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 (Text with EEA relevance)

REGULATION (EC) No 661/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. To that end, a comprehensive Community type-approval system for motor vehicles, established by 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)[(3)], is in place.

(2) This Regulation is a separate regulation for the purposes of the Community type-approval procedure provided for by Directive 2007/46/EC. Therefore, Annexes IV, VI, XI and XV to that Directive should be amended accordingly.

(3) This Regulation is without prejudice to the vehicle single-step and mixed type-approval procedure set out in Article 6 of Directive 2007/46/EC.

(4) The technical requirements for the type-approval of motor vehicles with regard to numerous safety and environmental elements have been harmonised at Community level in order to avoid requirements that differ from one Member State to another, and to ensure a high level of road safety and environmental protection throughout the Community.

(5) Therefore, this Regulation also aims at enhancing the competitiveness of the Community automotive industry whilst enabling Member States to exercise effective

market surveillance of compliance with the detailed type-approval requirements of this Regulation as regards the placing on the market of the products concerned.

(6) It is appropriate to set out requirements regarding both the general safety of motor vehicles and the environmental performance of tyres, due to the availability of tyre pressure monitoring systems which enhance at the same time the safety and environmental performance of tyres.

(7) Following the request of the European Parliament, a new regulatory approach has been applied to Community vehicle legislation. This Regulation should therefore lay down only fundamental provisions on vehicle safety and CO_2 and noise emissions from tyres, whereas the technical specifications should be laid down by implementing measures adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(4)].

(8) In particular, the Commission should be empowered to establish the specific procedures, tests and requirements for the type-approval of motor vehicles, components and separate technical units; to define more precisely the characteristics a tyre must fulfil to be defined as 'special use tyre', 'off-road professional tyre', 'reinforced tyre', 'extra load tyre', 'snow tyre', 'T-type temporary-use spare tyre' or 'traction tyre'; to set out specific safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States; to exempt certain vehicles or classes of vehicles of categories M_2, M_3, N_2 and N_3 from the obligation to install advanced emergency braking systems and/or lane departure warning systems; to amend the limit values on rolling resistance and rolling noise for tyres as a result of changes in test procedures without lowering the level of protection of the environment; to establish rules on the procedure for the determination of noise levels of tyres; to shorten the sell-off period for tyres not complying with the requirements set out in this Regulation and its implementing measures; and to amend Annex IV to include the Regulations of the United Nations Economic Commission for Europe (UNECE Regulations) which are mandatory under Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions[(5)]. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(9) In addition to the ongoing Commission initiative aiming at defining a road grading system, the Commission should, within 12 months of the entry into force of this Regulation, bring forward a proposal on the classification of EU roads according to noise generation that will complement noise mapping in motor vehicle transportation

with a view to fixing appropriate priorities and road surface requirements and setting maximum road noise generation limits.

(10) Technical progress in the area of advanced vehicle safety systems offers new possibilities for casualty reduction. In order to minimise the number of casualties, it is necessary to introduce some of the relevant new technologies.

(11) The mandatory and consistent use of state-of-the art tyre manufacturing technologies and low rolling resistance tyres is essential to reduce the share of greenhouse gas emissions of road traffic in the transport sector, while at the same time promoting innovation, employment and the competitiveness of the Community automotive industry.

(12) In order to simplify type-approval legislation in line with the recommendations contained in the final report of the CARS 21 High Level Group, it is appropriate to repeal several Directives without reducing the level of protection of road users. The requirements set out in those Directives should be carried over to this Regulation and should be replaced, where appropriate, with references to the corresponding UNECE Regulations, as incorporated into Community law in accordance with Decision 97/836/EC. To reduce the administrative burden of the type-approval process, it is appropriate to allow vehicle manufacturers to obtain type-approval for the purposes of this Regulation, where appropriate, by means of obtaining approval in accordance with the relevant UNECE Regulation as listed in Annex IV to this Regulation.

(13) It is appropriate that vehicles be designed, constructed and assembled so as to minimise the risk of injury to their occupants and other road users. For this purpose, it is necessary that manufacturers ensure that vehicles comply with the relevant requirements set out in this Regulation and its implementing measures. Those provisions should include, but not be limited to, requirements relating to vehicle structural integrity, systems to aid the driver's control of the vehicle, systems to provide the driver with visibility and information on the state of the vehicle and the surrounding area, vehicle lighting systems, vehicle occupant protection systems, the vehicle exterior and accessories, vehicle masses and dimensions, vehicle tyres and advanced vehicle systems and various other items. In addition, it is necessary that vehicles comply with specific provisions relating to certain goods vehicles and their trailers, or specific provisions relating to buses, as the case may be.

