

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2003/0153(COD)</p>	Procedure completed
<p>Approval of motor vehicles and their trailers. Framework Directive</p> <p>Amended by <a href="#">2007/0201(COD)</a>            Amended by <a href="#">2007/0214(COD)</a>            Amended by <a href="#">2007/0295(COD)</a>            Amended by <a href="#">2011/0409(COD)</a>            Amended by <a href="#">2013/0165(COD)</a>            Repealed by <a href="#">2016/0014(COD)</a>            See also <a href="#">2018/0220(COD)</a></p> <p>Subject            2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance            3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>IMCO</b> Internal Market and Consumer Protection	PPE-DE <a href="#">HARBOUR Malcolm</a>	01/09/2004
	Former committee responsible	PPE-DE <a href="#">GARGANI Giuseppe</a>	11/09/2003
	<b>JURI</b> Legal Affairs and Internal Market		
Council of the European Union	Former committee for opinion	GUE/NGL <a href="#">CAUDRON Gérard</a>	02/10/2003
	<b>ITRE</b> Industry, External Trade, Research, Energy		
	<b>RETT</b> Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	<a href="#">General Affairs</a> <a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2816</a> <a href="#">2772</a>	23/07/2007 11/12/2006
	Commission DG <a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>	Commissioner VERHEUGEN Günter	

Key events			
14/07/2003	Legislative proposal published	<a href="#">COM(2003)0418</a>	Summary
01/09/2003	Committee referral announced in		

	Parliament, 1st reading		
22/01/2004	Vote in committee, 1st reading		Summary
22/01/2004	Committee report tabled for plenary, 1st reading	<a href="#">A5-0025/2004</a>	
11/02/2004	Decision by Parliament, 1st reading	<a href="#">T5-0087/2004</a>	Summary
29/10/2004	Modified legislative proposal published	<a href="#">COM(2004)0738</a>	Summary
11/12/2006	Council position published	<a href="#">09911/3/2006</a>	Summary
18/01/2007	Committee referral announced in Parliament, 2nd reading		
12/04/2007	Vote in committee, 2nd reading		Summary
17/04/2007	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0145/2007</a>	
09/05/2007	Debate in Parliament		
10/05/2007	Results of vote in Parliament		
10/05/2007	Decision by Parliament, 2nd reading	<a href="#">T6-0176/2007</a>	Summary
23/07/2007	Act approved by Council, 2nd reading		
04/09/2007	End of procedure in Parliament		
05/09/2007	Final act signed		
09/10/2007	Final act published in Official Journal		

### Technical information

Procedure reference	2003/0153(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	<p>Amended by <a href="#">2007/0201(COD)</a></p> <p>Amended by <a href="#">2007/0214(COD)</a></p> <p>Amended by <a href="#">2007/0295(COD)</a></p> <p>Amended by <a href="#">2011/0409(COD)</a></p> <p>Amended by <a href="#">2013/0165(COD)</a></p> <p>Repealed by <a href="#">2016/0014(COD)</a></p> <p>See also <a href="#">2018/0220(COD)</a></p>
Legal basis	Rules of Procedure EP 52-p1; EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/22877

### Documentation gateway

Legislative proposal	<a href="#">COM(2003)0418</a>	14/07/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0025/2004</a>	22/01/2004	EP	

Economic and Social Committee: opinion, report	<a href="#">CES0090/2004</a> <a href="#">OJ C 108 30.04.2004, p. 0029-0031</a>	28/01/2004	ESC	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0087/2004</a> OJ C 097 22.04.2004, p. 0137-0370 E	11/02/2004	EP	Summary
Modified legislative proposal	<a href="#">COM(2004)0738</a>	29/10/2004	EC	Summary
Council position	<a href="#">09911/3/2006</a>	11/12/2006	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2006)0809</a>	12/12/2006	EC	Summary
Amendments tabled in committee	<a href="#">PE386.416</a>	09/03/2007	EP	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0145/2007</a>	17/04/2007	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T6-0176/2007</a>	10/05/2007	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2007)3179</a>	14/06/2007	EC	
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2007)0453</a>	20/07/2007	EC	Summary
Draft final act	<a href="#">03622/2007/LEX</a>	05/09/2007	CSL	
Follow-up document	C(2010)1135	09/03/2010	EC	

