

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 XI

SAFEGUARD CLAUSES

Article 51

^{F1}... 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 [^{F2}the approval] authority or a manufacturer or based on complaints, the market surveillance [^{F3}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 [^{F4}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 [^{F5}or, where applicable, the EU Type Approval Regulation]. The relevant economic operators ^{F6}... shall cooperate fully with the market [^{F7}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

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**

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 XI. (See end of Document for details)

- F6** 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)**
- F7** 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

F8 ... 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 ^{F9}... 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 ^{F10}... finds that a vehicle, system, component or separate technical unit does not comply with this Regulation [^{F11}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, 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 ^{F12}....

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 [^{F13}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, ^{F14}... or to withdraw them from [^{F15}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.

^{F16}4

Textual Amendments

- F8** 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)**

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 XI. (See end of Document for details)

- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**

Article 53

Corrective and restrictive measures ^{F17} ...

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- F18**₂
- F18**₃
- F18**₄
- F18**₅
- F18**₆
- F18**₇

^{F19}₈ 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

- F17** 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)**

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 XI. (See end of Document for details)

- F18** 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)**
- F19** 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)**

^{F20}Article 54

Non-compliant EU type-approval

Textual Amendments

- F20** 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)**

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 [^{F21}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 [^{F22}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 [^{F23}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 [^{F24}the approval authority]. [^{F25}The Secretary of State may by regulations set out when those authorisations may be granted]. ^{F26}...

Textual Amendments

- F21** 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)**
- F22** 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)**
- F23** 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)**
- F24** 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)**
- F25** 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)**
- F26** 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 ^{F27}....

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.

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 XI. (See end of Document for details)

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.

[^{F28}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 ^{F29}... of any change affecting the conditions under which the authorisation has been issued. [^{F30}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.

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.

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Textual Amendments

- F27** 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)**
- F28** 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)**
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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)**

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 XI. (See end of Document for details)

F33 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)**

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 XI.