Changes to legislation: *Commission Regulation (EU) No 371/2010 is up to date with all changes known to be in force on or before 27 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EU) No 371/2010 of 16 April 2010 replacing Annexes V, X, XV and XVI 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 371/2010

of 16 April 2010

replacing Annexes V, X, XV and XVI 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 Articles 41(6), 11(5) and 39(2) 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 description of the procedures to be followed with respect to type-approval including the practical measures to be taken in order to ensure that vehicles are produced in accordance with their type-approval documentation as well provisions concerning how tests must be conducted in order to be granted type-approval.

(2) When examining the major policy areas which impact the competitiveness of the European automotive industry the CARS 21 High Level Group, set up by the Commission in 2005 to chart the way towards sustainable development of a competitive European automotive industry, agreed on a number of recommendations aiming at enhancing the industry's global competitiveness and employment while sustaining further progress in safety and environmental performance. In the area of simplification the Group recommended the introduction of the possibility for a manufacturer to conduct himself tests required for approval, which implies his designation as technical service (hereinafter 'self-testing'). It also recommended the possibility to use computer simulations instead of conducting physical tests (hereinafter 'virtual testing').

(3) One of the main features of the type-approval system lies in the high level of confidence which must exist between the approval authority and the technical services it has

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appointed. It is therefore important that the documents exchanged between technical services and approval authority ensure transparency and clarity. For this reason, the format of the test reports as well the information which needs to be included therein should be clearly specified in Annex V to Directive 2007/46/EC related to the procedures to be followed with respect to type-approval.

(4) The verification of the conformity of the vehicles, components or separate technical units throughout the whole production process is an essential mechanism of the type-approval system. One of the ways of verifying conformity of production consists in conducting physical tests on vehicles, components or separate technical units taken from the production in order to ensure that they continue to meet the technical requirements. Even when virtual test methods have been used for the purposes of type-approval it should be clarified that only physical tests may be performed when the authority selects samples at random.

(5) Tests required with a view to granting type-approval are conducted by technical services duly notified by the approval authorities of the Member States after their skills and competence have been assessed under relevant international standards. Those standards contain the necessary requirements to allow a manufacturer or a subcontractor acting on his behalf to be designated as technical service by the approval authority in the meaning of Directive 2007/46/EC. It is however important to specify what the responsibilities of the manufacturers are in order to prevent potential conflict of interests in particular when tests are subcontracted.

(6) A list of the regulatory acts for which a manufacturer may be designated as technical service is included in Annex XV to Directive 2007/46/EC. To conform to the recommendations of the CARS 21 High Level Group it is necessary to amend that list.

(7) Computer-aided techniques, in particular Computer-Aided-Design, are used widely throughout the engineering process from conceptual design and layout of components and equipments, through strength and dynamic analysis of assemblies to definition of manufacturing methods. Available software makes possible the use of virtual testing methods based on those techniques, the introduction of which was identified by the CARS 21 High Level Group as a means of reducing costs for manufacturers by removing the obligation of building prototypes for the purposes of type-approval. To conform to the recommendations of the Group, it is necessary to establish a list of the regulatory acts for which virtual testing is permitted.

(8) A virtual testing method should provide for the same level of confidence in the results as a physical test. Therefore, it is appropriate to lay down relevant conditions to ensure that proper validation of the mathematical models is conducted.

(9) It is appropriate with a view to ensuring the proper operation of the type-approval system to update the Annexes to Directive 2007/46/EC in order to adapt them to the development of scientific and technical knowledge. Since the provisions of those Annexes are sufficiently detailed and need not further transposition measures by Member States, it is therefore appropriate to replace them by means of a Regulation in accordance with Article 39(8) of Directive 2007/46/EC.

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(10) Annexes V, X, XV and XVI to Directive 2007/46/EC should be amended accordingly.

(11) 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

Directive 2007/46/EC shall be amended as follows:

1. Annex V is replaced by the text set out in Annex I to this Regulation.

2. Annex X is replaced by the text set out in Annex II to this Regulation.

3. Annex XV is replaced by the text set out in Annex III to this Regulation.

4. Annex XVI is replaced by the text set out in Annex IV to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 29 April 2010.

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

Done at Brussels, 16 April 2010.

For the Commission

The President

José Manuel BARROSO

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ANNEX I

ANNEX V

PROCEDURES TO BE FOLLOWED WITH RESPECT TO EC TYPE-APPROVAL

0. Objectives and scope

0.1. This Annex establishes the procedures for the proper operation of the vehicle type-approval in accordance with the provisions of Article 9.

0.2. It also includes:

(a) the list of international standards which are of relevance for the designation of the technical services in accordance with Article 41;

(b) the description of the procedure to be followed for the assessment of the skills of technical services in accordance with Article 42;

(c) the general requirements for the drafting of test reports by technical services.

1. Type-approval process

When receiving an application for vehicle type-approval, the approval authority shall:

(a) verify that all EC type-approval certificates issued pursuant to the regulatory acts which are applicable for vehicle type-approval cover the vehicle type and correspond to the prescribed requirements;

(b) by reference to the documentation make sure that the vehicle specifications and data contained in Part I of the vehicle information document are included in the data in the information packages and in the EC type-approval certificates in respect of the relevant regulatory acts;

(c) when an item number in Part I of the information document is not included in the information package of any of the regulatory acts, confirm that the relevant part or characteristic conforms to the particulars in the information folder;

(d) on a selected sample of vehicles from the type to be approved carry out or arrange to be carried out inspections of vehicle parts and systems to verify that the vehicle(s) is/are built in accordance with the relevant data contained in the authenticated information package in respect of the relevant EC type-approval certificates;

(e) carry out or arrange to be carried out relevant installation checks in respect of separate technical units where applicable;

(f) carry out or arrange to be carried out necessary checks in respect of the presence of the devices provided for in footnotes (1) and (2) of Part I of Annex IV where applicable;

(g) carry out or arrange to be carried out necessary checks in order to ensure that the requirements provided for in footnote (5) of Part I of Annex IV are fulfilled.

2. Combination of technical specifications

The number of vehicles to be submitted shall be sufficient to permit the proper check of the various combinations to be type-approved according to the following criteria:

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Technical specifications	Vehicle category									
	M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
Engine	X	X	X	X	X	X	—	—	—	—
Gear box	X	X	X	X	X	X	—	—	—	—
Number of axles	—	X	X	X	X	X	X	X	X	X
Powered axles (number, position and interconnection)	X	X	X	X	X	X	—	—	—	—
Steered axles (number and position)	X	X	X	X	X	X	X	X	X	X
Body styles	X	X	X	X	X	X	X	X	X	X
Number of doors	X	X	X	X	X	X	X	X	X	X
Hand of drive	X	X	X	X	X	X	—	—	—	—
Number of seats	X	X	X	X	X	X	—	—	—	—
Level of equipment	X	X	X	X	X	X	—	—	—	—

3. **Specific provisions**

Where no approval certificates for any of the relevant regulatory acts are available, the approval authority shall:

(a) arrange for the necessary tests and checks as required by each of the relevant regulatory acts;

(b) verify that the vehicle conforms to the particulars in the vehicle information folder and that it meets the technical requirements of each of the relevant regulatory acts;

(c) carry out or arrange to be carried out relevant installation checks in respect of separate technical units where applicable;