

Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (Text with EEA relevance)

CHAPTER II

**GENERAL OBLIGATIONS**

*Article 5*

**Obligations of Member States**

1 Member States shall establish or appoint the approval authorities competent in matters concerning approval and the market surveillance authorities competent in matters concerning market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.

The notification of the approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. The Commission shall publish on its website a list and details of the approval authorities.

2 Member States shall permit the placing on the market, registration or entry into service only of such vehicles, components and separate technical units that satisfy the requirements of this Regulation.

3 Member States shall not prohibit, restrict or impede the placing on the market, registration or entry into service of vehicles, systems, components or separate technical units on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.

4 Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market in accordance with Chapter III of Regulation (EC) No 765/2008.

*Article 6*

**Obligations of approval authorities**

1 Approval authorities shall ensure that manufacturers applying for type-approval comply with their obligations under this Regulation.

2 Approval authorities shall approve only such vehicles, systems, components or separate technical units that satisfy the requirements of this Regulation.

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## Article 7

### Market surveillance measures

1 For type-approved vehicles, systems, components and separate technical units, market surveillance authorities shall perform, on an adequate scale, appropriate documentary checks, taking into account established principles of risk assessment, complaints and other information.

Market surveillance authorities may require economic operators to make such documentation and information available as is deemed necessary for the purpose of carrying out their activities.

Where economic operators present certificates of conformity, market surveillance authorities shall take due account of such certificates.

2 For parts and equipment other than those covered in paragraph 1 of this Article, Article 19(1) of Regulation (EC) No 765/2008 shall apply in its entirety.

## Article 8

### Obligations of manufacturers

1 Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are placed on the market or are entering into service, they are manufactured and approved in accordance with the requirements set out in this Regulation and the delegated and implementing acts adopted pursuant to this Regulation.

2 In the case of multi-stage type-approval, each manufacturer shall be responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. Any manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of the modified components and systems.

3 Manufacturers who modify the incomplete vehicle in such a manner that it qualifies as a different category of vehicle, with the consequence that the legal requirements already assessed in a previous stage of approval have changed, shall also be responsible for compliance with the requirements applicable to the category of vehicles for which the modified vehicle qualifies.

4 For the purposes of approval of vehicles, systems, components or separate technical units covered by this Regulation, manufacturers established outside the Union shall appoint a single representative established within the Union to represent them before the approval authority.

5 Manufacturers established outside the Union shall furthermore appoint a single representative established within the Union for the purposes of market surveillance, which may be the representative referred to in paragraph 4 or an additional representative.

6 Manufacturers shall be responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not they are directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.

7 In accordance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, manufacturers shall ensure that procedures are in place for series

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production to remain in conformity with the approved type. Changes in design of a vehicle, system, component or separate technical unit or characteristics and changes in the requirements to which a vehicle, system, component or separate technical unit is declared to conform shall be taken into account in accordance with Chapter VI.

8 In addition to the statutory marking and type-approval marks fixed to their vehicles, components or separate technical units in accordance with Article 34, manufacturers shall indicate their name, registered trade name or registered trade mark and the address in the Union at which they can be contacted on their vehicles, components or separate technical units made available on the market or, where that is not possible, on the packaging or in a document accompanying the component or separate technical unit.

9 Manufacturers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

#### *Article 9*

#### **Obligations of manufacturers concerning their products that are not in conformity or that present a serious risk**

1 Manufacturers who consider or have reason to believe that their vehicle, system, component or separate technical unit that has been placed on the market or entered into service is not in conformity with this Regulation or the delegated and implementing acts adopted pursuant to this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.

The manufacturer shall immediately inform the approval authority which granted the approval, giving details, in particular, of the non-conformity and of any corrective measures taken.

2 Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, manufacturers shall immediately inform the approval and market surveillance authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment was made available on the market or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.

3 Manufacturers shall keep the information package referred to in Article 24(10) and in addition the vehicle manufacturer shall keep a copy of the certificates of conformity referred to in Article 33 at the disposal of the approval authorities for a period of 10 years after the placing on the market of a vehicle, and for a period of five years after the placing on the market for a system, component or separate technical unit.

4 Manufacturers shall, following a reasoned request from a national authority, provide that authority through the approval authority with a copy of the EU type-approval certificate or the authorisation referred to in Article 46(1) and (2) demonstrating the conformity of the vehicle, system, component or separate technical unit, in a language which can be easily understood by that authority. Manufacturers shall cooperate with the national authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been placed on the market, registered or entered into service.

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## Article 10

### Obligations of manufacturer's representatives concerning market surveillance

The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do at least the following:

- (a) have access to the information folder referred to in Article 22 and the certificates of conformity referred to in Article 33 so that they can be placed at the disposal of the approval authorities for a period of 10 years after the placing on the market of a vehicle and for a period of five years after the placing on the market for a system, component or separate technical unit;
- (b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;
- (c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by their mandate.

## Article 11

### Obligations of importers

1 Importers shall place on the market only compliant vehicles, systems, components or separate technical units which have either received EU type-approval or which fulfil the requirements for national approval, or parts or equipment entirely subject to the requirements of Regulation (EC) No 765/2008.

