

Enterprise and Industry Directorate General

"Explanatory part of the "screening" - 16-20 January 2006 - Croatia, Turkey"

Automotive legislation

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Mission of the Automotive Industry Unit

- Completion, adaptation and simplification of the internal market regulatory framework
- Promotion of the globalisation of the technical regulatory framework through UN/ECE
- Strengthening the competitiveness of the automotive industry

Purpose of the EU type approval system

- •Removal of technical barriers to trade
- •A single set of Community legislative acts
- •Harmonisation of national legislation
- •Establishment of an EC type approval system for
 - Whole vehicle approval
 - System approval
 - •Separate technical units & components

Purpose of the EU type approval system

Guiding principles

- •Harmonisation of administrative procedures
- •Authority granting approval has responsibility for ensuring conformity of production
- Certificate of conformity

Benefits of the EU type approval system

- •Approvals can be obtained anywhere in the EU
- •Once approved can be sold everywhere in the EU
- •Economies of scale for manufacturers
- •Safeguard clause if serious risk to road safety

Benefits of the EU type approval system

Facilitating free movement

- •Harmonisation of administrative procedures
- •Mutual recognition of approvals & markings
- Adaptation to technical progress at EC level
- •Reduced cost & administration for manufacturers
- •Reduced cost & administration for citizens

Development of the EU type approval system

Harmonisation milestones



Passenger cars (M1 vehicles)
•mandatory since 1998

Two or three-wheeled vehicles •mandatory since June 2003



Development of the EU type approval system

Tractors





- •Mandatory since July 2005 for new types of tractor categories (T1, T2 and T3)
- •Will become mandatory for all new vehicles of type T1,T2,T3 from 1 July 2009
- •Type T4/T5 remains optional

Development of the EU type-approval system

Buses and coaches (categories M2 and M3) goods vehicles (N1, N2 and N3) trailers (O1, O2, O3 and O4)

- •No EC whole vehicle type approval system exists
- •Optional for systems, components, separate technical units

Development of the EU type-approval system

Buses and coaches (categories M2 and M3) goods vehicles (N1, N2 and N3) trailers (O1, O2, O3 and O4)

•Some specific mandatory requirements in the area of environmental protection (i.e. noise, emissions)

Development of the EU type approval system

Framework Directives

- •70/156/EEC for motor vehicles & trailers
- •2002/24/EC for 2 or 3 wheel motor vehicles
- •2003/37/EC for wheeled tractors

Separate Directives



Structure of the Framework Directives

Mirror structure

- Scope
- Definitions
- Application for type approval
- Type approval process & certificate
- Safeguard clause
- Certificate of conformity
- Equivalence
- Conformity of production
- Notifications of decision
- Adaptation to technical progress
- Notification of approval authorities and technical services
- Annexes





Scope

•Begin by setting the reference for the applicable vehicles components and separate technical units

Definitions

- Type approval
- •Type of vehicle
- Technical service
- •Separate technical unit

Application for type approval

- •Submit by manufacturer to an approval authority in a Member State
- •Rule that can only submit to ONE authority
- •Information requirements with reference to the relevant annexes and separate directives

Type approval process & certificate

- •Conditions that must be met to grant approval with reference to the annex and separate directives
- •Obligation for type approval certificates and test results attachment according to the models provided in the annexes
- •Obligation to provide a copy to other Member State within 1 month

Safeguard clause

•allow authorities to refuse to grant if a serious risk to road safety presents itself

Certificate of conformity

•State the obligation of manufacturer to provide according to models in directives as well specific provisions to include: i.e. restrictions

Equivalence

•Provides for the equivalence between the directives and the UN/ECE regulations covering the same subject matter and scope

Conformity of production

- •Authorities: Commitment to control
- •Manufacturers: Obligation to inform of relevant changes
- •Procedures for action in the event of non conformity

Notifications of decision

•Obligation to inform of reasons for a withdrawal within the specified time period

Adaptation to technical progress

•Amendments to the annexes to the framework directives or separate directives by CATP (Comitology procedure)

