The new EU type-approval framework for motor vehicles

Commission Proposal Explained – 24 May 2016

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Automotive and Mobility Industries Unit
The existing EU vehicle type-approval framework (Directive 2007/46/EC)

• **EU:**
  
  fully harmonized EU requirements (performance oriented) for test/certification.
  Mutual recognition of approvals (certified in one Member State, accepted in the whole EU).

• **Type**= Vehicles having the same characteristics may be grouped together for testing/certification. No need to test each vehicle.

• **Approval**= Ex-ante third party certification (National Authorities) before the vehicle type may be put on the market and conformity of production

The type-approval process: Flow chart

1. Type-approval phase: ex-ante certification

- **Vehicle Manufacturer:** designs a prototype in accordance with EU law
- **Approval application**
- **Technical service** (Testing body): tests the vehicles
- **National Type Approval Authority**
  - issues the approval
  - check COP procedures
- **Test report**
- **National Type Approval Authority**
  - designation

2. Production phase

- **Vehicle Manufacturer:** produces vehicles in conformity with the approved type
- **Certificate of conformity**
- **Vehicle Buyer**
  - Registration
- **TA certificate**
- **Type approval authority/Technical service:**
  - Conformity of Production checks
  - COP check
Revision of TA system

1. Reinforcing the independance and quality of type approval testing (*ex ante* compliance verification)
2. Effective market surveillance (*ex post* compliance verification)
3. More EU governance
The format:

- Regulation instead of a Directive (98 Articles+XIX Annexes)
- Structure based on Directive 2007/46
- Largely carry-over of the Annexes of Directive 2007/46
- Carry-over of the requirements on repair and maintenance (RMI) largely from Regulations 715/2007 and 595/2009 (Art 63-70)
- Legal clarifications, 'Lisbonisation'
Independence and quality of TA testing:

• Financial independence
  - Independent financing of technical services, type-approval and market surveillance activities (Art 30+86)

• Stricter rules and peer review for designation of technical services:
  - Common assessment of technical services+ possibility to refuse the designation of a national technical service (Art 71-86)

• Transparency/reporting:
  - More transparency in type-approval data (Art 9)
  - Review and reporting obligations on type-approval activities (Art 6)
Market surveillance:

• Based on Regulation 765/2008 framework

• Interactions between type-approval authorities and market surveillance authorities (Art 49-52)

• Traceability and clarification of the responsibilities of the different economic actors (manufacturers, importers, distributors, etc) (Art 11-19)

• EU safeguard clause/recalls for dangerous products (Art 49-52) and for non-compliance (Art 53-59): Procedure for an harmonized decision at EU level
More EU governance:

- Possibility for others to refuse to accept a non-compliant product/approval (Art 53-54)
- Possibility for the Commission to carry out market surveillance activities (Art 9)
- EU enforcement forum to discuss compliance problems (Art 10)
- Procedure for a decision at EU level for EU wide recalls for non-compliance issues (Art 53-59):
- Sanctions (Art 90) foreseen at the EU level (up to 30000€)

**Other issues:**
Aftermarket components, EU small series, EU individual approvals, EU end of series, Limitation type-approval validity (Art 33), access to software (Art 23), etc,
Questions?

For further information:


Unit C4 website: http://ec.europa.eu/growth/sectors/automotive/technical-harmonisation/eu/index_en.htm
Background: Articles of the Regulation: Overview (1/2)

Chap I : Scope and definition (Art 1-4)
Chapt II: Obligations, responsibilities of economic actors (Art 6-19)
Chapt III and IV : TA procedure (Art 20-30)
Chapt V: Amendment to TA and validity (Art 31-33)
Chapt VI: Certificate of conformity (34-36)
Chapt VII: Exemption for new tech (Art 37-38)
Chapt VIII : Small series (Art 39-41)
Chapt IX : Individual approval (Art 42-45)
Chapt X : making products available on the market including components/end of series (Art 46-48)
Chapt XI: Safeguard clauses (Art 49-59)
Chapt XII: International Regulations (Art 60-62)
Background Text of the Regulation: Overview (1/2)

Chapt XIII: Information for users/manufacturers (Art 63-64)
Chapt XIV: Repair and maintenance (Art 71-86)
Chapt XVI: Designation of Technical Services (Art 71-86)
Chapt XVI: Implementing and delegated act (Art 87-88)
Chapt XVII: Final provisions (including fines and penalties) (Art 89-98)
Annexes I - XIX
Background: EU type-approval for motor vehicles: substantive requirements: 70 topics covered, 8 main EU legal instruments, 61 UNECE Regulations mandatory
The number of objects of requirements applied to the different vehicle categories

<table>
<thead>
<tr>
<th>Safety Kinds</th>
<th>Vehicle Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cars • 1</td>
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<tr>
<td>Active Safety</td>
<td>13</td>
</tr>
<tr>
<td>Passive Safety</td>
<td>16</td>
</tr>
<tr>
<td>Post-crash Safety</td>
<td>2</td>
</tr>
<tr>
<td>Ecological Safety</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>42</td>
</tr>
</tbody>
</table>

The number of the UN Regulations are in square brackets.