

7 Where a request made under paragraph 3 includes any vehicle or trailer referred to in paragraph 5, references in paragraphs 1 and 2 to “GB type-approval” include a reference to “EU type-approval in accordance with the EU Type Approval Regulation”.]

#### Textual Amendments

**F312** Words in Art. 49(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(2)(a)(i)**

**F313** Word in Art. 49(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(2)(a)(ii)**

**F314** Words in Art. 49(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(2)(a)(iii)**

**F315** Word in Art. 49(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(2)(b)**

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- F316** Words in Art. 49(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 32\(2\)\(c\)\(i\)](#)
- F317** Words in Art. 49(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 32\(2\)\(c\)\(ii\)\(aa\)](#)
- F318** Words in Art. 49(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 32\(2\)\(c\)\(ii\)\(bb\)](#)
- F319** Words in Art. 49(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 32\(2\)\(d\)](#)
- F320** Art. 49(5)-(7) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 32\(2\)\(e\)](#)

## Article 50

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

1 <sup>F321</sup>Subject to paragraph 1A, components] and separate technical units, including those intended for the aftermarket, may only be made available on the market or entered into service if they comply with the requirements of the relevant regulatory acts listed in Annex II and are marked in accordance with Article 38.

<sup>F322</sup>1A Components and separate technical units to which Article 5A applies, including those intended for the aftermarket, may also be made available on the market or entered into service provided that they comply with the requirements of the relevant regulatory acts listed in Annex II of the EU Type Approval Regulation 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 <sup>F323</sup>Paragraph 1 does not apply to] 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, <sup>F324</sup>... and 45 <sup>F325</sup>or, where Article 5A applies to the vehicle, Articles 41, 42, 44 and 45 of the EU Type Approval Regulation] concerning the component or separate technical unit in question.

4 <sup>F326</sup>Paragraph 1 does not apply to] 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 <sup>F327</sup>Paragraph 1 does not apply to] 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 regulatory acts listed in Annex II, in accordance with the requirements of the relevant act that applied when those type-approvals were originally granted.

<sup>F328</sup>6 Notwithstanding paragraph 1, replacement components and separate technical units that were EU type-approved before 1st January 2023 in accordance with the regulatory acts

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listed in Annex II of the EU Type Approval Regulation may be made available on the market or entered into service.]

#### Textual Amendments

- F321** Words in Art. 50(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(a)**
- F322** Art. 50(1A) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(b)**
- F323** Words in Art. 50(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(c)(i)**
- F324** Word in Art. 50(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(c)(ii)**
- F325** Words in Art. 50(3) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(c)(iii)**
- F326** Words in Art. 50(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(d)**
- F327** Words in Art. 50(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(d)**
- F328** Art. 50(6) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **32(3)(e)**

## CHAPTER XI

### SAFEGUARD CLAUSES

#### Article 51

#### <sup>F329</sup> ... 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 [<sup>F330</sup>the approval] authority or a manufacturer or based on complaints, the market surveillance [<sup>F331</sup>authority has] 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 [<sup>F332</sup>or, where Article 5A applies to the vehicle, system, component or separate technical unit, the EU Type Approval Regulation], they shall evaluate the vehicle, system, component or separate technical unit concerned with respect to the relevant requirements laid down in this Regulation [<sup>F333</sup>or, where applicable, the EU Type Approval Regulation]. The relevant economic operators <sup>F334</sup>... shall cooperate fully



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with the market [<sup>F335</sup>surveillance authority,] 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.

#### Textual Amendments

- F329** Word in Art. 51 heading omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(a)**
- F330** Words in Art. 51 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(i)**
- F331** Words in Art. 51 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(ii)**
- F332** Words in Art. 51 inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(iii)**
- F333** Words in Art. 51 inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(iv)**
- F334** Words in Art. 51 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(v)**
- F335** Words in Art. 51 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(1)(b)(vi)**

#### Article 52

##### <sup>F336</sup> ... 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 <sup>F337</sup>... 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.