#### Additional information

National parliaments

[IPEX](#)

#### Final act

[Directive 2007/46](#)  
[OJ L 263 09.10.2007, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

## Approval of motor vehicles and their trailers. Framework Directive

**PURPOSE** : to present a proposal for a Directive of the European Parliament and of the Council on the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (recast version). **CONTENT** : this proposal for a Directive is the second stage of the recasting of a Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the approval of motor vehicles and their trailers. Once adopted, it will repeal and replace Directive 70/156/EEC. Over time, Directive 70/156/EEC has undergone more than 18 amendments necessary to adapt it to a sector which is in a permanent state of flux. Consequently, it needs to be made more readable by being recast, in light of the enlargement process and also the major global agreement on the establishing of international technical regulations has been concluded in Geneva. The first stage of the recasting entails consolidating the technical annexes to Directive 70/156/EEC in the form of a Commission directive; the second stage is a proposal for a directive of the European Parliament and of the Council which will recast the legislative provisions of that directive in their entirety. The technical annexes to Directive 70/156/EEC have just been consolidated into a single document, which not only provides a synopsis of all the administrative and technical provisions governing type-approval procedures, but also lays down a set of specific measures for commercial vehicles. The Commission now believes that the time has come to take a further step forward and extend the principles hitherto developed for other categories of vehicles to include commercial vehicles as well. This proposal incorporates most of the existing legislative provisions in a reworked form and puts in place the legislative instruments that are essential in order for the approval procedure to be extended to all categories of commercial vehicles; this procedure could be operational as early as 2007. Besides all the technical aspects mentioned above, the proposed directive would lay down the necessary provisions concerning the introduction of a new 'split-level' approach to the regulatory work. If this approach is introduced, it can be assumed that the adoption of very complex pieces of legislation would be facilitated. Recent experiences have indeed shown that the inclusion of detailed, advanced technical provisions alongside the essential features in a single directive risks slowing down the adoption procedures. Consequently, while it is for the European Parliament and the Council to decide on the essential requirements of a regulatory act, it is proposed that the Commission, assisted by a regulatory committee, be entrusted with establishing the detailed technical provisions and practical implementation measures. More specifically, the present proposal lays down new technical provisions for the automobile sector with a view to enhancing road safety. These measures mainly concern utility vehicles (vans, lorries, trailers, etc.) and coaches. Among the devices made obligatory which will have most impact on road safety are ABS (which prevents the wheels blocking during breaking), new and more

effective rear mirrors, side protection devices, etc. While the main objective of the legislation enacted since 1970 has been to bring about the single market, the road safety aspects have always been considered and the legislator has sought to guarantee, by means of construction standards based on sound scientific and technical knowledge, that all road users enjoy the highest possible level of safety, while ensuring protection of the environment. Quite naturally, the main lines of approach which were adopted in 1970 when drawing up the framework directive are still to be found in this draft. They coexist however with fully new concepts: - the directive is based on total harmonisation, which means that Community type-approval procedures will be compulsory and will replace the national requirements with which they have coexisted until now. There will be a long transitional period to enable all manufacturers in the new sectors concerned to adapt gradually to the new procedures; - as before, the Directive includes legal and administrative provisions for the type-approval of systems such as braking system, components such as tyres, and separate technical units such as lateral protection, in line with the separate directives; - the procedures will continue to authorise type-approval of a complete vehicle by combining the separate type-approvals issued for its constituent systems, components and technical units, even when partial type-approvals have been carried out in various Member States; - instead of using the separate directives, type-approval of a complete vehicle can be based on the international regulations resulting from the 1958 Agreement, which are regarded as alternatives to the European Directives implementing Council Decision 97/836/EC of 27 November 1997; - a new method of type-approval - known as multi-stage type-approval - has been introduced in order to bring the situation into line with the manufacture of commercial vehicles; - passenger cars built in small series, which were not previously subject to the harmonised Community type-approval procedure, will now be included in the Community system under a flexible procedure; - at the request of Member States wishing nevertheless to maintain a simplified procedure allowing the approval of very small quantities of passenger cars, the possibility still remains of approving small series of 50 vehicles a year on a purely national basis, i.e. restricted to the territory of the Member State granting the approval; - commercial vehicles will also be able to follow a European small-series procedure similar to that applied to passenger cars; - the Commission has endorsed the opinion of those Member States wishing to include in the directive the individual approval of vehicles, known as the individual approval procedure. The practical arrangements will be laid down in a separate annex after consultation with the usual partners. This procedure will be applicable to the approval of vehicles following the multi-stage system. ?