2 Before placing on the market a type-approved vehicle, system, component or separate technical unit, importers shall ensure that there is an information package complying with Article 24(10), and that the system, component or separate technical unit bears the required type-approval mark and complies with Article 8(8). In the case of a vehicle, the importer shall verify that the vehicle is accompanied by the required certificate of conformity.

3 Where importers consider or have reason to believe that a vehicle, system, component, separate technical unit, part or equipment is not in conformity with the requirements of this Regulation, and in particular that it does not correspond to its type-approval, they shall not place on the market, allow to enter into service or register the vehicle, system, component or separate technical unit until it has been brought into conformity. Furthermore, where they consider or have reason to believe that the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, they shall inform the manufacturer and the market surveillance authorities. For type-approved vehicles, systems, components and separate technical units they shall also inform the approval authority that has granted the approval to that effect.

4 Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vehicle, system, component, separate technical unit, part or equipment, or, where this is not possible, on its packaging or in a document accompanying the system, component, separate technical unit, part or equipment.

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5 Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by instructions and information, as required in accordance with Article 51, in the official language or languages of the Member States concerned.

6 Importers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

7 When deemed appropriate with regard to the serious risks presented by a vehicle, system, component, separate technical unit, part or equipment, importers shall, to protect the health and safety of consumers, investigate and, if necessary, keep a register of complaints and recalls of vehicles, systems, components, separate technical units, parts or equipment and keep distributors informed of such monitoring.

## Article 12

### Obligations of importers concerning their products that are not in conformity or that present a serious risk

1 Importers who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.

2 Where a vehicle, system, component, separate technical unit, part or equipment presents a serious risk, importers shall immediately inform the manufacturer and the approval and market surveillance authorities of the Member States in which they have placed it on the market. The importer shall also inform them of any action taken and give details, in particular, of the serious risk and any corrective measures taken by the manufacturer.

[<sup>F13</sup> Importers shall, for a period of 10 years after the placing on the market of the vehicle and for a period of five years after the placing on the market for a system, component or separate technical unit, keep a copy of the EU type-approval certificate at the disposal of the approval and market surveillance authorities and shall ensure that the information package as referred to in Article 24(10) can be made available to those authorities, upon request.]

4 Importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in a language which can be easily understood by that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a vehicle, system, component, separate technical unit, part or equipment which they have placed on the market.

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#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/519 of the European Parliament and of the Council of 19 March 2019 amending Regulation \(EU\) No 167/2013 on the approval and market surveillance of agricultural and forestry vehicles \(Text with EEA relevance\)](#).

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### Article 13

#### **Obligations of distributors**

1 When making a vehicle, system, component, separate technical unit, part or equipment available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2 Before making available on the market, registration or entry into service of a vehicle, system, component or separate technical unit, distributors shall verify that the vehicle, system, component or separate technical unit bears the required statutory marking or type-approval mark, that it is accompanied by the required documents and by instructions and safety information in the official language or languages of the Member State in which the vehicle, system, component or separate technical unit is to be made available on the market, and that the importer and the manufacturer have complied with the requirements set out in Article 11(2) and (4) and Article 34(1) and (2).

3 Distributors shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

### Article 14

#### **Obligations of distributors concerning their products that are not in conformity or that present a serious risk**

1 Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not make available on the market or register or enter into service the vehicle, system, component or separate technical unit until it has been brought into conformity.

2 Distributors who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have made available on the market or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall inform the manufacturer or the manufacturer's representative to ensure that the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity or to recall it, if appropriate, are taken in accordance with Article 9(1) or Article 12(1).

3 Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, distributors shall immediately inform the manufacturer, the importer and the approval and market surveillance authorities of the Member States in which they made it available on the market. The distributor shall also inform them of any action taken and give details, in particular, of the serious risk and of corrective measures taken by the manufacturer.

4 Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provide the national authority with the information specified in Article 9(4) or that the importer provide the national authority with the information specified in Article 12(3). They shall cooperate with that authority, at its request, on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment which they have made available on the market.

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### Article 15

#### **Cases in which obligations of manufacturers apply to importers and distributors**

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Articles 8 to 10, where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark or modifies a vehicle, system, component or separate technical unit in such a way that compliance with the applicable requirements may be affected.

### Article 16

#### **Identification of economic operators**

Economic operators shall, on request, identify the following to the approval and market surveillance authorities, for a period of five years:

- (a) any economic operator who has supplied them with a vehicle, system, component, separate technical unit, part or equipment;
- (b) any economic operator to whom they have supplied a vehicle, system, component, separate technical unit, part or equipment.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 40(1A) inserted by [S.I. 2022/1273 reg. 73\(2\)\(b\)](#)
- Art. 40(1A) inserted (temp.) by S.I. 2019/648, reg. 8(3)(b) (with reg. 11) (as inserted) by [S.I. 2020/1393 reg. 2\(8\)\(b\)](#)
- Art. 40(5) inserted by [S.I. 2022/1273 reg. 73\(2\)\(c\)](#)