

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 V

CONDUCT OF EU TYPE-APPROVAL PROCEDURES

Article 29

General provisions

1 Approval authorities shall grant an EU type-approval only after verifying the conformity of production arrangements referred to in Article 33 and the compliance of the type of vehicle, system, component or separate technical unit with the applicable requirements.

2 EU type-approvals shall be granted in accordance with this Chapter.

3 If an approval authority finds that a type of vehicle, system, component or separate technical unit, though conforming to the required provisions, presents a serious risk to safety or may seriously harm the environment or public health, it may refuse to grant EU type-approval. In that case, it shall immediately send to the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

4 EU type-approval certificates shall be numbered in accordance with a harmonised system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 73(2). The first such implementing acts shall be adopted by 31 December 2014.

5 The approval authority shall, within one month of issuing the EU type-approval certificate, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

6 The approval authority shall without delay inform the approval authorities of the other Member States of its refusal or withdrawal of any vehicle approval, together with the reasons for its decision.

7 At three-monthly intervals, the approval authority shall send to the approval authorities of the other Member States a list of the EU type-approvals it has granted, amended, refused to grant or withdrawn for systems, components or separate technical units during the preceding period.

8 If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within one month of receiving that request, send to the former a copy of the requested EU type-approval certificate, together with the attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

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, CHAPTER V. (See end of Document for details)

9 If so requested by the Commission, the approval authority shall submit the information referred to in paragraphs 5 to 8 to the Commission as well.

10 The approval authority shall put together an information package consisting of the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of carrying out their functions. The information package shall contain an index listing its contents, suitably numbered or otherwise marked so as to identify clearly all the pages and the format of each document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.

Article 30

Specific provisions concerning the EU type-approval certificate

- 1 The EU type-approval certificate shall contain, as attachments, the following:
- a the information package referred to in Article 29(10);
 - [^{F1}b the test results sheet;]
 - c the name(s) and specimen(s) of the signature(s) of the person(s) authorised to sign certificates of conformity and a statement of their position in the company;
 - d in the case of an EU whole-vehicle type-approval, a filled-out specimen of the certificate of conformity.
- 2 The EU type-approval certificate shall be issued on the basis of the template laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 73(2). The first such implementing acts shall be adopted by 31 December 2014.
- 3 In respect of each type of vehicle, the approval authority shall:
- a complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;
 - b compile the index to the information package;
 - c issue the completed certificate, together with its attachments, to the applicant without delay.

The Commission shall lay down the template for the test results sheet referred to in point (a) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 73(2). The first such implementing acts shall be adopted by 31 December 2014.

4 In the case of an EU type-approval for which, in accordance with Article 40, restrictions have been imposed as to its validity, or certain provisions of this Regulation or the delegated and implementing acts adopted pursuant to this Regulation have been waived, the EU type-approval certificate shall specify those restrictions or waivers.

5 Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information package with the references to the test reports, established by the implementing acts referred to in Article 32(1), for which no EU type-approval certificate is available.

6 Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish a list of applicable requirements or acts and append that list to the EU type-approval certificate. The Commission shall adopt the template for such a list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 73(2). The first such implementing acts shall be adopted by 31 December 2014.

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/129 of the European Parliament and of the Council of 16 January 2019 amending Regulation \(EU\) No 168/2013 as regards the application of the Euro 5 step to the type-approval of two- or three-wheel vehicles and quadricycles.](#)

Article 31

Specific provisions concerning systems, components or separate technical units

1 EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II.

2 EU type-approval for a component or separate technical unit shall be granted in respect of a component or separate technical unit that conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II.

3 Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit approval shall be required unless provided for under the relevant acts listed in Annex II.

4 Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance with the requirements only when the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the EU type-approval of the component or the separate technical unit shall be restricted accordingly.

In such cases, the EU type-approval certificate shall specify any restriction on the use of the component or separate technical unit and shall indicate the special conditions for its mounting.

Where such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time when the vehicle is approved.

Article 32

Tests required for EU type-approval

1 Compliance with the technical prescriptions laid down in this Regulation and in the acts listed in Annex II shall be demonstrated by means of appropriate tests performed by designated technical services.

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The test procedures referred to in the first subparagraph and the specific equipment and tools prescribed to perform those tests shall be those laid down in the relevant acts listed in Annex II.

The format of the test reports shall comply with the general requirements as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 73(2). The first such implementing acts shall be adopted by 31 December 2014.

2 The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant acts listed in Annex II for the performance of the required tests.

3 The required tests shall be performed on vehicles, components and separate technical units which are representative of the type to be approved.

However, the manufacturer may select, in agreement with the approval authority, a vehicle, system, component or separate technical unit which, while not representative of the type to be approved, combines a number of the most unfavourable features with regard to the required level of performance. Virtual testing methods may be used to aid decision-making during the selection process.

4 Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 at the request of the manufacturer with respect to those requirements established in the delegated acts adopted pursuant to paragraph 6.

5 Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted pursuant to paragraph 6.

6 In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission shall be empowered to adopt delegated acts in accordance with Article 75 concerning the requirements which can be subject to virtual testing and the conditions under which the virtual testing are to be performed. When adopting those delegated acts, the Commission shall take as a basis the requirements and procedures provided for in Annex XVI to Directive 2007/46/EC, as appropriate.

Article 33

Conformity of production arrangements

1 An approval authority which grants an EU type-approval shall take the necessary measures to verify, if necessary in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that the vehicles, systems, components or separate technical units in production will conform to the approved type.

2 An approval authority which grants a whole-vehicle type-approval shall take the necessary measures to verify that certificates of conformity issued by the manufacturer conform to Article 38. To that end, the approval authority shall verify that a sufficient number of samples of certificates of conformity conform to Article 38 and that the manufacturer has made adequate arrangements to ensure that the data in the certificates of conformity are correct.

3 An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and

2 continue to be adequate so that vehicles, systems, components or separate technical units in production will continue to conform to the approved type and certificates of conformity continue to comply with Article 38.

4 In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities.

5 When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraphs 1 and 2 are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied or are no longer considered to be adequate, even though production is continued, it shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or shall withdraw the type-approval.

6 The Commission shall be empowered to adopt delegated acts in accordance with Article 75 concerning the detailed arrangements with regard to conformity of production. The first such delegated acts shall be adopted by 31 December 2014.

Changes to legislation:

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