## Approval of motor vehicles and their trailers. Framework Directive

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The committee adopted the report by its chairman, Giuseppe GARGANI (EPP-ED, I), amending the proposal under the 1st reading of the codecision procedure: - approval procedures governed by the directive should be optional for vehicles for use principally on construction sites or in quarries, port or airport facilities, armoured vehicles for use by the army, civil defence and forces responsible for maintaining public order, mobile machinery, tracked vehicles, vehicles intended exclusively for racing on roads and prototypes of vehicles used by manufacturers to perform a specific test programme; - whereas the Commission was proposing that the validity of an individual approval be restricted to the territory of the Member State which granted the approval, the committee added that, where there is an intention to register a vehicle in another Member State, it shall be presumed that the vehicle complies with the requirements imposed in the state of registration provided that an analysis of the documents supplied by the applicant together with the registration application does not rule out such compliance; - to reduce the burden of the directive on small and medium sized enterprises, the committee recommended raising the annual production thresholds below which a simpler approval procedure applies (from 500 cars to 3000 cars in the case of EC type-approval and from 50 cars to 300 cars in the case of national type-approval) and lengthening the transition periods during which firms can make the necessary adjustments to comply with the legislation; - the committee introduced a new provision specifying that, for identification purposes, each vehicle to be registered should be supplied with a unique, non-removable VIN code to be marked on the essential parts of the vehicle, and in several places which are easily accessible and legible to the emergency services; - new provisions were introduced relating to the confidentiality of technical information; - on the basis of the information which the Member States are due to supply by 31 March 2007 concerning the application of the type-approval procedures laid down in the directive, the Commission should report to Parliament and Council on the application of the directive by 1 October 2007. ?

## Approval of motor vehicles and their trailers. Framework Directive

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The European Parliament adopted a resolution drafted by Giuseppe GARGANI (EPP-ED, Italy) making some amendments to the Commission's proposal. (Please see the summary of 22/01/04.) In addition: Parliament added definitions of "non-road mobile machinery" and "independent operator"; -it deleted the provision regarding an additional statement to the certificate of conformity for vehicles approved in accordance with Article 26 in the case of an end-of-series waiver; -at the request of the manufacturer or purchaser of the vehicle, Member States may allow individual approval for a vehicle complying with the provisions of the Directive and the UN/ECE directives or regulations listed in the Annexes; -a manufacturer must inform the approval authority that granted the vehicle approval if recalling a vehicle with serious deficiencies in terms of the life expectancy or proper operation of parts; -the manufacturer must make available to independent operators any technical information required for the repair and maintenance of motor vehicles unless that information is covered by an intellectual property right or constitutes secret know-how. In such a case the information must not be withheld in an improper manner. ?

## Approval of motor vehicles and their trailers. Framework Directive

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The Commission has amended its proposal following the European Parliament's opinion at first reading. The amendments concern the following issues :

In the initial proposal, the Member States were invited to report to the Commission concerning the practical application of the EC type-approval before 1st April 2007. By means of a Parliament amendment, the Commission shall produce a report of the gathered information and communicates it to the Parliament and to the Council by 1 October 2007.

The Commission accepts partially the amendment aiming to permit the type-approval or individual approval of special vehicles on an optional basis. It believes that special vehicles can only be granted individual approvals for the reason that there exists no specific separate directive covering those categories of vehicles (this is truly the case for armoured vehicles intended for the army or tracked vehicles).

