

Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance)

CHAPTER X

MAKING AVAILABLE ON THE MARKET, REGISTRATION OR ENTRY INTO SERVICE

Article 49

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

1 Subject to the limits specified in Part B of Annex V, and for a limited period of time as specified in paragraph 2, [^{F1}the Secretary of State] may register and permit the making available on the market or entry into service of vehicles conforming to a type of vehicle whose [^{F2}GB] type-approval is no longer valid.

The first subparagraph shall apply only to vehicles within the territory of the [^{F3}United Kingdom] which were covered by a valid [^{F2}GB] type-approval at the time of their production and which had not been registered or entered into service before that [^{F2}GB] type-approval lost its validity.

2 Paragraph 1 shall only apply, in the case of complete vehicles, for a period of 12 months from the date on which validity of the [^{F4}GB] type-approval expired and, in the case of completed vehicles, for a period of 18 months from that date.

3 A manufacturer who wishes to benefit from paragraph 1 shall submit a request to the [^{F5}approval authority]. The request shall specify any technical or economic reasons preventing those vehicles from complying with the new technical requirements.

The [^{F6}approval authority] shall decide, within three months of receiving such a request, whether to permit the registration or the entry into service of those vehicles ^{F7}..., and if so, the number of such vehicles.

4 [^{F8}The Secretary of State must] apply appropriate measures to ensure that the number of vehicles to be registered or entered into service in the framework of the procedure set out in this Article is effectively monitored.

[^{F9}5 A request may be made under paragraph 3 in relation to—

- a motor vehicles in relation to which the manufacturer holds a relevant EU approval which is no longer valid under the EU Type Approval Regulation and that—
 - i were in the United Kingdom before IP completion date, or
 - ii are qualifying Northern Ireland goods,
- b trailers in relation to which the manufacturer holds a relevant EU approval which is no longer valid under the EU Type Approval Regulation and that—
 - i were in the United Kingdom before 1st January 2023, or

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, Article 49. (See end of Document for details)

- ii are qualifying Northern Ireland goods, and
 - c motor vehicles or trailers in relation to which the manufacturer holds a relevant NI type-approval which is no longer valid under the EU Type Approval Regulation.
- 6 In paragraph 5, “relevant EU approval” and “relevant NI approval” have the meanings given in Article 5A.

7 Where a request made under paragraph 3 includes any vehicle or trailer referred to in paragraph 5, references in paragraphs 1 and 2 to “GB type-approval” include a reference to “EU type-approval in accordance with the EU Type Approval Regulation”.]

Textual Amendments

- F1** Words in Art. 49(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), **32(2)(a)(i)**
- F2** Word in Art. 49(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), **32(2)(a)(ii)**
- F3** Words in Art. 49(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), **32(2)(a)(iii)**
- F4** Word in Art. 49(2) 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), **32(2)(b)**
- F5** Words in Art. 49(3) 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), **32(2)(c)(i)**
- F6** Words in Art. 49(3) 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), **32(2)(c)(ii)(aa)**
- F7** Words in Art. 49(3) omitted (31.12.2022 at 11.00 p.m.) by virtue of [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), **32(2)(c)(ii)(bb)**
- F8** Words in Art. 49(4) 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), **32(2)(d)**
- F9** Art. 49(5)-(7) 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), **32(2)(e)**

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2018/858 of the European Parliament and of the Council, Article 49.