

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 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>F1</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>F2</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**

- F1** 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)**
- F2** 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>F3</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>F4</sup>GB] type-approval is no longer valid.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)*

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The first subparagraph shall apply only to vehicles within the territory of the [F5United Kingdom] which were covered by a valid [F4GB] type-approval at the time of their production and which had not been registered or entered into service before that [F4GB] 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 [F6GB] 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 [F7approval authority]. The request shall specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

The [F8approval authority] shall decide, within three months of receiving such a request, whether to permit the registration or the entry into service of those vehicles F9..., and if so, the number of such vehicles.

4 [F10The 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.

[F115 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

- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)

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- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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>[F12]</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>[F13]</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>[F14]</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>F15</sup>... and 45 <sup>[F16]</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>[F17]</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>[F18]</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>[F19]</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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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)

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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

- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, CHAPTER X.