(14) The timetable for the introduction of specific new requirements for the type-approval of vehicles should take into account the technical feasibility of those requirements. In general, the requirements should initially apply only to new types of vehicle. Existing types of vehicle should be allowed an additional time period to comply with the requirements. Furthermore, mandatory installation of tyre pressure monitoring systems should initially apply only to passenger cars. Mandatory installation of other advanced safety features should initially apply only to heavy goods vehicles.

(15) The Commission should continue to assess the technical and economic feasibility and market maturity of other advanced safety features, and present a report, including, if appropriate, proposals for amendment to this Regulation, by 1 December 2012, and every three years thereafter.

(16) The Commission should assess the feasibility of extending the mandatory installation of tyre pressure monitoring systems, lane departure warning systems and advanced emergency braking systems to other categories of vehicle and, if appropriate, propose an amendment to this Regulation.

(17) The Commission should assess the feasibility of strengthening the requirements for wet grip for tyres, and if appropriate, propose an amendment to this Regulation. Member States should ensure effective market surveillance.

(18) The full potential of increasing safety, reducing CO_2 emissions and lowering traffic noise can only be achieved in combination with a labelling scheme aimed at informing consumers of the performance of tyres.

(19) It is appropriate to implement the measures announced in the Communication from the Commission of 7 February 2007 entitled 'Results of the review of the Community Strategy to reduce CO_2 emissions from passenger cars and light-commercial vehicles' aiming at reducing CO_2 emissions from tyres. This reduction should be achieved through a combination of low rolling resistance tyres and the use of tyre pressure monitoring systems. At the same time, it is also appropriate to set out requirements aiming at reducing tyre road noise and wet grip requirements ensuring that tyre safety levels are maintained. The related implementation timetable should reflect the degree of challenge in meeting all of those requirements. In particular, due to the challenge in meeting the requirements regarding rolling noise and taking into account the time needed by industry to replace existing lines of tyres, it is appropriate to provide for a longer period for implementation of rolling noise requirements with regard to new tyres of existing types.

(20) Some categories of tyres, including professional off-road tyres which are subject to a speed restriction and tyres intended only for vehicles registered before 1990, are likely to be produced in very small quantities. Therefore, it is appropriate to exempt such categories of tyres from certain requirements set out in this Regulation and its implementing measures, where such requirements are incompatible with the use of the tyres, or where the additional burden imposed by them is disproportionate.

(21) With regard to retreaded tyres, the Commission should make a proper assessment of this sector, involving all stakeholders, and evaluate whether there is any need to adapt the regulatory regime.

(22) It is appropriate to establish allowances with regard to some of the rolling resistance or rolling noise limit values for certain specific categories of tyres to take into account their design or performance characteristics. In particular, it is appropriate to establish such allowances for tyres designed to have improved traction and braking performance in severe snow conditions.

(23) Special use tyres are employed on vehicles accessing construction, logging and mining sites and are therefore primarily designed to give better performance off-road than tyres intended for road use only. To achieve this performance, they are constructed from materials that enable them to better resist damage than normal tyres, and have a block tread pattern. As both of these essential design features cause special use tyres

to generate more noise than normal tyres, they should be permitted to emit more noise than normal tyres.

(24) Electronic stability control systems, advanced emergency braking systems and lane departure warning systems have a high potential to considerably reduce casualties. Therefore, requirements for such systems should be established by the Commission in line with UNECE Regulations for those vehicle categories in which their application is appropriate and for which it is demonstrated that they will improve the overall level of safety. Sufficient lead time until implementation of these requirements should be provided for in order to allow for implementation measures to be adopted, and subsequently for development and in-vehicle application of these complex technologies.

(25) With effect from 2011 for new type approvals and from 2014 for new vehicles, the implementation deadlines for the mandatory fitting of electronic stability control systems on heavy duty vehicles should follow the dates set out in this Regulation.

(26) Until electronic stability control systems are introduced, the Commission should take measures and run campaigns to provide information on their effectiveness and to promote their sale. In addition, the Commission should monitor price developments to ascertain whether the price of new cars is being disproportionately increased as a result of equipping them to meet new safety standards.

(27) Future measures proposed on the basis of this Regulation or procedures to be implemented in application of it should comply with the principles set out by the Commission in its Communication of 7 February 2007 entitled 'A Competitive Automotive Regulatory Framework for the 21st Century'. In particular, for the purposes of better regulation and simplification and in order to avoid constant updating of existing Community legislation on issues of technical specifications, this Regulation should make references to existing international standards and regulations without reproducing them in the Community legal framework.

(28) It is important that replacement components for systems which are covered by this Regulation be subject to equivalent safety requirements and approval procedures. Therefore it is appropriate to provide for the approval of replacement components and separate technical units.

(29) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

(30) This Regulation relates to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information[(6)] and to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO_2 emissions from light-duty vehicles[(7)]. In particular, the measures of this Regulation regarding the reduction of CO_2 emissions should be