Commission Regulation (EU) 2015/166 of 3 February 2015 supplementing and amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of specific procedures, assessment methods and technical requirements, and amending Directive 2007/46/EC of the European Parliament and of the Council, and Commission Regulations (EU) No 1003/2010, (EU) No 109/2011 and (EU) No 458/2011 (Text with EEA relevance)

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of 3 February 2015

supplementing and amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of specific procedures, assessment methods and technical requirements, and amending Directive 2007/46/EC of the European Parliament and of the Council, and Commission Regulations (EU) No 1003/2010, (EU) No 109/2011 and (EU) No 458/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)[(1)], and in particular Article 39(2) thereof,

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(2)], and in particular Article 14(1)(a) and (f) thereof,

Whereas:

(1) It is necessary to lay down detailed provisions for the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor regarding their general safety and to clarify the conditions of application of the relevant legislation made compulsory by Regulation (EC) No 661/2009.

(2) Without prejudice to the list of regulatory acts setting the requirements for the purpose of EC type-approval of vehicles laid down in Annex IV to Directive 2007/46/EC, Regulation (EC) No 661/2009 provides vehicle manufacturers with the possibility to submit an application for type-approval for measures implementing Regulation (EC) No 661/2009 setting out requirements in areas covered by UNECE regulations.

(3) It is in particular necessary to set out specific procedures for type-approval according to Article 20 of Directive 2007/46/EC concerning new technologies or concepts incompatible with the existing measures implementing Regulation (EC) No 661/2009

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/166. (See end of Document for details)*

covered by UNECE regulations, as such provisions are currently unavailable, but needed.

(4) It is in principle not possible to obtain type-approval in accordance with UNECE regulations in the case of installed components or separate technical units which have only a valid EC type-approval. However, this should be made possible for the purposes of EC type-approval according to Regulation (EC) No 661/2009, based on the provisions of the UNECE regulations.

(5) Annex XV to Directive 2007/46/EC lists regulatory acts for which a manufacturer may be designated as technical service, including a number of Directives that are repealed by Regulation (EC) No 661/2009. It is therefore necessary to replace the references to the relevant Directives with references to the appropriate measures implementing Regulation (EC) No 661/2009.

(6) Annex XVI to Directive 2007/46/EC lists the regulatory acts for which virtual testing may be used by the manufacturer or a technical service, including a number of Directives that are repealed by Regulation (EC) No 661/2009. It is therefore necessary to replace the relevant references to the relevant Directives with the references to the appropriate measures implementing Regulation (EC) No 661/2009.

(7) To allow for a consistent approach with regard to the numbering of EC type-approval certificates and EC type-approval marks, it is further necessary to set out specific administrative provisions as well as a numbering and marking system under Regulation (EC) No 661/2009.

(8) UNECE regulations contain specific provisions on the particulars that must accompany an application for type approval. In the context of the procedures provided for in this Regulation, those particulars should equally be indicated in the information folder.

(9) Compliance with Council Directive 71/320/EEC[(3)], repealed by Regulation (EC) No 661/2009, is still compulsory for replacement brake lining assemblies but compliance with UNECE Regulation No 90[(4)] was accepted as an alternative. Detailed provisions, including adequate transitional provisions, have to be provided for regarding the replacement of brake lining assemblies, drum brake linings, brake discs and brake drums for power-driven vehicles and their trailers in accordance with UNECE Regulation No 90.

(10) Concerning vehicles of category N, pursuant to Article 6(4) of Regulation (EC) No 661/2009, the vehicle cab or the space provided for the driver and passengers must be of sufficient strength to offer protection to the occupants in the event of an impact, taking account of UNECE Regulation No 29[(5)]. For this purpose, this regulation is to be included in the list of UNECE regulations which comply on a compulsory basis.

(11) The table in Annex I to Regulation (EC) No 661/2009 laying down the scope of application for the requirements referred to in Article 5(1) and (2) of that Regulation needs to be updated following the adoption of Commission Directive 2010/19/EU[(6)].

(12) Additional requirements concerning cab strength, tyre-pressure monitoring, advanced emergency braking, lane departure warning, gear shift indicator and electronic stability

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control set out in Regulation (EC) No 661/2009 are not incorporated in the table in Annex I, but should still apply for the purposes of type-approval.

(13) The list of UNECE regulations which apply on a compulsory basis in Annex IV to Regulation (EC) No 661/2009 is updated frequently to reflect the current situation concerning amendments made to the respective UNECE regulations.

(14) That list should be complemented with information clarifying under what conditions existing EC type-approvals granted on the basis of Directives repealed by Regulation (EC) No 661/2009 continue to be valid for certain vehicles, components and separate technical units.

(15) Commission Regulation (EU) No 1003/2010[(7)] concerning the space for mounting and the fixing of rear registration plates needs to be revised to take account of specific vehicle designs.

(16) Commission Regulation (EU) No 109/2011[(8)] concerning spray suppression systems needs to be amended to update the reference to the Commission Regulation on wheel guards as well as the latter being applicable for additional vehicle categories.

(17) Commission Regulation (EU) No 458/2011[(9)] concerning the installation of tyres needs to be adapted to technical progress concerning the optional spare wheel for N_1 category vehicles laid down in UNECE Regulation No 64[(10)].