2 Where, after having performed the evaluation pursuant to Article 51, the market surveillance authority <sup>F338</sup>... finds that a vehicle, system, component or separate technical unit does not comply with this Regulation [<sup>F339</sup>or, where Article 5A applies to the vehicle, system, component or separate technical unit, the EU Type Approval 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,

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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 <sup>F340</sup> ....

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 [<sup>F341</sup>market surveillance authority] 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, <sup>F342</sup> ... or to withdraw them from [<sup>F343</sup>the 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.

<sup>F344</sup>4 .....

#### Textual Amendments

- F336** Word in Art. 52 heading omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(a)**
- F337** Words in Art. 52(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(b)**
- F338** Words in Art. 52(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(c)(i)**
- F339** Words in Art. 52(2) inserted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(c)(ii)**
- F340** Words in Art. 52(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(c)(iii)**
- F341** Words in Art. 52(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(d)(i)**
- F342** Words in Art. 52(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(d)(ii)**
- F343** Words in Art. 52(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(d)(iii)**
- F344** Art. 52(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(2)(e)**

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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 07 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) View outstanding changes

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### Article 53

#### Corrective and restrictive measures <sup>F345</sup> ...

F346 <sup>1</sup>	.....
F346 <sup>2</sup>	.....
F346 <sup>3</sup>	.....
F346 <sup>4</sup>	.....
F346 <sup>5</sup>	.....
F346 <sup>6</sup>	.....
F346 <sup>7</sup>	.....

[<sup>F347</sup> Where a corrective measure is imposed in accordance with Article 52, that measure must 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 must reimburse the cost of such repairs up to the cost of the repairs required by that corrective measure.]

#### Textual Amendments

- F345** Words in Art. 53 heading omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(3)(a)**
- F346** Art. 53(1)-(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(3)(b)**
- F347** Art. 53(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(3)(c)**

### <sup>F348</sup> Article 54

#### Non-compliant EU type-approval

#### Textual Amendments

- F348** Art. 54 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(4)**

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## Article 55

### 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 placed on the market, shall not enter into service, and shall be prohibited, unless they have been authorised by [<sup>F349</sup>the 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 [<sup>F350</sup>The Secretary of State may by regulations lay 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 [<sup>F351</sup>The Secretary of State may by regulations amend] 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 [<sup>F352</sup>the approval authority]. [<sup>F353</sup>The Secretary of State may by regulations set out when those authorisations may be granted]. <sup>F354</sup>...

#### Textual Amendments

**F349** Words in Art. 55(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(5)(a)**

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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 07 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) View outstanding changes

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- F350** Words in Art. 55(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 33\(5\)\(b\)](#)
- F351** Words in Art. 55(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 33\(5\)\(c\)](#)
- F352** Words in Art. 55(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 33\(5\)\(d\)\(i\)](#)
- F353** Words in Art. 55(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 33\(5\)\(d\)\(ii\)](#)
- F354** Words in Art. 55(6) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 33\(5\)\(d\)\(iii\)](#)

## Article 56

### **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 <sup>F355</sup>....

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.

[<sup>F356</sup>The Secretary of State may by regulations lay down the template and the numbering system for the authorisation certificate referred to in the third subparagraph of this paragraph.]

3 The manufacturer shall inform without delay the approval authority <sup>F357</sup>... of any change affecting the conditions under which the authorisation has been issued. [<sup>F358</sup>The 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.

**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 07 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) View outstanding changes

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.

F359 5 .....

F360 6 .....

F361 7 .....

#### Textual Amendments

- F355** Words in Art. 56(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(a)**
- F356** Words in Art. 56(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(b)**
- F357** Words in Art. 56(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(c)(i)**
- F358** Words in Art. 56(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(c)(ii)**
- F359** Art. 56(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(d)**
- F360** Art. 56(6) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(d)**
- F361** Art. 56(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **33(6)(d)**

## CHAPTER XII

### INTERNATIONAL REGULATIONS

#### Article 57

#### UN Regulations required for [F362GB] type-approval

1 UN Regulations or amendments thereto which the [F363United Kingdom] has voted in favour of, or that the [F363United Kingdom] applies and that are listed in Annex II, shall be part of the requirements for the [F364GB] type-approval of vehicles, systems, components or separate technical units.

