Commission Regulation (EU) No 183/2011 of 22 February 2011 amending Annexes IV and VI to 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 (Framework Directive) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 183/2011

of 22 February 2011

amending Annexes IV and VI to 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 (Framework Directive)

(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(3) thereof,

Whereas:

(1) Directive 2007/46/EC establishes a harmonised framework containing the administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. In particular it includes a list of all regulatory acts which lay down the technical requirements with which vehicles have to comply in order to be granted EC vehicle type-approval. It also includes the various models of the type-approval certificates.

(2) As a result of the effects of the globalisation on the automotive sector, the demand for vehicles built outside the Union is growing significantly. The Member States have put in place administrative procedures and technical requirements under national law for the approval of vehicles imported from third countries. As the procedures and requirements differ from one Member State to the other, this situation creates distortion in the functioning of the internal market. It is therefore necessary to lay down appropriate harmonised measures.

(3) Harmonised administrative and technical provisions regarding individual approvals should be laid down in a first step with respect to vehicles produced in large series in or for third countries.

(4) Article 24 of Directive 2007/46/EC allows Member States to waive certain provisions of that Directive as well as of the regulatory acts listed in Annex IV to that Directive for the purposes of approval of individual vehicles. The proper functioning of the internal

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market requires however that similar technical and administrative requirements apply throughout the Union. It is therefore necessary to lay down which provisions of Union law may be waived.

(5) Article 24 allows Member States to impose alternative requirements to European law which aim to ensure a level of road safety and environmental protection which is equivalent to the greatest extent practicable to the level set out in Annexes IV and VI to Directive 2007/46/EC. Assuming that vehicles produced in series for third countries with a view to being put into service into domestic markets are built in accordance with the technical legislation in force in the respective countries of origin or destination, it is appropriate to take into account such requirements as well as the work in progress in the 'World Forum for Harmonization of Vehicle Regulations (WP.29)' under the auspices of the Economic Commission for Europe of the United Nations in Geneva. The appropriate information and the necessary expertise is available in order to demonstrate that those requirements could ensure a level of road safety and environmental protection which is at least equivalent to the level of road safety and environmental protection required in the Union. It is therefore appropriate to consider as equivalent a number of requirements in force in third countries for the purpose of individual approval.

(6) The templates of the certificates issued by the approval authorities are described in Annex VI to Directive 2007/46/EC. However they concern approvals granted for a type of vehicle and not approvals granted for individual vehicles. In order to facilitate the mutual recognition of those individual approvals granted under Article 24 of that Directive, it is appropriate to provide the model to be used for the individual approval certificate.

(7) Member States have national individual approval schemes in place at the time of the adoption of this Regulation for vehicles produced in large series and originally intended for registration in third countries. Those approval schemes may continue to apply. According to Article 24(6) of Directive 2007/46/EC, their validity is restricted to the territory of the Member State that granted the approval and other Member States may refuse such approvals.

(8) It is appropriate with a view to ensuring the proper operation of the approval system to update the annexes to Directive 2007/46/EC in order to lay down technical requirements for vehicles to be approved under the individual approval procedure.

(9) Annexes IV and VI to Directive 2007/46/EC should therefore be amended accordingly.

(10) 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

Annexes IV and VI to Directive 2007/46/EC are amended in accordance with the Annex to this Regulation.

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Article 2

The requirements of this Regulation are without prejudice to the requirements laid down in Article 24 of Directive 2007/46/EC on individual approvals, in particular the possibility for Member States to grant individual approvals provided that they impose alternative requirements.

Article 3

This Regulation shall enter into force on 26 February 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 February 2011.

For the Commission

The President

José Manuel BARROSO

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ANNEX

1. Annex IV, Part I is amended as follows:

(a) the title ‘Appendix’ is replaced by the title ‘Appendix 1’;

(b) the following Appendix 2 is added:

‘Appendix 2

Requirements for the approval pursuant to Article 24 of complete vehicles belonging to category M_1 and N_1, produced in large series in or for third countries

0. OBJECTIVE

A vehicle is deemed to be new where:

(a) it has never been registered previously; or

(b) it has been registered for less than 6 months at the time of the application for individual approval.

A vehicle shall be considered registered where it has obtained a permanent, temporary or short-term administrative authorisation for entry into service in road traffic, involving its identification and the issuing of a registration number[15].

1. ADMINISTRATIVE PROVISIONS

1.1. **Categorisation of the vehicle**

Vehicles shall be categorised according to the criteria set out in Annex II.

For such purposes:

(a) the actual number of seating positions shall be taken into consideration; and

(b) the technically maximum permissible laden mass shall be the maximum mass stated by the manufacturer in the country of origin and available in his official documentation.

Where it is not possible to easily determine the vehicle category because of the design of the bodywork, the conditions set out in Annex II shall apply.

1.2 **Application for individual approval**

(a) The applicant shall submit an application to the approval authority accompanied by all relevant documentation necessary for the operation of the approval process.

Where the submitted documentation is incomplete, falsified or forged the application for approval shall be rejected.

(b) Only one application for a particular vehicle may be submitted in only one Member State.

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By a particular vehicle, it shall be understood a physical vehicle the vehicle identification number of which is clearly identified.

For the application of this point, the approval authority may require that the applicant commits himself in writing that he will submit only one application in one Member State.

However, any applicant may apply for individual approval in another Member States in respect of a vehicle that has technical characteristics identical or similar to the one that has been granted an individual approval.

(c) The model of the application form and the layout of the file shall be laid down by the approval authority.

Particulars may only consist in an appropriate selection of the information included in Annex I.

(d) The technical requirements to be satisfied are those laid down in Section 4 of this Appendix.

They shall be those applicable to new vehicles belonging to a vehicle type currently in production, in relation to the date of the submission of the application.

(e) With respect to certain tests required in some regulatory acts listed in this Annex, the applicant shall supply a statement of compliance with recognised international standards or regulations. The statement in question may only be issued by the vehicle manufacturer.

"Statement of compliance" shall mean a statement issued by the office or department within the manufacturer's organisation which is duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction of a vehicle.

The regulatory acts for which such a statement has to be supplied shall be those referred to in Section 4 of this Appendix.

Where a statement gives rise to uncertainty, the applicant may be required to obtain from the manufacturer a conclusive piece of evidence, including a test report, in order to corroborate the manufacturer's statement.

1.3. **Technical services entrusted with individual approvals**

(a) The technical services entrusted with individual approvals shall be of category A as referred to in Article 41(3).

(b) By way of derogation from the second subparagraph of Article 41(4), technical services shall comply with the following standards:

(i) EN ISO/IEC 17025:2005 when they perform tests themselves;

(ii) EN ISO/IEC 17020:2004 when they check compliance of the vehicle with the requirements included in this Appendix.

(c) Where specific tests requiring specific skills have to be conducted at the request of the applicant, they shall be conducted by one of the technical services notified to the Commission at the choice of the applicant.