

Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (Text with EEA relevance)

CHAPTER I

SUBJECT MATTER, DEFINITIONS AND SCOPE

Article 1

Subject matter

This Directive establishes minimum requirements for a regime of periodic roadworthiness tests of vehicles used on public roads.

Article 2

Scope

1 This Directive shall apply to vehicles with a design speed exceeding 25 km/h of the following categories, as referred to in Directive 2002/24/EC, Directive 2003/37/EC and Directive 2007/46/EC:

- motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising not more than eight seating positions in addition to the driver's seating position – vehicle category M₁;
- motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising more than eight seating positions in addition to the driver's seating position – vehicle categories M₂ and M₃;
- motor vehicles designed and constructed primarily for the carriage of goods, having a maximum mass not exceeding 3,5 tonnes – vehicle category N₁;
- motor vehicles designed and constructed primarily for the carriage of goods, having a maximum mass exceeding 3,5 tonnes – vehicle categories N₂ and N₃;
- trailers designed and constructed for the carriage of goods or persons, as well as for the accommodation of persons, having a maximum mass exceeding 3,5 tonnes – vehicle categories O₃ and O₄;
- from 1 January 2022, two- or three-wheel vehicles – vehicle categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³;
- wheeled tractors of category T5, the use of which mainly takes place on public roads with a maximum design speed exceeding 40 km/h.

2 Member States may exclude the following vehicles registered in their territory from the scope of application of this Directive:

- vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historical interest or competition vehicles;
- vehicles covered by diplomatic immunity;
- vehicles used by armed forces, forces responsible for law and order, fire services, civil protection service and emergency or rescue services;

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- vehicles used for agricultural, horticultural, forestry, farming or fishery purposes only on the territory of the Member State concerned and mainly on the terrain where such activity takes place, including agricultural roads, forestry roads or agricultural fields;
 - vehicles used exclusively in small islands or sparsely populated areas;
 - specialised vehicles transporting circus and funfair equipment, with a maximum design speed not exceeding 40 km/h, and only operating on the territory of the Member State concerned;
 - vehicles in categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³, where the Member State has put in place effective alternative road safety measures for two- or three-wheel vehicles, taking into account in particular relevant road safety statistics covering the last five years. Member States shall notify such exemptions to the Commission.
- 3 Member States may introduce national requirements concerning roadworthiness tests for vehicles registered in their territory which are not covered by the scope of this Directive and for vehicles listed in paragraph 2.

Article 3

Definitions

The following definitions shall only apply for the purposes of this Directive:

- (1) ‘vehicle’ means any not rail-borne motor vehicle or its trailer;
- (2) ‘motor vehicle’ means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25 km/h;
- (3) ‘trailer’ means any non-self propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle;
- (4) ‘semi-trailer’ means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and a substantial part of its mass and the mass of its load is borne by the motor vehicle;
- (5) ‘two- or three-wheel vehicle’ means any power-driven vehicle on two wheels, with or without a sidecar, and any tricycle or quadricycle;
- (6) ‘vehicle registered in a Member State’ means a vehicle which is registered or put into service in a Member State;
- (7) ‘vehicle of historical interest’ means any vehicle which is considered to be historical by the Member State of registration or one of its appointed authorising bodies and which fulfils all the following conditions:
 - it was manufactured or registered for the first time at least 30 years ago;
 - its specific type, as defined in the relevant Union or national law, is no longer in production;
 - it is historically preserved and maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components;
- (8) ‘holder of a registration certificate’ means the legal or natural person in whose name the vehicle is registered;