**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 07 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) View outstanding changes

2 Where the [<sup>F365</sup>United Kingdom] has voted in favour of a UN Regulation or amendments thereto for the purpose of whole-vehicle type-approval, the [<sup>F366</sup>the Secretary of State may by regulations supplement] this Regulation by making that UN Regulation or the amendments thereto compulsory or amending this Regulation.

[<sup>F367</sup>Regulations made under this paragraph must] 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 [<sup>F368</sup>GB] type-approval, first registration and entry into service of vehicles and making available on the market of systems, components and separate technical units.

#### Textual Amendments

- F362** Word in Art. 57 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(a)**
- F363** Words in Art. 57(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(b)(i)**
- F364** Word in Art. 57(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(b)(ii)**
- F365** Words in Art. 57(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(c)(i)(aa)**
- F366** Words in Art. 57(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(c)(i)(bb)**
- F367** Words in Art. 57(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(c)(ii)(aa)**
- F368** Word in Art. 57(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(1)(c)(ii)(bb)**

#### Article 58

#### Equivalence of UN Regulations for the purpose of [<sup>F369</sup>GB] 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 [<sup>F370</sup>authority] 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.

#### Textual Amendments

- F369** Word in Art. 58 heading substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **34(2)(a)**

**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 07 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) View outstanding changes

**F370** Word in Art. 58(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **34(2)(b)**

## CHAPTER XIII

### PROVISION OF TECHNICAL INFORMATION

#### Article 59

##### 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.

3 The information referred to in paragraph 2 shall be supplied in [<sup>F371</sup>English]. It shall also be provided in the owner's manual.

#### Textual Amendments

**F371** Word in Art. 59(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **35(1)**

#### Article 60

##### 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 [<sup>F372</sup>GB] 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.



**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 07 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) View outstanding changes

### Textual Amendments

**F372** Word in Art. 60(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **35(2)**

## CHAPTER XIV

### ACCESS TO VEHICLE OBD INFORMATION AND VEHICLE REPAIR AND MAINTENANCE INFORMATION

#### Article 61

#### **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 <sup>[F373]</sup>The Secretary of State may by regulations specify a relevant standard for the purposes of this Article, from standards developed by the British Standards Institute, the European Committee for Standardisation or a comparable standardisation body. Until such a standard has been specified], 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.

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 <sup>F374</sup>... type-approval of vehicles produced in small series as referred to in Article 42;
- b for special purpose vehicles;

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- c for vehicle types of categories O<sub>1</sub> and O<sub>2</sub> 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.

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

11 <sup>[F375]</sup>The Secretary of State may by regulations amend] 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 <sup>[F376]</sup>Secretary of State must] take into account current information technology, foreseeable vehicle technology developments, existing ISO standards and the possibility of a worldwide ISO standard.

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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 07 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) View outstanding changes

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### Textual Amendments

- F373** Words in Art. 61(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(1)(a)**
- F374** Word in Art. 61(3)(a) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(1)(b)**
- F375** Words in Art. 61(11) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(1)(c)(i)**
- F376** Words in Art. 61(11) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(1)(c)(ii)**

## Article 62

### 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

### 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 [<sup>F377</sup>the approval authority or the market surveillance authority], [<sup>F378</sup>and to] 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.

**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 07 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) View outstanding changes

#### Textual Amendments

**F377** Words in Art. 63(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(2)(a)**

**F378** Words in Art. 63(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(2)(b)**

### Article 64

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

1 The manufacturer that has applied for [<sup>F379</sup>a GB type-approval, including a GB small series 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.