The Commission acknowledges that the identification of "end-of-series" vehicles by means of the certificate of conformity would create a number of practical issues. However, the Commission considers that the number of vehicles which benefit from the "end-of-series" provisions

must be effectively monitored by the Member States. The initial proposal allowed Member States to lay down specific provisions with respect to national type-approval of vehicles produced in small series. To this end, the Commission requested that national provisions could not be prejudicial to the main orientations taken by the Community. The Commission, while agreeing with the Parliament's views, believes that a level of 'satisfactory' protection cannot be assessed objectively, and therefore proposes to replace it by the word 'equivalent'

Moreover, the amended proposal states that Member States may exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Directive or with one or more of the regulatory acts listed in Annex IV or XI, provided that they impose comparable national requirements based on those measures which ensure an equivalent level of environmental protection and road safety.

In addition, the Commission specifies conditions for the mutual recognition of individual approvals granted by a Member State : with regard to a vehicle which has been granted an individual approval by a Member State in accordance with the provisions of this Article, another Member State may not refuse its registration, or prohibit its sale or entry into service, unless that Member State can prove that, despite the documentation supplied by the applicant, the vehicle constitutes a risk to public health, in particular with regard to road safety or to the environment.

Lastly, as regards amendments to Chapter XII, Section A, the Commission can accept in principle the amendments relating to vehicles produced in small series. However, the Commission believes that the simplification of the administrative procedure and the simplification of the tests to be undergone, in case of small series type-approval, should be restricted to manufacturers which produce mainly small series vehicles. Consequently, the Commission does not want to extend the limits for small series beyond what is really necessary to favour SME's.

With a view to simplifying the administrative process leading to the application of EC type-approval legislation at national level (that is, transposition of directives and notification of the national legislation to the Commission), and in view of the precise and detailed character of such legislation, the possibility of using regulations as legislative instruments instead of directives should be foreseen. This is totally in accordance with the status of the Community type-approval which will become obligatory for all categories of vehicles, when the proposed Directive will have been adopted. Since the original Commission proposal only refers to separate directives, the word 'regulations' has to be added where appropriate in the text after the words 'separate directives'.

The Commission rejected the amendments aiming to : establish a link with the legislative work pursued in WP.29 in Geneva; include, in the proposed Directive, provisions which require manufacturers to give independent operators access to any technical information held by the manufacturers, in order to ensure proper repair and servicing of vehicles; impose the manufacturer to stamp several VIN markings at different places in a vehicle. The stamping of these additional VIN markings would serve to facilitate the identification of vehicles; impose the manufacturer to stamp several VIN markings at different places in a vehicle. The stamping of these additional VIN markings would serve to facilitate the identification of vehicles. The Commission believes that these provisions would enter in conflict with other provisions contained in Directive 76/114/EEC, specifically devoted to VIN markings, which is of compulsory application for certain categories of vehicles; postpone by several years the application of the EC approval for commercial vehicles, including buses and coaches.

## Approval of motor vehicles and their trailers. Framework Directive

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The Council welcomed the Commission's proposal to recast framework Directive 70/156/EEC. It also welcomed the additions and improvements made to Directive 92/53/EEC which was, historically, the first recasting of Directive 70/156/EEC. The Council nevertheless found it necessary to reword several Articles in order to clarify their scope, or provide a clearer definition of their application conditions.

Several new articles have been introduced by the Council with a view to the future development of new initiatives in the context of the policy of simplifying Community legislation for the automobile sector. The inclusion of these new Articles is entirely in line with the recommendations made by the CARS 21 High Level Group.

Given the complexity of type-approval systems already in place since 1996 and the legal aspects concerned, the discussions within the Council managed to preserve the delicate balance between the requirements of road safety, environmental protection and the needs of the industry. The common position is therefore first and foremost a compromise text compiled with a view to winning the backing of all Member States.

The Council was in full accordance with the Commission's opinion on the amendments adopted by the European Parliament at first reading.

All the amendments which would have introduced provisions into the framework directive which are incompatible with the objectives of the proposal have therefore been rejected, as have the amendments dealing with areas already covered by other Community legislation, in order to avoid creating legal uncertainty.

The Council approved the amendments by the European Parliament, which had been re-worded by the Commission, on type-approval itself as these extend the scope of the provisions originally presented. The amendments dealing with individual approval were accepted.

The Council agreed to reconsider the limits for small series to take account of the enlargement of the European Union in May 2004.

With regard to the dates for implementing Community type-approval, the Council completely rejected the Parliament's proposal to defer all the dates proposed by the Commission, on the grounds that such a significant delay would damage the interests of manufacturers who are the primary beneficiaries of the harmonisation of technical and administrative provisions for the approval of motor vehicles.

