

Approval of motor vehicles and their trailers. Framework Directive

2003/0153(COD) - 05/09/2007 - Final act

PURPOSE: to establish a harmonised framework for approval of all new vehicles.

LEGISLATIVE ACT : 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

CONTENT: The Council adopted this directive accepting all amendments voted by the European Parliament in second reading.

Subject: the Directive establishes a harmonised framework containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community. It also establishes the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with the Directive. Specific technical requirements concerning the construction and functioning of vehicles will be laid down in application of the Directive in regulatory acts, the exhaustive list of which is set out in Annex IV. The regulatory acts primarily seek to ensure a high level of road safety, health protection, environmental protection, energy efficiency and protection against unauthorised use.

Scope: the Directive applies to the type-approval of vehicles designed and constructed in one or more stages for use on the road, and of systems, components and separate technical units designed and constructed for such vehicles. It also applies to the individual approval of such vehicles, and to parts and equipment intended for vehicles covered by the Directive.

The Directive does not apply to the type-approval or individual approval of the following vehicles: (a) agricultural or forestry tractors, as defined in Directive 2003/37/EC; (b) quadricycles as defined in Directive 2002/24/EC; (c) tracked vehicles. Type-approval or individual approval is optional for certain specified vehicles such as mobile machinery. Individual approval is optional for certain vehicles such as racing cars.

Procedures: the Directive sets out the procedures to be followed for the EC type-approval of vehicles, and of systems, components or separate technical units. The manufacturer may choose one of the following: a) step-by-step type-approval; (b) single-step type-approval; (c) mixed type-approval.

The Directive lays down the conduct of EC type-approval procedures. If a Member State finds that a type of vehicle, system, component or separate technical unit, albeit in conformity with the required provisions, presents a serious risk to road safety or seriously harms the environment or seriously harms public health, it may refuse to grant EC type-approval. In this case, it shall immediately send the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

International regulations: the Directive states that UNECE Regulations to which the Community has acceded and which are listed in Part I of Annex IV and in Annex XI are part of the EC type-approval of a vehicle in the same way as the separate directives or regulations. When the Community has decided to apply on a compulsory basis a UNECE Regulation for the purpose of EC vehicle type-approval in

accordance with Decision 97/836/EC, the annexes to the Directive will be amended as appropriate in accordance with the regulatory procedure with scrutiny. Member States must repeal or adapt any national legislation that is incompatible with the UNECE Regulation in question.

With regard to other regulations, the directive provides that the Council may, acting by qualified majority on a proposal from the Commission, recognise the equivalence between the provisions for EC type-approval of systems, components and separate technical units established by this Directive and the procedures established by international regulations or regulations of third countries, in the framework of multilateral or bilateral agreements between the Community and third countries.

Assessment: by 29 April 2011, Member States will inform the Commission of the application of the type-approval procedures laid down in the Directive and, in particular, of the application of the multi-stage process. Where appropriate, the Commission shall propose the amendments deemed necessary to improve the type-approval process. On the basis of the information supplied the Commission will report to the European Parliament and the Council on the application of the Directive no later than 29 October 2011. If appropriate, the Commission may propose the postponement of the application dates referred to in Article 45. (Application dates for EC type-approval).

On application by the manufacturer, Member States may grant EC approval to new types of vehicle from 29 April 2009. As regards the EC approval of new types of systems, components or separate technical units, Member States shall apply this Directive from 29 April 2009.

Directive 70/156/EEC is repealed with effect from 29 April 2009.

TRANSPOSITION: 29/04/2009,

ENTRY INTO FORCE: 29/10/2007.