

Approval of motor vehicles and their trailers.

Framework Directive

2003/0153(COD) - 29/10/2004 - Modified legislative proposal

The Commission has amended its proposal following the European Parliament's opinion at first reading. The amendments concern the following issues :

In the initial proposal, the Member States were invited to report to the Commission concerning the practical application of the EC type-approval before 1st April 2007. By means of a Parliament amendment, the Commission shall produce a report of the gathered information and communicates it to the Parliament and to the Council by 1 October 2007.

The Commission accepts partially the amendment aiming to permit the type-approval or individual approval of special vehicles on an optional basis. It believes that special vehicles can only be granted individual approvals for the reason that there exists no specific separate directive covering those categories of vehicles (this is truly the case for armoured vehicles intended for the army or tracked vehicles).

The Commission acknowledges that the identification of "end-of-series" vehicles by means of the certificate of conformity would create a number of practical issues. However, the Commission considers that the number of vehicles which benefit from the "end-of-series" provisions must be effectively monitored by the Member States. The initial proposal allowed Member States to lay down specific provisions with respect to national type-approval of vehicles produced in small series. To this end, the Commission requested that national provisions could not be prejudicial to the main orientations taken by the Community. The Commission, while agreeing with the Parliament's views, believes that a level of 'satisfactory' protection cannot be assessed objectively, and therefore proposes to replace it by the word 'equivalent'

Moreover, the amended proposal states that Member States may exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Directive or with one or more of the regulatory acts listed in Annex IV or XI, provided that they impose comparable national requirements based on those measures which ensure an equivalent level of environmental protection and road safety.

In addition, the Commission specifies conditions for the mutual recognition of individual approvals granted by a Member State : with regard to a vehicle which has been granted an individual approval by a Member State in accordance with the provisions of this Article, another Member State may not refuse its registration, or prohibit its sale or entry into service, unless that Member State can prove that, despite the documentation supplied by the applicant, the vehicle constitutes a risk to public health, in particular with regard to road safety or to the environment.

Lastly, as regards amendments to Chapter XII, Section A, the Commission can accept in principle the amendments relating to vehicles produced in small series. However, the Commission believes that the simplification of the administrative procedure and the simplification of the tests to be undergone, in case of small series type-approval, should be restricted to manufacturers which produce mainly small series vehicles. Consequently, the Commission does not want to extend the limits for small series beyond what is really necessary to favour SME's.

With a view to simplifying the administrative process leading to the application of EC type-approval legislation at national level (that is, transposition of directives and notification of the national legislation to the Commission), and in view of the precise and detailed character of such legislation, the possibility of using regulations as legislative instruments instead of directives should be foreseen. This is totally in accordance with the status of the Community type-approval which will become obligatory for all categories of vehicles, when the proposed Directive will have been adopted. Since the original Commission proposal only refers to separate directives, the word regulations' has to be added where appropriate in the text after the words separate directives'.

The Commission rejected the amendments aiming to : establish a link with the legislative work pursued in WP.29 in Geneva; include, in the proposed Directive, provisions which require manufacturers to give independent operators access to any technical information held by the manufacturers, in order to ensure proper repair and servicing of vehicles; impose the manufacturer to stamp several VIN markings at different places in a vehicle. The stamping of these additional VIN markings would serve to facilitate the identification of vehicles; impose the manufacturer to stamp several VIN markings at different places in a vehicle. The stamping of these additional VIN markings would serve to facilitate the identification of vehicles. The Commission believes that these provisions would enter in conflict with other provisions contained in Directive 76/114/EEC, specifically devoted to VIN markings, which is of compulsory application for certain categories of vehicles; postpone by several years the application of the EC approval for commercial vehicles, including buses and coaches.