

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 XI

MAKING AVAILABLE ON THE MARKET, REGISTRATION OR ENTRY INTO SERVICE

Article 43

Making available on the market, registration or entry into service of vehicles

Without prejudice to Articles 46 and 47, vehicles for which EU whole-vehicle type-approval is mandatory or for which the manufacturer has obtained such type-approval under this Regulation shall only be made available on the market, registered or enter into service if they are accompanied by a valid certificate of conformity issued in accordance with Article 38.

Where such vehicles are incomplete, making available on the market or entry into service of such vehicles is permitted, but the authorities responsible for vehicle registration of the Member States may refuse to allow the registration and use on the road of such vehicles.

Article 44

Making available on the market, registration or entry into service of end-of-series vehicles

1 Subject to the end-of-series limits and time limit specified in paragraphs 2 and 4, vehicles conforming to a type of vehicle whose EU type-approval has become invalid pursuant to Article 37 may be made available on the market, registered or entered into service.

[^{F1}The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production, but which neither were registered nor entered into service before that EU type-approval lost its validity.]

2 Paragraph 1 shall apply, in the case of complete vehicles, for a period of 24 months from the date on which the EU type-approval became invalid and, in the case of completed vehicles, for a period of 30 months from that date.

3 A manufacturer who wishes to benefit from paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be made available on the market, registered or entered into service. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements.

The national authority concerned shall decide, within three months of receiving the request, whether and in what number to permit the registration of those vehicles within their territory.

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 XI. (See end of Document for details)

4 The amount of end-of-series vehicles shall not exceed 10 % of the number of vehicles registered in the two preceding years or 100 vehicles per Member State, whichever is higher.

5 A special entry qualifying the vehicles as ‘end-of-series’ shall be made on the certificate of conformity of the vehicles put into service under this procedure.

6 Member States shall ensure that the number of vehicles to be made available on the market, registered or entered into service under the procedure set out in this Article is effectively monitored.

7 This Article shall apply only to discontinuation due to termination of validity of the type-approval in the case referred to in point (a) of Article 37(2).

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.](#)

[^{F2}Article 44a

Specific measures on end-of-series vehicles in response to the COVID-19 pandemic

1 By way of derogation from Article 44, and subject to paragraphs 2, 3 and 4 of this Article, vehicles conforming to a type of vehicle the EU type-approval of which will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), may be made available on the market, registered or entered into service as end-of-series vehicles until 31 December 2021.

2 The number of end-of-series vehicles referred to in paragraph 1 of this Article shall not exceed the number of vehicles with an EU type-approval that will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), and that were in stock on 15 March 2020.

3 A manufacturer who wishes to benefit from the derogation referred to in paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be made available on the market, registered or entered into service, indicating the number of end-of-series vehicles for which the derogation referred to in paragraph 1 is requested.

The national authority concerned shall decide, within a month of receiving the request, whether to permit the registration of those end-of-series vehicles within its territory, and in what number.

4 A special entry qualifying the vehicles as ‘2021 – end-of-series’ shall be made on the certificate of conformity of the vehicles put into service under paragraph 1.

5 By 1 July 2021, Member States shall inform the Commission on the number of vehicles for which end-of-series status has been granted under this Article.]

Textual Amendments

- F2** Inserted by [Regulation \(EU\) 2020/1694 of the European Parliament and of the Council of 11 November 2020 amending Regulation \(EU\) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 pandemic \(Text with EEA relevance\).](#)

Article 45

Making available on the market or entry into service of components and separate technical units

1 Components or separate technical units may only be made available on the market or entered into service [^{F3}if paragraph 1A applies to the components or separate technical units].

[^{F4}1A. This paragraph applies to components or separate technical units if they—

- a comply with the requirements of the relevant regulatory acts listed in Annex II and are properly marked in accordance with Article 39;
- b comply with the requirements of the relevant regulatory acts listed in Annex II to Regulation (EU) No 168/2013 as it has effect in EU law, provided that the component or separate technical unit—
 - i has approval under section 55(1A) or (1D) of the Road Traffic Act 1988,
 - ii was in the United Kingdom before 1st January 2023, or
 - iii is a qualifying Northern Ireland good; or
- c comply with the requirements of the relevant regulatory acts listed in Annex II to Regulation (EU) No 168/2013 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement, provided that—
 - i they are properly marked in accordance with Article 39 of that Regulation, and
 - ii have approval under that Regulation from the Secretary of State.]

2 Paragraph 1 shall not apply in the case of components or separate technical units which are specifically constructed or designed for new vehicles not covered by this Regulation.

3 By way of derogation from paragraph 1, Member States may permit the making available on the market or entry into service of components or separate technical units which have been exempted from one or more provisions of this Regulation under Article 40 or are intended for mounting on vehicles covered by approvals granted under Article 42 that concern the component or separate technical unit in question.

4 By way of derogation from paragraph 1, and unless otherwise provided for in this Regulation or in one of the delegated acts adopted pursuant to this Regulation, Member States may permit the making available on the market or entry into service of components or separate technical units which are intended for mounting on vehicles which, when made available on the market or entered into service, were not required to be type-approved by this Regulation or by Directive 2002/24/EC.

[^{F5}5. By way of derogation from paragraph 1, replacement components and separate technical units that were EU type-approved before 1st January 2023 in accordance with the requirements listed in Annex I to Regulation (EU) No 168/2013 as it has effect in EU law may be made available on the market or entered into service.]

Textual Amendments

- F3** Words in [Art. 45\(1\)](#) substituted (31.12.2022 at 11.00 p.m.) by [The Road Vehicles and Non-Road Mobile Machinery \(Type-Approval\) \(Amendment and Transitional Provisions\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1273\)](#), regs. 1(2), [74\(2\)\(a\)](#)

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 XI. (See end of Document for details)

- F4** Art. 45(1A) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **74(2)(b)**
- F5** Art. 45(5) inserted (31.12.2022 at 11.00 p.m.) by The Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (S.I. 2022/1273), regs. 1(2), **74(2)(c)**

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 XI.