#### Textual Amendments

**F379** Words in Art. 64(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(3)**

### Article 65

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

1 [<sup>F380</sup>The 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 [<sup>F381</sup>the 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 <sup>F382</sup>... 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 <sup>F383</sup>... investigate the complaint

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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 07 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) View outstanding changes

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and [<sup>F384</sup>subsequently] 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 <sup>F385</sup>... the independent operator or trade association concerned within three months <sup>F386</sup>....

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.

#### Textual Amendments

- F380** Words in Art. 65(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(a)**
- F381** Words in Art. 65(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(b)(i)**
- F382** Words in Art. 65(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(b)(ii)**
- F383** Words in Art. 65(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(c)(i)**
- F384** Word in Art. 65(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(c)(ii)**
- F385** Words in Art. 65(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(c)(iii)**
- F386** Words in Art. 65(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(4)(c)(iv)**

#### <sup>F387</sup>Article 66

### Forum on Access to Vehicle Information

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#### Textual Amendments

- F387** Art. 66 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **36(5)**

*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 07 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) View outstanding changes*

## CHAPTER XV

### ASSESSMENT, DESIGNATION, NOTIFICATION AND MONITORING OF TECHNICAL SERVICES

#### Article 67

#### Type-approval authority responsible for technical services

1 The approval authority <sup>F388</sup>..., 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 [<sup>F389</sup>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.

<sup>F390</sup>2 .....

<sup>F391</sup>3 .....

4 The [<sup>F392</sup>approval] authority shall not provide consultancy services on a commercial or competitive basis.

<sup>F393</sup>5 .....

<sup>F393</sup>6 .....

<sup>F393</sup>7 .....

<sup>F393</sup>8 .....

<sup>F393</sup>9 .....

<sup>F393</sup>10 .....

#### Textual Amendments

**F388** Words in Art. 67(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(a)(i)**

**F389** Word in Art. 67(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(a)(ii)**

**F390** Art. 67(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(b)**

**F391** Art. 67(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(b)**

**F392** Word in Art. 67(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(c)**

**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 07 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) View outstanding changes

**F393** Art. 67(5)-(10) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(1)(d)**

## Article 68

### Designation of technical services

1 The <sup>F394</sup>approval authority must] 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 <sup>F395</sup>The approval authority may designate itself] as a technical service for one or more of the categories of activities referred to in paragraph 1.

<sup>F3963</sup> Subject to paragraph (3B), a technical service must have legal personality and must be established in—

- a the United Kingdom;
- b a member State; or
- c the territory of a party to the CPTPP.]

<sup>F397</sup>3A. In paragraph (3) “the CPTPP” has the meaning set out in section 1 of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024.

3B. Paragraph (3) does not apply to a technical service belonging to an approval authority or 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, <sup>F398</sup>unless a state has assumed liability for those activities in accordance with its national law], or unless the <sup>F399</sup>Secretary of State] itself is directly responsible for the conformity assessment.

<sup>F400</sup>5 . . . . .

#### Textual Amendments

**F394** Words in Art. 68(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(2)(a)**

**F395** Words in Art. 68(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(2)(b)**

**F396** Art. 68(3) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Treatment of Conformity Assessment Bodies \(Comprehensive and Progressive Agreement for Trans-Pacific Partnership\) Regulations 2024 \(S.I. 2024/504\)](#), **reg. 19(a)**

**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 07 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) View outstanding changes

- F397** Art. 68(3A)(3B) inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Treatment of Conformity Assessment Bodies (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Regulations 2024 (S.I. 2024/504), **reg. 19(b)**
- F398** Words in Art. 68(4) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(2)(d)(i)**
- F399** Words in Art. 68(4) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(2)(d)(ii)**
- F400** Art. 68(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(2)(e)**

## Article 69

### 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 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 [<sup>F401</sup>approval authority].

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 [<sup>F402</sup>approval] authority and, where relevant, to the national accreditation body, or where required by <sup>F403</sup>... law.



