

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 V

### AMENDMENTS TO AND VALIDITY OF EU TYPE-APPROVALS

#### *Article 33*

##### **General provisions on amendments of EU type-approvals**

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

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

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

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

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

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

#### *Article 34*

##### **Revisions and extensions of EU type-approvals**

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

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

updated version of the information package, accompanied by a detailed description of the changes.

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

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

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

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

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

### *Article 35*

#### **Termination of validity**

1 Seven years after the latest update of the information package in case of an EU whole-vehicle type-approval certificate for vehicles of categories 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 An EU type-approval shall become invalid in each of the following cases:

- a where new requirements applicable to the approved type of vehicle, system, component or separate technical unit become mandatory for the making available on the market, registration or entry into service and the EU type-approval cannot be extended on the grounds laid down in point (c) of Article 34(2);
- b where a verification carried out in accordance with paragraph 1 of this Article concludes that the vehicle does not comply with all the regulatory acts that are relevant to that type;
- c where the production of vehicles in conformity with the approved type of vehicle is definitively discontinued on a voluntary basis, which shall be deemed to have occurred where no vehicle of the type concerned has been produced in the previous two years;

- however, such type-approvals shall continue to be valid for the purpose of registration or entry into service as long as point (a) of this paragraph is not applicable;
- d where the EU type-approval has been withdrawn in accordance with Article 31(7);
  - e where the validity of the EU type-approval certificate expires due to a restriction referred to in Article 39(6);
  - f where the type-approval was found to be based on false declarations, falsified test results or where data were withheld which would have led to the refusal to grant the type-approval.

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

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

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

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

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

In the case of vehicles, the communication referred to in the first subparagraph of this paragraph shall specify the date of manufacture and the vehicle identification number ('VIN'), as defined in point (2) of Article 2 of Commission Regulation (EU) No 19/2011<sup>(1)</sup>, of the last vehicle produced.

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**Status:** This is the original version (as it was originally adopted).

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- (1) Commission Regulation (EU) 19/2011 of 11 January 2011 concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor ([OJ L 8, 12.1.2011, p. 1](#)).