

Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)

CHAPTER XII

**SAFEGUARD CLAUSES**

*Article 49*

**Vehicles, systems, components or separate technical units not in conformity with the approved type**

1 Where new vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, the approval authority which granted the EU type-approval shall take the necessary measures, including the withdrawal of type-approval, to ensure that vehicles, systems, components or separate technical units in production are brought into conformity with the approved type.

2 For the purposes of paragraph 1, deviations from the particulars in the EU type-approval certificate or the information package shall be deemed to constitute failure to conform to the approved type.

3 If an approval authority demonstrates that new vehicles, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark issued in another Member State do not conform to the approved type, it may ask the approval authority which granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type. On receipt of such a request, the approval authority which granted the EU type-approval shall take the requisite action as soon as possible and at the latest within three months of the date of the request.

4 The approval authority shall request the approval authority which granted the EU type-approval for a system, component, separate technical unit or incomplete vehicle to take the necessary action to ensure that vehicles in production are brought back into conformity with the approved type in the following cases:

- a for an EU vehicle type-approval, where the non-conformity of a vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit;
- b for a multi-stage type-approval, where the non-conformity of a completed vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit that forms part of the incomplete vehicle or to the non-conformity of the incomplete vehicle itself.

5 On receipt of such a request, the approval authority concerned shall take the necessary action, if necessary in conjunction with the approval authority making the request, as soon as possible and at the latest within three months of the date of the request.

6 Where non-conformity is established, the approval authority of the Member State that granted the EU type-approval for the system, component or separate technical unit or for the incomplete vehicle shall take the measures set out in paragraph 1.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) No 168/2013 of the European Parliament and of the Council, Article 49. (See end of Document for details)

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The approval authorities shall inform each other within one month of any withdrawal of EU type-approval and of the reasons therefor.

7 If the approval authority that granted the EU type-approval disputes the non-conformity notified to it, the Member States concerned shall endeavour to settle the dispute. The Commission shall be kept informed and, where necessary, shall hold appropriate consultations with a view to reaching a settlement.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) No 168/2013 of the European Parliament and of the Council, Article 49.