**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 07 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) View outstanding changes

### Textual Amendments

- F401** Words in Art. 69(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(3)(a)**
- F402** Word in Art. 69(5) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(3)(b)(i)**
- F403** Words in Art. 69(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(3)(b)(ii)**

## Article 70

### 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 [F404 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 [F405 The Secretary of State may by regulations amend] Annex III as regards the requirements for the assessment of the technical services.

### Textual Amendments

- F404** Word in Art. 70(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(4)(a)**
- F405** Words in Art. 70(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(4)(b)**

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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 07 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) View outstanding changes

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## Article 71

### Subsidiaries of and subcontracting by technical services

1 Technical services may subcontract, with the agreement of the designating [<sup>F406</sup>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 [<sup>F406</sup>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 <sup>F407</sup>... [<sup>F406</sup>approval] authority the relevant documents concerning the assessment carried out by the [<sup>F406</sup>approval] authority or the accreditation carried out by the national accreditation body of the subcontractor or the subsidiary and the tasks performed by them.

#### Textual Amendments

**F406** Word in Art. 71 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(5)(a)**

**F407** Word in Art. 71(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(5)(b)**

## Article 72

### 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;

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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 07 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) View outstanding changes

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- 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 <sup>F408</sup> The Secretary of State may by regulations amend] Annex VII to take account of technical and regulatory developments by updating the list of regulatory acts and restrictions contained therein.

#### Textual Amendments

**F408** Words in Art. 72(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(6)**

### Article 73

#### Assessment and designation of technical services

1 The applicant technical service shall submit a formal application to the <sup>F409</sup>approval] authority <sup>F410</sup>... 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 <sup>F411</sup>the approval] authority designates a technical service, <sup>F412</sup>the 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 <sup>F413</sup>United Kingdom].

3 In cases where the assessment is carried out by a national accreditation body, the applicant technical service shall deliver to the <sup>F414</sup>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.

<sup>F415</sup>4 .....

<sup>F415</sup>5 .....

<sup>F415</sup>6 .....

<sup>F415</sup>7 .....

8 <sup>F416</sup>The personnel of the approval authority carrying out an assessment must] 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.

<sup>F417</sup>10 .....

**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 07 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) View outstanding changes

- F417<sup>11</sup> .....
- F417<sup>12</sup> .....
- F417<sup>13</sup> .....
- F417<sup>14</sup> .....

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

16 [<sup>F418</sup>Where the approval authority] intends to be designated as a technical service in accordance with Article 68(2) [<sup>F419</sup>it must] 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.

#### Textual Amendments

- F409** Word in Art. 73(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(a\)\(i\)](#)
- F410** Words in Art. 73(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(a\)\(ii\)](#)
- F411** Words in Art. 73(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(b\)\(i\)](#)
- F412** Words in Art. 73(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(b\)\(ii\)](#)
- F413** Words in Art. 73(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(b\)\(iii\)](#)
- F414** Word in Art. 73(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(c\)](#)
- F415** Art. 73(4)-(7) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(d\)](#)
- F416** Words in Art. 73(8) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(e\)](#)
- F417** Art. 73(10)-(14) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(f\)](#)
- F418** Words in Art. 73(16) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(g\)\(i\)](#)
- F419** Words in Art. 73(16) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [37\(7\)\(g\)\(ii\)](#)

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## <sup>F420</sup>Article 74

### Notification to the Commission concerning designation of technical services

#### Textual Amendments

**F420** Art. 74 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(8)**

## Article 75

### Changes to and renewal of designations of technical services

1 Where the [<sup>F421</sup>approval] authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this Regulation, that [<sup>F421</sup>approval] authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

<sup>F422</sup> ...

2 In the event of a restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the [<sup>F423</sup>approval] authority shall keep the files of that technical service available for the <sup>F424</sup>... market surveillance [<sup>F425</sup>authority] or transfer those files to another technical service chosen by the manufacturer in agreement with that technical service.