- (9) ‘roadworthiness test’ means an inspection in accordance with Annex I designed to ensure that a vehicle is safe to be used on public roads and that it complies with required and mandatory safety and environmental characteristics;
- (10) ‘approval’ means a procedure whereby a Member State certifies that a vehicle satisfies the relevant administrative provisions and technical requirements referred to in Directive 2002/24/EC, Directive 2003/37/EC and Directive 2007/46/EC;
- (11) ‘deficiencies’ means technical defects and other instances of non-compliance found during a roadworthiness test;
- (12) ‘roadworthiness certificate’ means a roadworthiness test report issued by the competent authority or a testing centre containing the result of the roadworthiness test;
- (13) ‘inspector’ means a person authorised by a Member State or by its competent authority to carry out roadworthiness tests in a testing centre or, where appropriate, on behalf of a competent authority;
- (14) ‘competent authority’ means an authority or public body entrusted by a Member State with responsibility for managing the system of roadworthiness testing, including, where appropriate, the carrying-out of roadworthiness tests;
- (15) ‘testing centre’ means a public or private body or establishment authorised by a Member State to carry out roadworthiness tests;
- (16) ‘supervising body’ means a body or bodies set up by a Member State, responsible for the supervision of testing centres. A supervising body can be part of the competent authority or competent authorities;
- (17) ‘small island’ means an island with fewer than 5 000 inhabitants which is not linked to the other parts of territory by road bridges or road tunnels;
- (18) ‘sparsely populated area’ means a predefined area with a population density of fewer than five persons per square kilometre;
- (19) ‘public road’ means a road that is of general public utility, such as a local, regional or national road, highway, expressway or motorway.

CHAPTER II

GENERAL OBLIGATIONS

Article 4

Responsibilities

1 Each Member State shall ensure that vehicles registered in its territory are periodically tested in accordance with this Directive by testing centres authorised by the Member State in which those vehicles are registered.

2 Roadworthiness tests shall be carried out by the Member State of registration of the vehicle, by a public body entrusted with the task by that Member State or by bodies or establishments designated and supervised by that Member State, including authorised private bodies.

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3 In accordance with the principles laid down by Regulation (EC) No 715/2007 of the European Parliament and of the Council⁽¹⁾ and by Regulation (EC) No 595/2009 of the European Parliament and of the Council⁽²⁾, the Commission shall, by means of implementing acts, and before 20 May 2018, adopt:

- a a set of technical information on braking equipment, steering, visibility, lamps, reflectors, electrical equipment, axles, wheels, tyres, suspension, chassis, chassis attachments, other equipment and nuisance necessary for roadworthiness testing of the items to be tested and on the use of the recommended test methods, in accordance with point 3 of Annex I, and
- b the detailed rules concerning the data format and the procedures for accessing the relevant technical information.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).

The technical information referred to in point (a) of the first subparagraph shall be made available, free of charge or at a reasonable price, by the manufacturers to testing centres and relevant competent authorities, in a non-discriminatory manner.

The Commission shall examine the feasibility of establishing a single point of access for that technical information.

4 Member States shall ensure that the responsibilities for keeping a vehicle in a safe and roadworthy condition are defined in national law.

CHAPTER III

MINIMUM REQUIREMENTS CONCERNING ROADWORTHINESS TESTS

Article 5

Date and frequency of testing

1 Vehicles shall be subject to a roadworthiness test at least within the following intervals, without prejudice to the period of flexibility applied in Member States under paragraph 3:

- a vehicles of category M₁ and N₁: four years after the date on which the vehicle was first registered, and thereafter every two years;
- b vehicles of category M₁ used as taxis or ambulances, vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄: one year after the date on which the vehicle was first registered, and thereafter annually;
- c vehicles of category T5 the use of which mainly takes place on public roads for commercial road haulage purposes: four years after the date on which the vehicle was first registered, and thereafter every two years.

2 Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³, are to be subject to a roadworthiness test.

3 Member States or competent authorities may establish a reasonable period during which the roadworthiness test is to be carried out, not exceeding the intervals laid down in paragraph 1.

4 Notwithstanding the date of a vehicle's last roadworthiness test, the Member State or competent authority concerned may require it to undergo a roadworthiness test before the dates referred to in paragraphs 1 and 2 in the following cases:

- after an accident affecting the main safety-related components of the vehicle, such as wheels, suspension, deformation zones, airbag systems, steering or brakes;
- when the safety and environmental systems and components of the vehicle have been altered or modified;
- where the holder of the registration certificate of a vehicle has changed;
- when the vehicle has reached a mileage of 160 000 km;
- in cases where road safety is seriously affected.