(18) Two items in Annex XI to Directive 2007/46/EC listing regulatory acts for special purpose vehicles need to be revised with respect to vehicle sound level requirements so as to bring the applicable requirements back in conformity with provisions that were applied previously.

(19) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

1 This Regulation lays down detailed rules concerning the specific procedures, technical requirements and tests for the type-approval of vehicles of categories M, N and O, as well as components and separate technical units intended for such vehicles.

2 This Regulation also amends certain Annexes to Directive 2007/46/EC to adapt them to technical progress and to provide for procedures allowing type-approval:

— of new technologies or concepts in accordance with Article 20 of Directive 2007/46/EC,

— of vehicle systems in cases where components and separate technical units bearing an EC type-approval mark are applied instead of an ECE type-approval mark in the context of measures implementing Regulation (EC) No 661/2009 setting out requirements in areas covered by UNECE regulations,

— in cases where a manufacturer is designated as technical service in accordance with Annex XV to Directive 2007/46/EC, and

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/166. (See end of Document for details)*

— in cases where virtual testing in accordance with Annex XVI to Directive 2007/46/EC has been applied.

Article 2

Application for EC type-approval

1 The manufacturer or his representative shall submit to the type-approval authority an application drawn up in accordance with the provisions of this Regulation.

2 An application for EC type-approval following one or more of the procedures of Article 1(2) of this Regulation shall consist of the information folder containing the particulars required by the measures implementing Regulation (EC) No 661/2009 setting out requirements in areas covered by UNECE regulations, and shall be made in accordance with Annex I to Directive 2007/46/EC.

3 The type-approval authority shall confirm that it considers the application to be complete.

4 Any EC or UNECE type-approved components and separate technical units which are installed on a vehicle or incorporated within a second component or separate technical unit need not to be fully described in terms of their particulars in the information document if the type-approval numbers and markings are provided in the information document and the relevant type-approval certificates with annexed information packages are made available to the technical service.

5 Components and separate technical units which have a valid EC type-approval mark shall be accepted even in cases where they are applied instead of components and separate technical units that are required to bear an ECE type-approval mark in the context of measures implementing Regulation (EC) No 661/2009 setting out requirements in areas covered by UNECE regulations.

Article 3

Type-approval

1 Where the type of vehicle, component or separate technical unit presented for type-approval complies with the relevant technical prescriptions and measures to ensure conformity of production with the UNECE regulations made compulsory by Regulation (EC) No 661/2009 and where the applicant fulfils the relevant requirements laid down in Article 2 of this Regulation, the type-approval authority shall grant an EC type-approval pursuant to Article 13(15)(a) of Regulation (EC) No 661/2009 and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

2 A Member State may not assign the same number to another type of vehicle, component or separate technical unit.

3 For the purposes of paragraph 1, the type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I in case of a type of vehicle, component or separate technical unit incorporating new technologies or new concepts incompatible with UNECE regulations, or Part 3 of Annex I in case of a type of vehicle, component or separate technical unit complying with the essential technical requirements of UNECE regulations and/or in case of self-testing and/or virtual testing.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2015/166. (See end of Document for details)*

Article 4

New technologies or new concepts incompatible with the acts implementing Regulation (EC) No 661/2009 covered by UNECE regulations

1 Where a Member State is authorised to grant EC type-approval of a vehicle with regard to a system, component or separate technical unit, in accordance with Article 20 of Directive 2007/46/EC, the procedure set out in paragraphs 2 to 5 shall be followed.

2 The type-approval authority shall grant an EC type-approval pursuant to Article 3 of this Regulation and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

3 The type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I with annexed thereto the completed communication form conforming to the relevant model in the applied UNECE regulation with the entry of its UNECE type-approval number left blank.

4 The information folder in accordance with Article 2 shall subsequently be annexed to the type-approval certificate and communication form referred to in paragraph 3 of this Article.

5 Where applicable, an example of the EC type-approval marking, in accordance with the Appendix to Annex VII to Directive 2007/46/EC, shall be provided in the type-approval certificate referred to in paragraph 3 of this Article.

Article 5

Self-testing

1 In line with Articles 11(1) and 41(6) of Directive 2007/46/EC and Annexes V and XV thereto, a manufacturer may be appointed as technical service. The general conditions which the designation of a manufacturer as a technical service shall fulfil are set out in the Appendix to Annex XV to Directive 2007/46/EC. The prescriptions as amended by this Regulation shall apply and the procedure set out in paragraphs 2 to 5 shall be followed.

2 The type-approval authority shall grant an EC type-approval pursuant to Article 3 of this Regulation and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

3 The type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 3 of Annex I with annexed thereto the completed communication form conforming to the relevant model in the applied UNECE regulation with the entry of its UNECE type-approval number left blank.

4 The information folder in accordance with Article 2 shall subsequently be annexed to the type-approval certificate and communication form referred to in paragraph 3 of this Article.

5 Where applicable, an example of the EC type-approval marking, in accordance with the Appendix to Annex VII to Directive 2007/46/EC, shall be provided in the type-approval certificate referred to in paragraph 3 of this Article.