

Complementing EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union

2018/0220(COD) - 11/12/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 640 votes to 11, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council complementing EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union.

The EU legislative framework governing the registration of a number of products will no longer apply in the United Kingdom at the date of withdrawal. In order to remove the legal uncertainty for manufacturers with British type-approval, the proposal aims to:

- allow the manufacturers concerned to contact the EU-27 type-approval authority of their choice to ensure that the Union recognises approvals previously granted by a UK type-approval authority,
- allow the recognition of previous tests carried out by the UK type-approval authorities, while allowing the EU type-approval authorities to require new tests to be carried out;
- preserve the Union's safety and quality standards.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal as follows:

Application for EU type-approval: the amended text invited manufacturers to comply with the request of the Union type-approval authority and ensures that the Union type-approval authority will receive and analyse all available information before accepting a United Kingdom approval. Documentation and information could include the United Kingdom's original type-approval, as well as all amendments, information package and test reports. In the case of a vehicle, the application could also include EC, EU or UN type-approval and their annexes, as part of the overall vehicle type-approval.

Conditions for granting Union type-approval and its effects: the Union type-approval shall take effect on the day of its granting or on a later date determined therein. The UK type-approval shall become invalid on the day preceding the day on which the Union type-approval takes effect. In any event, it shall become invalid at the latest on the day on which the Union type-approval legislation ceases to apply to and in the United Kingdom.

From the time that the Union type-approval takes effect, the **Union type-approval authority** shall be responsible for vehicles, systems, components and separate technical units manufactured on the basis of the United Kingdom type-approval and placed or to be placed on the market, registered or put into service in the Union in accordance with the provisions of the Regulation.

The amended text ensures that a market surveillance authority will cover vehicles, systems, components or separate technical units, which may be in an uncertain situation after the invalidation of the United Kingdom approval as a result of the granting of an EU type approval, and specify that manufacturers will have to provide an additional **certificate of conformity** so that the new type approval authority is in a position to assume responsibility for these vehicles;

It also emphasises that the Union type-approval authority shall not be held liable for the acts or omissions of the United Kingdom type-approval authority.

Special provisions: the Regulation shall not exclude the placing on the market, registration or entry into service of engines or non-road vehicles and mobile machinery on which such engines are installed conforming to a type for which British type-approval has lapsed before the day on which Union law ceased to apply to and in the United Kingdom.