Article 6

Contents and methods of testing

1 For vehicle categories falling within the scope of this Directive, with the exception of categories L3e, L4e, L5e and L7e with an engine displacement of more than 125 cm³, Member States shall ensure that roadworthiness tests cover at least the areas referred to in point 2 of Annex I.

2 For each area referred to in paragraph 1, the competent authorities of the Member State or the testing centre shall carry out a roadworthiness test covering at least the items referred to in point 3 of Annex I, using the recommended or an equivalent method approved by a competent authority applicable to the testing of those items, as set out in point 3 of Annex I. The test may also include a verification as to whether the respective parts and components of the vehicle correspond to the required safety and environmental characteristics that were in force at the time of approval or, if applicable, at the time of retrofitting.

The tests shall be carried out using techniques and equipment currently available without the use of tools to dismantle or remove any part of the vehicle.

3 For vehicle categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³, Member States shall determine the areas, items and appropriate methods of testing.

Article 7

Assessment of deficiencies

1 For each item to be tested, Annex I provides a minimum list of possible deficiencies and their level of severity.

2 Deficiencies that are found during periodic testings of vehicles shall be categorised in one of the following groups:

- a minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;
- b major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;
- c dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment which justify that a Member State or its competent authorities may prohibit the use of the vehicle on public roads.

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3 A vehicle having deficiencies falling into more than one of the deficiency groups referred to in paragraph 2 shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection area as identified in the scope of the test referred to in point 2 of Annex I, may be classified in the next most serious deficiency group if it can be demonstrated that the combined effect of those deficiencies results in a higher risk to road safety.

Article 8

Roadworthiness certificate

1 Member States shall ensure that testing centres or, if relevant, the competent authorities, which have carried out a roadworthiness test on a vehicle issue a roadworthiness certificate for that vehicle indicating at least the standardised elements of the corresponding harmonised Union codes as laid down in Annex II.

2 Member States shall ensure that testing centres or, if relevant, the competent authorities make the roadworthiness certificate or, in the case of an electronically produced roadworthiness certificate, a certified printout of such certificate available to the person presenting the vehicle for testing.

3 Without prejudice to Article 5, in the case of re-registration of a vehicle already registered in another Member State, each Member State shall recognise the roadworthiness certificate issued by that other Member State, as if it had itself issued that certificate, provided that the roadworthiness certificate is still valid in terms of the frequency intervals established for periodic roadworthiness tests by the re-registering Member State. In cases of doubt, the re-registering Member State may verify the validity of the roadworthiness certificate before recognising it. Member States shall communicate to the Commission a description of the roadworthiness certificate before 20 May 2018. The Commission shall inform the Committee referred to in Article 19. This paragraph shall not apply to vehicle categories L3e, L4e, L5e and L7e.

4 Without prejudice to Article 5(4) and paragraph 3 of this Article, Member States shall recognise, as a matter of principle, the validity of the roadworthiness certificate in the event that the ownership of a vehicle — having a valid proof of periodic roadworthiness test — changes.

5 As from 20 May 2018 and at the latest by 20 May 2021, testing centres shall communicate electronically, to the competent authority of the Member State concerned, the information mentioned in the roadworthiness certificates which they issue. Such communication shall take place within a reasonable time after each roadworthiness certificate is issued. Until the latter date, testing centres may communicate the relevant information to the competent authority by any other means. Member States shall determine the period during which the competent authority is to retain that information. The duration of that period shall not be less than 36 months, without prejudice to the national tax systems of the Member States.

6 Member States shall ensure that, for the purposes of checking the odometer, where an odometer is normally fitted, the information included in the previous roadworthiness test is made available to the inspectors as soon as it is available electronically. In cases where an odometer is found to have been manipulated with the aim of reducing or misrepresenting the distance record of a vehicle, such manipulation shall be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.

7 Member States shall ensure that the results of the roadworthiness test are notified, or made available electronically, as soon as possible to the authority responsible for registration

of the vehicle. That notification shall contain the information mentioned in the roadworthiness certificate.

Article 9

Follow-up of deficiencies

1 In the case of minor deficiencies only, the test shall be deemed to have been passed, the deficiencies shall be rectified, and the vehicle shall not be re-tested.

