

# Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles

2016/0014(COD) - 19/04/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 547 votes to 83, with 16 abstentions, a legislative resolution on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.

The issue had been referred back to the committee responsible for interinstitutional negotiations at the sitting of 4.4.2017.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

**Subject:** the proposed Regulation shall lay down harmonised rules and principles for the **type-approval of motor vehicles and their trailers**, and of systems, components and separate technical units intended for such vehicles, and for individual vehicle approval.

It shall also establish:

- provisions for the placing on the market and the entry into service of parts and equipment that may **pose a serious risk** to the correct functioning of the essential systems of the vehicles;
- requirements for the market surveillance of vehicles, systems, components and separate technical units that are subject to approval and the requirements for the market surveillance of parts and equipment for such vehicles.

This Regulation introduces a number of **safeguards** to prevent requirements imposed in the process of granting approval to vehicles, systems, components or separate technical units from being misapplied.

**Reception and market surveillance:** Member States shall establish or appoint their own approval authorities and market surveillance authorities. In order to avoid potential conflicts of interest, the approval authorities and the market surveillance authorities should not be linked when carrying out their tasks.

Member States should **periodically review and assess** the functioning of their market surveillance activities and make publicly available a summary of the results of the periodic assessments.

The **technical services** responsible for carrying out the tests provided for in the Regulation shall also be subject to regular and independent audits.

**Vehicle testing:** the market surveillance authorities of each Member State shall carry out at least a minimum number of tests on vehicles per year. That minimum number of tests per Member State shall be one for every **40 000 new motor vehicles registered in that Member State in the preceding year**, but shall not be less than five tests. At least 20 % of the minimum number of tests shall cover all applicable emissions-related requirements to the tested type.

**Verification of compliance by the Commission:** the Commission may carry out, at its own expense, tests and inspections (including laboratory and road tests) to verify the conformity of vehicles. Member States shall cooperate with the Commission when it carries out tests and inspections.

The Commission shall inform the relevant approval authorities and market surveillance authorities in order for them to take appropriate measures to alert users within the Union, within an adequate timeframe, of any non-compliance that it has identified in relation to any vehicle, system, component or separate technical unit so as to prevent or reduce the risk of injury or other damage.

**Obligations of manufacturers:** the amended text stipulates that manufacturers shall ensure that their vehicles, systems, components and separate technical units are **not designed to incorporate strategies or other means that alter the performance exhibited during test procedures** in such a way that they do not comply with this Regulation when operating under conditions that can reasonably be expected in normal operation.

**Corrective and restrictive measures at Union level:** where the market surveillance authority of a Member State finds that a vehicle presents a serious risk to the health or safety of persons or to other aspects related to the protection of the public interest, it shall request the relevant economic operator to take all appropriate corrective measures without delay to ensure that the vehicle no longer presents such a risk.

The Member State taking corrective or restrictive measures shall inform the Commission and the other Member States. Where the Commission considers that a notified national measure is contrary to Union law, it should consult the Member States and the economic operator or operators concerned. On the basis of this consultation, it should adopt implementing acts in order to decide on harmonised corrective or restrictive measures at Union level.

Any test carried out on any vehicle in one Member State shall be able to be used to take corrective and restrictive measures in another Member State.

If corrective measures are applied, the owners of the vehicles concerned shall not bear the costs of repairing their vehicles.

**Penalties:** the Regulation shall allow fines to be imposed on economic operators and technical services who falsify test results or who submit false declarations or incorrect data for type-approval.

In support of corrective and restrictive measures at Union level, the Commission may impose administrative fines of up to **EUR 30 000 per vehicle** on the economic operator concerned for non-compliance of the vehicle.

**Forum for the exchange of information on enforcement:** the Commission shall chair and manage a forum for the exchange of information on enforcement. This forum shall be composed of representatives appointed by each of the Member States, representing the approval authorities and the market surveillance authorities.

In order to **ensure a level playing field** and to avoid divergent standards being applied across the Union, national authorities shall cooperate fully with the Forum and the Commission in their audit and oversight activities.

**Access to information:** the text provides that independent garages shall have access to relevant vehicle information in order to be able to compete with dealers and help reduce prices. They shall have access to remote diagnostic services used by manufacturers and dealers.

