Commission Regulation (EC) No 385/2009 of 7 May 2009 replacing Annex IX 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 (EC) No 385/2009

of 7 May 2009

replacing Annex IX 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 COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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,

Whereas:

(1) Directive 2007/46/EC establishes a harmonised framework containing the administrative provisions and general technical requirements for all new vehicles. In particular, it includes the obligation for the vehicle manufacturer in his capacity as the holder of a Community type-approval to deliver a certificate of conformity to accompany each vehicle that is manufactured in conformity with the Community legislation on type-approval.

(2) The certificate of conformity, the template of which is set out in Annex IX to Directive 2007/46/EC, constitutes an official statement delivered to the buyer of the vehicle that a particular vehicle has been built in conformity with the requirements set out by Community type-approval legislation.

(3) It is necessary to ensure that the information contained in the certificate of conformity is comprehensible for the consumers and economic operators involved. The template of the certificate of conformity should include all technical information which is of relevance for the authorities of the Member States to allow vehicles to be put into service.

(4) Since the adoption of Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers[(2)], the template of the certificate of conformity has never been updated. It

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is therefore appropriate to update it in the light of the numerous substantial changes brought by Directive 2007/46/EC which will introduce EC whole vehicle type approval for commercial vehicles as from 29 April 2009.

(5) Moreover, under Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles[3], the registration authorities of the Member States have to receive reliable technical information for the purposes of registering for the first time new vehicles in the territory of the Community. The technical data contained in the certificate of conformity constitute an adequate source of information which can be used for the purposes of registration. In order to reduce administrative burden for the European citizens, in the light of the principles enshrined in the communications from the Commission entitled Action Plan 'Simplifying and improving the regulatory environment'[4] and Action Programme for 'Reducing administrative burdens in the European Union'[5], it is appropriate that the certificate of conformity contains also all information required pursuant to Directive 1999/37/EC.

(6) It is appropriate in view of ensuring the proper operation of the Community type-approval process to update the Annexes to Directive 2007/46/EC in order to adapt them to the development of scientific and technical knowledge.

(7) Annex IX to Directive 2007/46/EC should be replaced accordingly.

(8) The implementation of a new management system for collecting all data which are to be mentioned in the certificate of conformity requires appropriate arrangements to be put in place by the vehicle manufacturer. Therefore, a sufficient transitional period should be provided during which the previous models of the certificate of conformity may continue to be used.

(9) 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

Annex IX to Directive 2007/46/EC is replaced by the Annex to this Regulation.

Article 2

Until 29 April 2010, manufacturers may deliver certificates of conformity which are in accordance with the template as set out in Annex IX to Council Directive 70/156/EEC[6].

Article 3

This Regulation shall enter into force on the 29 April 2009.

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

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Done at Brussels, 7 May 2009.

For the Commission

Günter VERHEUGEN

Vice-President

Changes to legislation: *Commission Regulation (EC) No 385/2009 is up to date with all changes known to be in force on or before 25 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*

ANNEX

ANNEX IX

EC CERTIFICATE OF CONFORMITY

0. OBJECTIVES

The certificate of conformity is a statement delivered by the vehicle manufacturer to the buyer in order to assure him that the vehicle he has acquired complies with the legislation in force in the European Union at the time it was produced.

The certificate of conformity also serves the purpose to enable the competent authorities of the Member States to register vehicles without having to require the applicant to supply additional technical documentation.

For these purposes, the certificate of conformity has to include:

(a) the Vehicle Identification Number;

(b) the exact technical characteristics of the vehicle (i.e. it is not permitted to mention any range of value in the various entries).

1. GENERAL DESCRIPTION

1.1. The certificate of conformity shall consist of two parts.

(a) SIDE 1, which consists of a statement of compliance by the manufacturer. The same template is common to all vehicle categories.

(b) SIDE 2, which is a technical description of the main characteristics of the vehicle. The template of side 2 is adapted to each specific vehicle category.

1.2. The certificate of conformity shall be established in a maximum format A4 (210 × 297 mm) or a folder of maximum format A4.

1.3. Without prejudice to the provisions in Section O(b), the values and units indicated in the second part shall be those given in the type-approval documentation of the relevant regulatory acts. In case of conformity of production checks the values shall be verified according to the methods laid down in the relevant regulatory acts. The tolerances allowed in those regulatory acts shall be taken into account.

2. SPECIAL PROVISIONS

2.1. Model A of the certificate of conformity (complete vehicle) shall cover vehicles which can be used on the road without requiring any further stage for their approval.

2.2. Model B of the certificate of conformity (completed vehicles) shall cover vehicles which have undergone a further stage for their approval.

This is the normal result of the multi-stage approval process (e.g. a bus built by a second stage manufacturer on a chassis built by a vehicle manufacturer).

The additional features added during the multi-stage process shall be described briefly.

2.3. Model C of the certificate of conformity (incomplete vehicles) shall cover vehicles which need a further stage for their approval (e.g. truck chassis).

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Except for tractors for semi-trailers, certificates of conformity covering chassis-cab vehicles belonging to category N shall be of Model C.

PART I

COMPLETE AND COMPLETED VEHICLES

MODEL A1 — COMPLETE VEHICLES
EC CERTIFICATE OF CONFORMITY
Side 1

The undersigned [… (*Full name and position*)] hereby certifies that the vehicle:

0.1. Make (Trade name of manufacturer): …

0.2. Type: …

Variant ([a]): …

Version ([a]): …

0.2.1. Commercial name: …

0.4. Vehicle category: …

0.5. Name and address of manufacturer: …

0.6. Location and method of attachment of the statutory plates: …

Location of the vehicle identification number: …

0.9. Name and address of the manufacturer's representative (if any): …

0.10. Vehicle identification number: …

conforms in all respects to the type described in approval (… *type-approval number including extension number*) issued on (… *date of issue*) and

can be permanently registered in Member States having right/left ([b]) hand traffic and using metric/imperial ([c]) units for the speedometer ([d]).

(Place) (Date): …	(Signature): …

MODEL A2 — COMPLETE VEHICLES TYPE-APPROVED IN SMALL SERIES[Year][Sequential number]
EC CERTIFICATE OF CONFORMITY
Side 1

The undersigned [… (*Full name and position*)] hereby certifies that the vehicle:

0.1. Make (Trade name of manufacturer): …

0.2. Type: …

Variant ([a]): …