2 In the case of major deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority shall decide on the period during which the vehicle in question may be used before it is required to undergo another roadworthiness test. The subsequent test shall take place during a period defined by the Member State or competent authority but not later than two months following the initial test.

3 In the case of dangerous deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority may decide that the vehicle in question is not to be used on public roads and that the authorisation for its use in road traffic is to be suspended for a limited period of time, without requiring a new process of registration, until such time as the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

Article 10

Proof of test

1 The testing centre or, if relevant, the competent authority of the Member State that has carried out a roadworthiness test on a vehicle registered in its territory shall provide a proof, such as an indication on the vehicle registration document, a sticker, a certificate or any other easily accessible information, for each vehicle which has passed such a test. The proof shall indicate the date by which the next roadworthiness test is to take place.

Member States shall communicate to the Commission a description of that proof before 20 May 2018. The Commission shall in turn inform the Committee referred to in Article 19.

2 Where the tested vehicle belongs to a vehicle category which is not subject to registration in the Member State where it has been put into service, that Member State may require the proof of test to be displayed in a visible manner on that vehicle.

3 For the purpose of free circulation, each Member State shall recognise the proof provided by a testing centre or competent authority of another Member State in accordance with paragraph 1.

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CHAPTER IV

ADMINISTRATIVE PROVISIONS

Article 11

Testing facilities and equipment

- 1 Member States shall ensure that testing facilities and equipment used for carrying out roadworthiness tests comply with the minimum technical requirements laid down in Annex III.
- 2 Member States shall ensure that the testing centres or, if relevant, the competent authority maintain the testing facilities and equipment in accordance with the specifications provided by the manufacturers.
- 3 Equipment used for measurements shall be periodically calibrated in line with Annex III and verified in accordance with the specifications provided by the Member State concerned or by the manufacturer of the equipment.

Article 12

Testing centres

- 1 Testing centres in which inspectors perform roadworthiness tests shall be authorised by a Member State or by its competent authority.
- 2 To meet minimum requirements in terms of quality management, testing centres shall comply with the requirements laid down by the authorising Member State. Testing centres shall ensure the objectivity and the high quality of the roadworthiness tests.

Article 13

Inspectors

- 1 Member States shall ensure that roadworthiness tests are carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex IV. Member States may lay down additional requirements in respect of competence and corresponding training.
- 2 The competent authorities or, where applicable, approved training centres shall provide a certificate to inspectors who fulfil the minimum competence and training requirements. That certificate shall include at least the information mentioned in point 3 of Annex IV.
- 3 Inspectors employed or authorised by competent authorities of the Member States or by a testing centre at 20 May 2018 shall be exempted from the requirements laid down in point 1 of Annex IV.
- 4 When carrying out a roadworthiness test, the inspector shall be free from any conflict of interests so as to ensure, to the satisfaction of the Member State or competent authority concerned, that a high level of impartiality and objectivity is maintained.
- 5 The person presenting the vehicle for testing shall be informed of any deficiencies identified in the vehicle which need to be rectified.

6 The results of a roadworthiness test may only be modified, where appropriate, by the supervising body, or in accordance with the procedure set up by the competent authority, if the findings of the roadworthiness test are manifestly incorrect.

Article 14

Supervision of testing centres

1 Member States shall ensure that testing centres are supervised.

2 A supervising body shall perform at least the tasks provided for in point 1 of Annex V and shall fulfil the requirements laid down in points 2 and 3 of that Annex.

Member States shall make publicly available the rules and procedures covering the organisation, tasks and requirements, including the independence requirements applicable to the personnel of a supervising body.

3 Testing centres directly operated by a competent authority shall be exempted from the requirements regarding authorisation and supervision where the supervising body is part of the competent authority.

4 The requirements mentioned in paragraphs 2 and 3 of this Article may be regarded as fulfilled by Member States which require that testing centres be accredited under Regulation (EC) No 765/2008.

CHAPTER V

COOPERATION AND EXCHANGE OF INFORMATION

Article 15

Administrative cooperation between Member States

1 Member States shall designate a national contact point responsible for exchanging information with the other Member States and the Commission with regard to the application of this Directive.