3 The [<sup>F426</sup>approval] authority shall assess within three months of [<sup>F427</sup>restricting, suspending or withdrawing the designation under] paragraph 1 whether the non-compliance of the technical service has an impact on [<sup>F428</sup>GB] type-approval certificates issued on the basis of the inspection and test reports issued by [<sup>F429</sup>that technical service]<sup>F430</sup>....

Within two months after having [<sup>F431</sup>restricted, suspended or withdrawn] the designation, the [<sup>F432</sup>approval] authority shall [<sup>F433</sup>prepare] a report on its findings regarding the non-compliance <sup>F434</sup>.... Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the <sup>F435</sup>... approval authority shall <sup>F436</sup>... suspend or withdraw within a reasonable period of time, any [<sup>F437</sup>GB] type-approval certificates which were unduly issued.

[<sup>F438</sup>4 Where the designation of a technical service has been restricted, suspended or withdrawn, but the approval authority has decided not to suspend or withdraw, in accordance with the second subparagraph of paragraph 3, the GB type-approval certificates which were issued on the basis of inspection and test reports issued by that technical service, those certificates remain valid unless the type-approvals have been invalidated 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.

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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 <sup>F439</sup>....

6 The designation of a technical service shall only be renewed after the [<sup>F440</sup>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.

#### Textual Amendments

- F421** Word in Art. 75(1) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(a)(i)**
- F422** Words in Art. 75(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(a)(ii)**
- F423** Word in Art. 75(2) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(b)(i)**
- F424** Words in Art. 75(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(b)(ii)**
- F425** Word in Art. 75(2) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(b)(iii)**
- F426** Word in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(i)(aa)**
- F427** Words in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(i)(bb)**
- F428** Word in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(i)(cc)**
- F429** Words in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(i)(dd)**
- F430** Words in Art. 75(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(i)(ee)**
- F431** Words in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(ii)(aa)**
- F432** Word in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(ii)(bb)**
- F433** Word in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(ii)(cc)**
- F434** Words in Art. 75(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **37(9)(c)(ii)(dd)**

**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 07 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) View outstanding changes

- F435** Words in Art. 75(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(c\)\(ii\)\(ee\)](#)
- F436** Words in Art. 75(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(c\)\(ii\)\(ff\)](#)
- F437** Word in Art. 75(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(c\)\(ii\)\(gg\)](#)
- F438** Art. 75(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(d\)](#)
- F439** Words in Art. 75(5) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(e\)](#)
- F440** Word in Art. 75(6) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\), regs. 1\(2\), 37\(9\)\(f\)](#)

## Article 76

### Monitoring of technical services

1 The <sup>F441</sup>... 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 <sup>F441</sup>... approval authority or national accreditation body to verify compliance with those requirements.

Technical services shall inform the <sup>F441</sup>... 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 [<sup>F442</sup>the approval] authority <sup>F443</sup>... in relation to the conformity assessments they have carried out.

3 The <sup>F444</sup>... 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.

<sup>F445</sup> ...

4 At least every 30 months, the [<sup>F446</sup>approval authority] shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles

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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.

F447  
...

#### Textual Amendments

- F441** Words in Art. 76(1) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(a)**
- F442** Words in Art. 76(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(b)(i)**
- F443** Words in Art. 76(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(b)(ii)**
- F444** Words in Art. 76(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(c)(i)**
- F445** Words in Art. 76(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(c)(ii)**
- F446** Words in Art. 76(4) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(d)(i)**
- F447** Words in Art. 76(4) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(10)(d)(ii)**

*F448* Article 77

### Challenge to the competence of technical services

#### Textual Amendments

- F448** Art. 77 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **37(11)**

*F449* Article 78

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



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### Textual Amendments

**F449** Art. 78 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(11)**

## Article 79

### 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 [<sup>F450</sup>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 [<sup>F451</sup>The approval authority must keep] 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 [<sup>F452</sup>approval] authority <sup>F453</sup>... of its findings.