Notification of approval authorities and technical services

- •Technical services must satisfy the harmonised standards on the operation of testing laboratories (EN 45001; EN-ISO/IEC 17025:2000)
- •Art. 14 of Directive 70/156/EEC
- •Art. 14 of Directive 2002/24/EC
- •Art. 21 of Directive 2003/37/EC

Annexes of the Framework Directives

Commonalities in Annexes

- •List of requirements for the purpose of vehicle-type approval
- •Template for EC type-approval certificate
- •Template for certificates of conformity
- •Provisions relating to checking the conformity of production

Annexes of the Framework Directives

Commonalities only in 70/156/EEC and 2003/37/EC

- •List of EC type-approvals for systems etc. already granted
- •Procedures to be followed during multi-stage EC type-approval

Certificate of conformity

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EC Type approval Separate Directives

Guiding principles

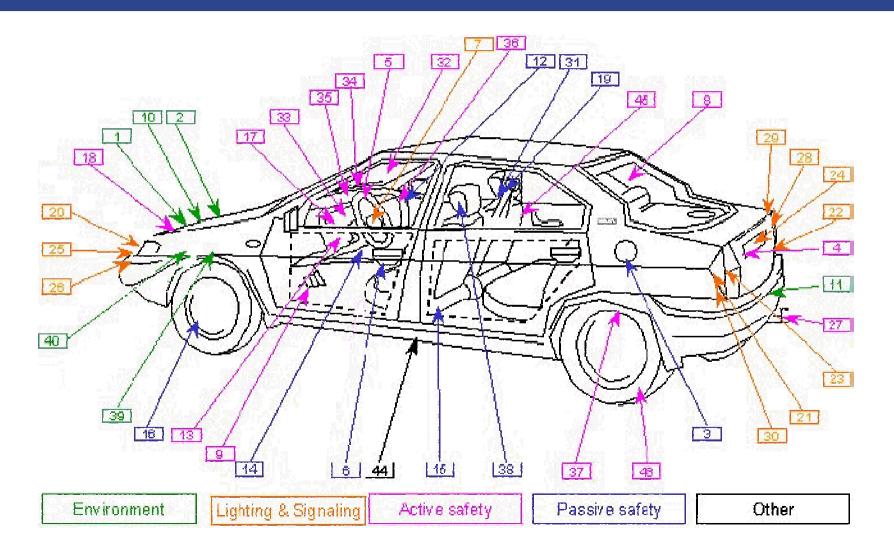
- •Technical requirements define performance have to comply with
- •Technology to reach performance up to manufacturer
- •Cover both approval of system & component
 - •i.e. the mirror itself and when affixed to vehicle

EC Type approval Separate Directives

Guiding principles

- •Features commonly dealt with for different vehicles
 - •i.e. Noise, Emissions, Breaking systems
- Approval marking required for components

EC Type approval Separate Directives



Separate Directives: New Regulatory approach

Split Level Approach

Two different but parallel routes:

- -1- fundamental provisions decided by "Co-decision" procedure in a Regulation/ Directive based on Article 95 of the EC Treaty
- -2- technical specifications implementing the fundamental provisions adopted in a Regulation by "Comitology" procedure

Recast of Directive 70/156/EEC

Cornerstones

- •Extension to categories of vehicles not part of the EC whole type approval today, i.e. vans, trucks, buses, coaches and trailers.
- •Simplification by making clearer in one new text
- •Introduction of the 'Split Level' approach

Recast of Directive 70/156/EEC

Cornerstones

- •Internationalisation entering a new process
 - mandatory application in the Community of international (UN/ECE) regulations and the repealing of EC directives
- ·Harmonisation of individual and small series approval
 - •marks new step in EC type approval

Case law

• Case C-329/95 states:

"It is clear from Article 7(1) and (3) of the directive [70/156] that a Member State may refuse to register a vehicle with a valid Community typeapproval certificate only if it finds that the vehicle is a serious risk to road safety. Refusal to register under the national rules on the basis of considerations of environmental protection does not satisfy the conditions governing the derogation provided for by that provision."

Web Resources

Commission site:

http://europa.eu.int/comm/index en.htm

DG site:

http://europa.eu.int/comm/enterprise/index en.htm

Unit site:

http://europa.eu.int/comm/enterprise/automotive/index.htm

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Thank you for your attention