2 Member States shall forward to the Commission the names and contact details of their national contact point by 20 May 2015, and shall inform it without delay of any changes thereto. The Commission shall draw up a list of all contact points and forward it to the Member States.

Article 16

Electronic vehicle information platform

The Commission shall examine the feasibility, costs and benefits of establishing an electronic vehicle information platform by taking advantage of existing and already implemented IT solutions with regard to international data exchange so as to minimise costs and avoid duplication. In examining the matter, the Commission shall consider the most appropriate way to link the existing national systems with a view to facilitating exchanges of information on data relating to roadworthiness testing and odometer readings between the competent authorities of Member States responsible for testing,

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registration and vehicle approval, testing centres, test equipment manufacturers and vehicle manufacturers.

The Commission shall also examine the feasibility, costs and benefits of collecting and storing available information concerning the main safety-related components of vehicles which have been involved in serious accidents as well as the possibility of making information on accident history and odometer readings available in an anonymised form to inspectors, holders of registration certificates and accident researchers.

CHAPTER VI

DELEGATED AND IMPLEMENTING ACTS

Article 17

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 18 in order to:

- update only the vehicle category designations referred to in Article 2(1) and Article 5(1) and (2) as appropriate in the event of changes to the vehicle categories stemming from amendments to the type-approval legislation referred to in Article 2(1), without affecting the scope and frequency of testing;
- update point 3 of Annex I in respect of methods in the event that more efficient and effective test methods become available, without extending the list of items to be tested;
- adapt point 3 of Annex I, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type-approval in Union safety or environmental legislation.

Article 18

Exercise of delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for a period of five years from 19 May 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of powers referred to in Article 17 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 19

Committee Procedure

1 The Commission shall be assisted by a committee (the ‘Roadworthiness Committee’). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

CHAPTER VII

FINAL PROVISIONS

Article 20

Reporting

1 By 30 April 2020, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the level of harmonisation of periodic roadworthiness tests, the effectiveness of the provisions on its scope, the frequency of testing, the mutual recognition of roadworthiness certificates in cases of re-registration of vehicles originating from another Member State and the results of the examination concerning the feasibility of introducing an electronic vehicle information platform as referred to in Article 16. The report shall also analyse whether there is a need to update the Annexes, particularly in the light of technical progress and practices. The report shall be submitted after the consultation of the committee referred to in Article 19 and shall be accompanied, if appropriate, by legislative proposals.

2 No later than 30 April 2019, the Commission shall submit to the European Parliament and to the Council a report, based on independent studies, on the effectiveness of the inclusion of light trailers and two- or three-wheel vehicles in the scope of this Directive. The report shall assess the evolution of the road safety situation in the Union and, for each subcategory of L-vehicles, compare the results of national road safety measures, taking into account the average distance travelled by those vehicles. In particular, the Commission shall assess whether the standards and costs of periodic roadworthiness testing of each category of vehicle is proportionate to the road safety objectives set. The report shall be accompanied by a detailed impact assessment analysing the costs and benefits throughout the Union, including the specificities of Member States. The report shall be made available at least six months prior

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to the submission of any legislative proposal, if appropriate, to include new categories within the scope of this Directive.

Article 21

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

Article 22

Transitional provisions

1 Member States may authorise the use for a period of not more than five years after 20 May 2018 of testing facilities and equipment referred to in Article 11 that do not comply with the minimum requirements laid down in Annex III for carrying out roadworthiness tests.

2 Member States shall apply the requirements laid down in Annex V at the latest as from 1 January 2023.

Article 23

Transposition

1 Member States shall adopt and publish, by 20 May 2017, the laws, regulations and administrative measures necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 20 May 2018.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 24

Repeal

Directive 2009/40/EC is repealed with effect from 20 May 2018.

Article 25

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in *the Official Journal of the European Union*.

Article 26

Addressees

This Directive is addressed to the Member States.

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- (1) Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ([OJ L 171, 29.6.2007, p. 1](#)).
- (2) Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC ([OJ L 188, 18.7.2009, p. 1](#)).