Basic information

2018/0220(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Complementing EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union See also Directive 2007/46/EC 2003/0153(COD) See also Regulation (EU) No 167/2013 2010/0212(COD) See also Regulation (EU) No 168/2013 2010/0271(COD) See also Regulation (EU) 2016/1628 2014/0268(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles **Geographical area** United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	MIZZI Marlene (S&D)	19/06/2018
	Shadow rapporteur THUN UND HOHENSTEIN Róża (PPE) DALTON Daniel (ECR) SELIMOVIC Jasenko (ALDE) DURAND Pascal (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	VĂLEAN Adina (PPE)	21/06/2018
TRAN Transport and Tourism	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Environment	3666	2018-12-20

European Commission	**Commission DG**	**Commissioner**
	Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
04/06/2018	Legislative proposal published	COM(2018)0397	Summary
02/07/2018	Committee referral announced in Parliament, 1st reading		
30/10/2018	Vote in committee, 1st reading		
05/11/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
07/11/2018	Committee report tabled for plenary, 1st reading	A8-0359/2018	Summary
12/11/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
14/11/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
06/12/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
11/12/2018	Decision by Parliament, 1st reading	T8-0493/2018	Summary
11/12/2018	Results of vote in Parliament		
20/12/2018	Act adopted by Council after Parliament's 1st reading		
08/01/2019	Final act signed		
08/01/2019	End of procedure in Parliament		
10/01/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0220(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also Directive 2007/46/EC 2003/0153(COD) See also Regulation (EU) No 167/2013 2010/0212(COD) See also Regulation (EU) No 168/2013 2010/0271(COD) See also Regulation (EU) 2016/1628 2014/0268(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee

Stage reached in procedure	Procedure completed
Committee dossier	IMCO/8/13526

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ENVI	PE627.049	04/09/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0359/2018	07/11/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0493/2018	11/12/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00067/2018/LEX	16/01/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0397	04/06/2018	Summary
Commission response to text adopted in plenary	SP(2019)44	23/01/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_CONGRESS	COM(2018)0397	23/07/2018	
Contribution	PT_PARLIAMENT	COM(2018)0397	13/09/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3799/2018	19/09/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32019R0026R(01)
OJ L 011 14.01.2019, p. 0034

Regulation 2019/0026
OJ L 008I 10.01.2019, p. 0001 Summary

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

2018/0220(COD) - 04/06/2018 - Legislative proposal

PURPOSE: to complement EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: on 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, ('the withdrawal date'). The United Kingdom will then become a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, **the EU legislative framework governing type approval for a number of products will no longer apply to the United Kingdom**.

This also means that the United Kingdom type-approval authority will cease to be an EU type-approval authority. Manufacturers who obtained approvals in the United Kingdom in the past will thus need to obtain new approvals from EU-27 type approval authorities, including for products already in production, in order to ensure continued compliance with EU legislation and retain access to the Union market.

While the legal framework for these products sets procedural requirements harmonising the way in which type-approvals are granted across the EU, some safeguards make it difficult for relevant manufacturers to take the necessary measures to **ensure regulatory compliance and business continuity after the EU acquis ceases to apply to the United Kingdom**. For example:

- the EU type-approval system allows manufacturers to choose freely the type-approval authority to which they submit their type-approval applications. However, it does not allow for the change of the authority once an approval has been granted, and it is **not possible for one authority to amend the approval** issued by another authority;
- the type-approval legislation requires that a type-approval authority may only accept test reports from technical services which the Member State to whom it belongs;
- it is a fundamental principle of the type approval system that a product may only be approved against the requirements applicable to new types (as opposed to new vehicles) at the time when the approval is granted;
- once the United Kingdom type-approval authority has ceased to be an EU type-approval authority, it can no longer ensure the conformity of production and in service conformity of products already in circulation;
- responsible type-approval authority is also needed for the recall of a product that is not in conformity with safety or environmental requirements.

These issues create **significant legal uncertainty for manufacturers with United Kingdom type-approvals**. Manufacturers should be able to continue the production of vehicles, systems, components and separate technical units previously based on approvals granted by the United Kingdom and to continue placing these products on the Union market. It is therefore necessary to allow manufacturers to obtain new approvals issued by the authorities of Member States of the Union other than the United Kingdom.

CONTENT: the proposed Regulation complements Directive 2007/46/EC, Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 and Regulation (EU) 2016/1628 by establishing special provisions for the EU type-approval and the placing on the market of vehicles, systems, components and separate technical units which have been type-approved by the approval authority of the United Kingdom before the day Union law ceases to apply to and in the United Kingdom.

The present proposal **aims to address them by modifying temporarily and in a very targeted manner the existing rules to allow concerned manufacturers to obtain new EU-27 approvals** that replace their existing UK type-approved products.

Specifically, the proposal:

- explicitly allows concerned manufacturers to apply to an EU-27 type-approval authority for new approvals for existing types;
- allows that tests underpinning the UK type approvals do not have to be repeated because the technical service was not designated and notified by the EU-27 type approval authority before;
-

provides that such approvals may be granted if the requirements for new vehicles, systems, components and separate technical units are met rather than those for new types;
- proposes to help identify new type-approval authorities for those products already on the market prior to the withdrawal, to avoid that no authority would be in charge of carrying out in-service conformity checks or issuing a possible future recall.

The provisions proposed in the proposal will not lower the requirements regarding the safety or environmental performance of the vehicles, systems, components or separate technical units. It will not grant any advantages to manufacturers with UK type-approvals, compared to manufacturers with EU-27 type-approvals.

On the contrary, the initiative will simply **allow manufacturers to continue producing their products** in compliance with applicable legal requirements without interrupting their existing production.

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.

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

2018/0220(COD) - 07/11/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Marlene MIZZI (S&D, MT) 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.

To recap, the proposal aims to complement EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union. Indeed, 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 which have been granted 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;
- to preserve the Union's safety and quality standards.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal.

The proposed amendments aim to:

- introduce a reference to applications for approval in the context of systems, components, vehicles and engines in order to ensure that the text will cover all categories that may require Union type approval;
- invite manufacturers to comply with the request of the Union type-approval authority and ensure that the Union type-approval authority receives and analyses all available information before accepting a UK type-approval;
- clarify that the Union type-approval authority referred to is the same as the one that will issue the type-approval certificate;
- specify that the United Kingdom type-approval will become invalid at the latest on the day on which the United Kingdom withdraws from the Union or, if the Union and the United Kingdom agree on a transitional period in the context of the withdrawal agreement, following the last day of the transitional period. Before that date, it shall become invalid on the day on which the Union type-approval takes effect;
- specify that the Union type-approval authority will 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;
- ensure 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;
- point out that the Union type-approval authority will not be held liable for the acts or omissions of the United Kingdom type-approval authority;
- provide that the Regulation should 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.

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.