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

2018/0220(COD) - 08/01/2019 - Final act

PURPOSE: to ensure a smooth transition, when the United Kingdom leaves the EU, to the type-approval of motor vehicles, as well as systems, components and separate technical units intended for such vehicles.

LEGISLATIVE ACT: Regulation (EU) 2019/26 of the European Parliament and of the Council complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union.

CONTENT: 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 UK type-approval, the proposal aims to:

- allow the manufacturers concerned to apply to the EU-27 type-approval authority of their choice to ensure that the Union recognises approvals previously granted by a UK type-approval authority, provided that the EU type-approval application is submitted before the United Kingdom withdraws from the EU;

- 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. In this case, the tests shall be carried out by a technical service designated and notified by the Member State of the Union type-approval authority.

- preserve the Union's safety and quality standards.

Conditions for granting Union type-approval and its effects

The Regulation lays down the conditions for obtaining Union type-approval and its effects on the placing on the market, registration or entry into service of such vehicles, systems, components and separate technical units.

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.

The Union type-approval authority shall also, from the time when the Union type-approval takes effect, exercise all the powers and fulfil all the obligations of the UK type-approval authority with respect to the following:

- vehicles, systems, components or separate technical units produced on the basis of the UK type-approval already placed on the market, registered or entered into service in the Union;

- vehicles, systems, components or separate technical units produced on the basis of the UK type-approval to be placed on the market, registered or entered into service in the Union in accordance with the Regulation.

Responsibility of the EU type-approval authority

The Regulation provides that 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 Union type-approval authority shall not be held liable for the acts or omissions of the United Kingdom type-approval authority.

Transitional 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.

ENTRY INTO FORCE: 13.1.2019.