The following new provisions have been introduced by the Council:

A new article specifies how to perform the tests required for granting type-approval which aims to simplify the test methods substantially by permitting the use of virtual methods and allowing the manufacturer to submit the test reports himself. Another article on the notification and appointment of technical services has been completely rewritten. It has been explained under which conditions the administrative authorities responsible for type-approval could replace the technical services appointed for this purpose and supervise themselves the tests carried out at the manufacturers' plants. The Council has also determined the conditions for assessing the competence of the various actors involved in the type-approval procedure from conducting the tests required to conformity of production inspections and sample checks on vehicles or components on the market.

Particular attention has been paid to parts and equipment available on the after-sales market so that those which could interfere with the operation of the vehicle can only be marketed with the approval of the type-approval authorities. A new article (parts and equipment which

pose a serious risk?) has been inserted in order to introduce a simplified approval procedure modelled on type-approval.

The Council has completely revised the timetable proposed by the Commission for the implementation of Community type-approval for commercial vehicles in order to give small and medium-sized enterprises more time to adapt to the new provisions.

The new timetable takes account of the fact that the deadline for transposition of the directive by the Member States has been extended from 12 to 18 months.

The Annexes to the Directive have been updated to take account of the changes arising from the introduction of the new Articles and the recent entry into force of new specific directives.

To conclude, the Council considers that its common position, which is the result of extensive preparatory work and negotiations since 2003, is well in line with the objectives of the proposed Directive. It intends to make the administrative provisions and regulations in force clearer for all partners in order to make Community type-approval operational for the various categories of vehicles and their components. The replacement of EC directives or regulations by UNECE Regulations, the introduction of self - or virtual testing will contribute to the simplification of Community legislation, aiming to enhance the automotive industry's global competitiveness.

It will also establish provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with the above provisions and regulations. It will thus contribute measurably to the completion of the internal market in a dynamic growing sector.

Lastly, it will contribute significantly to the improvement of road safety by making compulsory the EC type-approval system for all commercial vehicles including trailers within relatively short period of time.

## Approval of motor vehicles and their trailers. Framework Directive

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With its initial proposal of 14 July 2003, the Commission proposed to extend the benefits of type-approval to all vehicles, including commercial vehicles, so as to complete the internal market in the automobile sector. Apart from the advantages in terms of economy of scale which this secures for manufacturers, this also helps to substantially improve vehicle safety by making compulsory ipso facto all the technical harmonisation directives drawn up since the adoption of Directive 70/156/EEC.

For European citizens, in addition to the advantages of an open and competitive single market, the major improvement in road safety is a vital factor at a time of rapid expansion in international commercial vehicle traffic.

The Council has given its backing to the amended Commission proposal. It has nonetheless made a number of changes which will have a positive impact on approval procedures.

In conclusion, the Commission supports the common position. It would nevertheless have preferred, as it would be in the interest of users themselves, to see earlier dates for the implementation of Community type-approval for commercial vehicles in order to complete the internal market and make the safety requirements for such vehicles compulsory as soon as possible.

## Approval of motor vehicles and their trailers. Framework Directive

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The committee adopted the report by Malcolm HARBOUR (EPP-ED, UK) amending the Council's common position under the 2nd reading of the codecision procedure. Many of the amendments were designed to bring the Directive into line with Decision 2006/512/EC amending the 1999 Decision on comitology, introducing the new 'regulatory procedure with scrutiny' where necessary. Other amendments dealt with such issues as the marking of authorised parts, the updating of approval requirements for certain categories of parts and the updating of the Annexes to take account of the accession of Bulgaria and Romania.

The committee also introduced new provisions allowing for EC type-approval of vehicles which are constructed or converted to accommodate wheelchair users. It introduced a new definition in Annex II - "Wheel-chair accessible vehicle" - together with a new Appendix to Annex XI of the Directive providing for a list of decisions to be applied for type-approving vehicles constructed or converted for the purposes of transporting wheel-chair users seated in their own wheel-chairs. The list would apply not only to specially constructed vehicles but also to converted vehicles which have been subject to an EC vehicle type-approval.

