

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) - 30/05/2018 - Final act

PURPOSE: to reform the type-approval and market surveillance system for motor vehicles in the EU.

LEGISLATIVE ACT: Regulation (EU) 2018/858 of the European Parliament and of the Council 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.

CONTENT: this Regulation lays 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, with a view to ensuring the proper functioning of the internal market for the benefit of businesses and consumers and in order to **offer a high level of safety and of health and environmental protection**.

It also lays down provisions for the placing on the market and putting into service of parts and appliances which may present a **serious risk** to the proper functioning of essential vehicle systems.

The Regulation introduces changes to the type-approval system by means of measures strengthening (i) **the quality of testing** that allows a vehicle to be placed on the market through improved technical services; (ii) **market surveillance** to control the conformity of vehicles already available on the market; (iii) the **oversight** of the type-approval process.

Vehicle testing: under the new market surveillance rules, 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.

The market surveillance authority of one Member State may agree with the market surveillance authority of another Member State that the market surveillance authority of that other Member State carries out the tests

Compliance verification by the Commission: the Commission shall organise and carry out, at its own expense, **tests and inspections** to verify that vehicles, systems, components and separate technical units comply with the relevant requirements.

The Commission may entrust the performance of tests or inspections to technical services, in which case, the technical service shall be acting on behalf of the Commission. In this case, the Commission shall ensure that the technical service that is used is not the same as the technical service that performed the original type-approval test.

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.

In addition, the Commission shall be empowered to carry out **assessments concerning the procedures put in place by the approval authorities** that have granted EU type-approvals during the five years preceding the assessment. The Commission shall produce a summary of its findings and make them available to the public.

General obligations of manufacturers: manufacturers shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production. They 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;

- establish procedures to ensure that series production of vehicles, systems, components and separate technical units remains in conformity with the approved type.
- examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the vehicles, systems, components, separate technical units, parts and equipment that they have placed on the market.

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

The Member State taking corrective or restrictive measures shall inform the Commission and the other Member States. Where corrective measures are applied, the **owners of the vehicles concerned shall not have to bear the costs of repairing their vehicles.**

Penalties: the Regulation allows for penalties to be imposed on economic operators and technical services who falsify test results or who submit false declarations or incorrect data for type-approval. The Commission shall have the possibility to impose **administrative fines on manufacturers and importers of up to EUR 30 000 per non-compliant vehicle.**

Type-approval authority: the Regulation provides for the establishment of a procedure for the evaluation of type-approval authorities. The Commission shall have the opportunity to participate in the peer evaluation team and shall make public a summary of the conclusions of these evaluations. However, type-approval authorities shall not be subject to peer review if they designate all their technical services on the basis of accreditation based on internationally recognised standards.

Technical services: the technical services shall carry out the type-approval tests under the responsibility of the type-approval authorities.

National accreditation bodies shall participate in the evaluation of technical services and the establishment of joint assessment teams. If the technical service is not accredited, the assessment shall be carried out by joint assessment teams composed of representatives of the type-approval authorities of at least two other Member States and a representative of the Commission.

The position of technical services vis-à-vis manufacturers should be strengthened, including their right and duty to carry out unannounced factory inspections and to conduct physical or laboratory tests.

Forum for the exchange of information on enforcement: the Regulation provides for the establishment of an advisory Forum for the exchange of information on enforcement, composed of representatives of the national authorities responsible for type-approval and market surveillance. This Forum will be set up in order to harmonise the different interpretations and practices between the Member States. It shall also examine the findings of the peer reviews and the Commission's evaluations.

The national authorities shall have to submit, annually, to the Forum a comprehensive overview of its planned market surveillance checks.

ENTRY INTO FORCE: 4.7.2018.

APPLICATION: from 1.9.2020.