

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 VII

NEW TECHNOLOGIES OR NEW CONCEPTS

Article 39

Exemptions for new technologies or new concepts

1 The manufacturer may apply for [^{F1}a 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 [^{F2}GB type]-approval referred to in paragraph 1 where all of the following conditions are met:

- a the application for the [^{F2}GB 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 [^{F2}GB 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.

^{F3}

[^{F4} 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.]

^{F5}

6 Where appropriate, [^{F6}the approval authority] shall specify whether [^{F7}the approval is] subject to any restrictions, in particular with regard to the maximum number of vehicles covered. In all cases, the [^{F8}GB type]-approval shall be valid for at least 36 months.

^{F9}

Changes to legislation: Regulation (EU) 2018/858 of the European Parliament and of the Council, CHAPTER VII is up to date with all changes known to be in force on or before 21 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

- F1 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)
F2 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)
F3 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)
F4 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)
F5 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)
F6 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)
F7 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)
F8 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)
F9 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 [F10Where 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 [F11Secretary 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 [F12imposed on the type-approval under Article 39(6)] shall be lifted.

F133

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Textual Amendments

- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**

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Changes and effects yet to be applied to :

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