Lastly, the committee amended Annex XIX (timetable for the enforcement of the directive in respect of type-approval), stipulating that the enforcement date for existing types of incomplete and complete vehicles of category M2 and M3 should be 36 months after the directive's entry into force, as opposed to 30 months as laid down in the common position. For completed vehicles of category M2 and M3, the enforcement date for existing types of vehicle should be 48 months rather than 60 months as proposed by Council, and for new types of vehicle it should be 30 months rather than 36 months.

## Approval of motor vehicles and their trailers. Framework Directive

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The European Parliament adopted a resolution drafted by Malcolm HARBOUR (EPP-ED, UK) and made several amendments to the Council's common position. The amendments were the results of a compromise package between the Council and Parliament. The main ones are as follows:

-a compromise was struck on the Article relating to the sale and entry into service of parts or equipment which are capable of posing a significant risk to the correct functioning of essential systems. In particular, parts or equipment subject to authorisation must be inserted in the list to be established in Annex XIII. Such a decision must be preceded by an evaluation resulting in a report and strive for a fair balance between the existence of a serious risk to the safety or environmental performance of vehicles fitted with the parts or equipment under consideration; and the effect on consumers and manufacturers in the after-market of the imposition under this Article of a possible authorisation requirement on parts or equipment. As from the date of entry into force of the Directive, Member States shall not adopt new

provisions dealing with parts and equipment which can affect the correct functioning of systems that are essential for the safety of the vehicle or its environmental performance.

-direct references may be made in the Directive or in the separate directives or regulations to international standards and regulations without reproducing them in the Community legal framework;

- it is important that manufacturers make information readily available to independent operators to ensure the servicing and repairing of vehicles in a fully competitive market. These information requirements have so far been incorporated in Community legislation, and in particular in the proposal for a regulation on type approval of motor vehicles with respect to emissions (Euro 5 and 6) and on access to vehicle repair and maintenance information, on the basis that the Commission will review, no later than four years after the date of entry into force of that Regulation, the effectiveness of these articles and may consequently consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair and maintenance information within the Directive ;

- Parliament introduced new provisions allowing for EC type-approval of vehicles which are constructed or converted to accommodate wheelchair users. It introduced a new definition in Annex II -"Wheel-chair accessible vehicle" - together with a new Appendix to Annex XI of the Directive providing for a list of decisions to be applied for type-approving vehicles constructed or converted for the purposes of transporting wheel-chair users seated in their own wheel-chairs. The list would apply not only to specially constructed vehicles but also to converted vehicles which have been subject to an EC vehicle type-approval.

- Parliament amended Annex XIX (timetable for the enforcement of the directive in respect of type-approval), stipulating that the enforcement date for existing types of incomplete and complete vehicles of category M2 and M3 should be 36 months after the directive's entry into force, as opposed to 30 months as laid down in the common position. For completed vehicles of category M2 and M3, the enforcement date for existing types of vehicle should be 48 months rather than 60 months as proposed by Council, and for new types of vehicle it should be 30 months rather than 36 months.

Many of the amendments were designed to bring the Directive into line with Decision 2006/512/EC amending the 1999 Decision on comitology, introducing the new 'regulatory procedure with scrutiny' where necessary. Other amendments dealt with such issues as the marking of authorised parts, the updating of approval requirements for certain categories of parts and the updating of the Annexes to take account of the accession of Bulgaria and Romania.

## Approval of motor vehicles and their trailers. Framework Directive

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The Commission accepts all 53 of the amendments adopted by European Parliament which were the result of interinstitutional contacts with a view to reaching an agreement at second reading.

- The first group of amendments concern "critical parts". Their purpose is to ensure that better account is taken of the interests of spare parts manufacturers supplying the after-market. A number of points in this Article have also been clarified;

- The second group of amendments allow manufacturers specialised in the conversion of vehicles for disabled people to benefit from a simplified type-approval procedure;

- The third group relates to the legislative aspects of the "comitology" procedure with scrutiny, due to which the text of the articles concerned needed to be brought into line with the most recent wording used by the institutions;

- The fourth group of amendments concern the references to the international regulations which were brought into line with the recommendations of the High Level Working Group in the context of ?CARS 21?;

- The fifth group of amendments relate to the changes which became necessary after the accession of Bulgaria and Romania to the European Union;

- The sixth group of amendments concern transitional provisions intended to make it possible for coach and bus manufacturers to gradually adapt to the new procedures laid down by the Directive without undermining road safety.

