

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 IX

INDIVIDUAL VEHICLE APPROVALS

Article 44

EU individual vehicle approvals

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

This Chapter shall not apply to incomplete vehicles.

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

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

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

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

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

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

Article 45

National individual vehicle approvals

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

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

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

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

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

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

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

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

Article 46

Validity of national individual vehicle approvals

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

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

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

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

Article 47

Specific provisions

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

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