### Textual Amendments

**F450** Word in Art. 79(1) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(12)(a)**

**F451** Words in Art. 79(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(12)(b)(i)**

**F452** Word in Art. 79(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(12)(b)(ii)**

**F453** Words in Art. 79(2) omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(12)(b)(iii)**

## Article 80

### 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).

2 At all times, technical services shall:

- a allow the [<sup>F454</sup>approval] authority to witness the performance of the technical service during testing for type-approval; and
- b where requested, provide the [<sup>F454</sup>approval] authority with information on the categories of activities for which they have been designated.

**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 07 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) View outstanding changes

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 [F455 approval] authority in order for that [F455 approval] authority to require the manufacturer to take appropriate corrective measures. The [F455 approval] authority shall refuse to issue a [F455 approval] certificate where those appropriate corrective measures have not been taken.

#### Textual Amendments

- F454** Word in Art. 80(2) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(13)(a)**
- F455** Word in Art. 80(3) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(13)(b)**

### Article 81

#### Information obligations of technical services

- 1 Technical services shall inform the <sup>F456</sup>... approval authority of the following:
- any non-conformity encountered which may require the refusal, restriction, suspension or withdrawal of a type-approval certificate;
  - any circumstances affecting the scope of and conditions for their designation;
  - any request for information which they have received from market surveillance authorities regarding their activities.
- 2 Upon request from the <sup>F456</sup>... 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.

#### Textual Amendments

- F456** Words in Art. 81 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **37(14)**

## CHAPTER XVI

### DELEGATED AND IMPLEMENTING POWERS

#### <sup>F457</sup> Article 82

#### Regulations

- 1 Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
- 2 Such regulations may—
- make incidental, supplemental, consequential or transitional provision, and

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b make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.

3 Before making any regulations to which paragraph 4 applies the Secretary of State must consult with such representative organisations as the Secretary of State thinks fit.

4 This paragraph applies to regulations made under Articles 4(2), 5(3), 26(3), 30(8), 31(8), 41(5), 55(3) or (4), 61(11), 70(3), 72(3) or Annex X.

5 A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.]

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#### Textual Amendments

**F457** Art. 82 substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **38(1)**

#### <sup>F458</sup> Article 83

### Committee procedure

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#### Textual Amendments

**F458** Art. 83 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **38(2)**

## CHAPTER XVII

### FINAL PROVISIONS

#### <sup>F459</sup> Article 84

### Penalties

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#### Textual Amendments

**F459** Art. 84 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **39**

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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 07 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) View outstanding changes

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<sup>F460</sup> *Article 85*

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

**Textual Amendments**

**F460** Art. 85 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), **39**

*Article 86*

**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*

**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:  
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;

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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 07 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) View outstanding changes

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(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 CO<sub>2</sub> 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*

#### **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*

#### **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.

#### *F<sup>461</sup> Article 90*

#### **Reporting**

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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 07 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) View outstanding changes

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#### Textual Amendments

**F461** Art. 90 omitted (31.12.2022 at 11.00 p.m.) by virtue of [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/1273), regs. 1(2), **39**

#### Article 91

#### 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

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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 07 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) [View outstanding changes](#)

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- (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](#)).

**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 07 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulation power to amend conferred by [2024 c. 10 s. 91](#)
- Annex 2 Pt. I Table 1 TEXT addition by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 3 PT 5 addition by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 4 amendment by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Appendix 2 PT 4 TABL amendment by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 3 TABL amendment by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 2 TABL amendment by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. II Table TEXT repeal by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 17 repeal by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 16 repeal by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 1 TABL TEXT replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Appendix 1 TABL 1 NOTE replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 9A replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 5 TABL TEXT replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 3 replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Point 3A TABL TEXT replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 4 replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Appendix 1 TABL 1 NOTE replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III Appendix 6 TABL TEXT replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. III NOTE 15 replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Text replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Appendix 1 TABL 2 TEXT replacement by [EUR 2019/2144 Regulation](#)
- Annex 2 Pt. I Table 1 TEXT replacement by [EUR 2019/2144 Regulation](#)