The other amendments are drafting amendments aiming to: create a link with the Euro 5 and Euro 6 legislation; make it clear that there is no overlap between the framework Directive and the Machinery Directive; clarify that the technical amendments to the aspects covered by the framework Directive may be made by means of an EC regulation; make type approval possible for any source of energy used for the propulsion of vehicles; make it possible to better define restraint system concepts for adults and children; bring the wording into line with a Resolution recently adopted by working group 29 of the United Nations Economic Commission for Europe.

## Approval of motor vehicles and their trailers. Framework Directive

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**PURPOSE:** to establish a harmonised framework for approval of all new vehicles.

**LEGISLATIVE ACT :** Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles

**CONTENT:** The Council adopted this directive accepting all amendments voted by the European Parliament in second reading.

**Subject:** the Directive establishes a harmonised framework containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community. It also establishes the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with the Directive. Specific technical requirements concerning the construction and functioning of vehicles will be laid down in application of the Directive in regulatory acts, the exhaustive list of which is set out in Annex IV. The regulatory acts primarily seek to ensure a high level of road safety, health protection, environmental protection, energy efficiency and protection against unauthorised use.

**Scope:** the Directive applies to the type-approval of vehicles designed and constructed in one or more stages for use on the road, and of

systems, components and separate technical units designed and constructed for such vehicles. It also applies to the individual approval of such vehicles, and to parts and equipment intended for vehicles covered by the Directive.

The Directive does not apply to the type-approval or individual approval of the following vehicles: (a) agricultural or forestry tractors, as defined in Directive 2003/37/EC; (b) quadricycles as defined in Directive 2002/24/EC; (c) tracked vehicles. Type-approval or individual approval is optional for certain specified vehicles such as mobile machinery. Individual approval is optional for certain vehicles such as racing cars.

Procedures: the Directive sets out the procedures to be followed for the EC type-approval of vehicles, and of systems, components or separate technical units. The manufacturer may choose one of the following: a) step-by-step type-approval; (b) single-step type-approval; (c) mixed type-approval.

The Directive lays down the conduct of EC type-approval procedures. If a Member State finds that a type of vehicle, system, component or separate technical unit, albeit in conformity with the required provisions, presents a serious risk to road safety or seriously harms the environment or seriously harms public health, it may refuse to grant EC type-approval. In this case, it shall immediately send the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

International regulations: the Directive states that UNECE Regulations to which the Community has acceded and which are listed in Part I of Annex IV and in Annex XI are part of the EC type-approval of a vehicle in the same way as the separate directives or regulations. When the Community has decided to apply on a compulsory basis a UNECE Regulation for the purpose of EC vehicle type-approval in accordance with Decision 97/836/EC, the annexes to the Directive will be amended as appropriate in accordance with the regulatory procedure with scrutiny. Member States must repeal or adapt any national legislation that is incompatible with the UNECE Regulation in question.

With regard to other regulations, the directive provides that the Council may, acting by qualified majority on a proposal from the Commission, recognise the equivalence between the provisions for EC type-approval of systems, components and separate technical units established by this Directive and the procedures established by international regulations or regulations of third countries, in the framework of multilateral or bilateral agreements between the Community and third countries.

Assessment: by 29 April 2011, Member States will inform the Commission of the application of the type-approval procedures laid down in the Directive and, in particular, of the application of the multi-stage process. Where appropriate, the Commission shall propose the amendments deemed necessary to improve the type-approval process. On the basis of the information supplied the Commission will report to the European Parliament and the Council on the application of the Directive no later than 29 October 2011. If appropriate, the Commission may propose the postponement of the application dates referred to in Article 45. (Application dates for EC type-approval).

On application by the manufacturer, Member States may grant EC approval to new types of vehicle from 29 April 2009. As regards the EC approval of new types of systems, components or separate technical units, Member States shall apply this Directive from 29 April 2009.

Directive 70/156/EEC is repealed with effect from 29 April 2009.

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