



Brussels, 8 February 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF TYPE-APPROVAL OF MOTOR VEHICLES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities, but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.⁴

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, Directive 2007/46/EC⁵ establishing a framework for the approval of motor vehicles and their trailers and of systems, components and separate technical units intended for such vehicles (hereinafter collectively referred to as "motor vehicles") will no longer apply to the United Kingdom as of the withdrawal date. This has in particular the following consequences:

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ For goods placed on the EU market *before* the withdrawal date, the EU is trying to agree solutions with the United Kingdom in the withdrawal agreement. The essential principles of the EU's position on goods placed on the market under Union law before the withdrawal date are available here: https://ec.europa.eu/commission/publications/position-paper-goods-placed-market-under-union-law-withdrawal-date_en.

⁵ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

This notice is relevant for **motor vehicles placed on the EU-27 market⁶ as from the withdrawal date.**

Separate notices will be issued concerning the legal consequences of the United Kingdom's withdrawal with respect to vehicles falling within the scope of Regulation (EU) No 167/2013⁷ (agricultural and forestry vehicles), Regulation (EU) No 168/2013⁸ (two- or three-wheeled vehicles and quadricycles) and Regulation (EU) No 2016/1628⁹ (non-road mobile machinery).

1. CONSEQUENCES FOR THE IDENTIFICATION OF ECONOMIC OPERATORS

Pursuant to Article 5(3) of Directive 2007/46/EC, manufacturers established outside the Union must appoint a representative established in the Union to represent them before the Member State type-approval authorities.

Manufacturers' representatives established in the United Kingdom will not, as from the withdrawal date, be considered as established in the Union for the purposes of Article 5(3). Therefore, to the extent that Directive 2007/46/EC is still relevant to their activities, manufacturers established outside the Union are advised to take the necessary steps to ensure that, as from the withdrawal date, their appointed representatives are established in the EU-27.

2. CONSEQUENCES FOR TYPE-APPROVALS AND TYPE-APPROVAL AUTHORITIES

Motor vehicles within the scope of Directive 2007/46/EC may only be registered, sold and enter into service if they are accompanied by a valid certificate of conformity issued by the manufacturer attesting that the vehicles have been manufactured in conformity with the EU type-approval granted by a Member State authority.¹⁰

For the purposes of Directive 2007/46/EC, "approval authority" means *"the authority of a Member State with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit or of the individual approval of a vehicle; for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates; for acting as the contact point for the approval authorities of other Member*

⁶ The concept of placing on the market refers to each individual product, not to a type of product, irrespectively of whether it was manufactured as an individual unit or in series (cf. section 2.2 of Commission Notice 2016/C 272/01 "The Blue Guide on the implementation of EU product rules 2016", OJ C 272, 26.7.2016, p. 1, hereinafter referred to as "the Blue Guide").

⁷ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, OJ L 60, 2.3.2013, p. 1.

⁸ 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-wheeled vehicles and quadricycles, OJ L 60, 2.3.2013, p. 52).

⁹ Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC, OJ L 252, 16.9.2016, p. 53.

¹⁰ Cf. Articles 4(3), 18 and 26 of Directive 2007/46/EC.

States; for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production".¹¹

As from the withdrawal date, Directive 2007/46/EC will cease to apply to the United Kingdom. This means that, as from that date, the United Kingdom approval authority will cease to be an EU type-approval authority under Directive 2007/46/EC. As a result, it will not be possible as from the withdrawal date for a manufacturer to place on the Union market motor vehicles accompanied by a certificate of conformity referring to a type-approval granted by the United Kingdom approval authority formerly competent under EU law. In particular, the United Kingdom approval authority will no longer be in a position to perform any of the functions and activities of an approval authority for the purposes of Directive 2007/46/EC with respect to type-approvals it granted prior to the withdrawal date. Moreover, the United Kingdom approval authority will no longer be able to issue revisions or extensions to such approvals on the basis of Article 14 of Directive 2007/46/EC.

With respect to type-approvals granted by the United Kingdom authority prior to the withdrawal date, the Commission is considering the necessary and appropriate steps to ensure and facilitate continued compliance with EU law.

The website of the Commission on automotive industry (https://ec.europa.eu/growth/sectors/automotive_en) provides general information concerning Union harmonisation legislation applicable to type-approval of motor vehicles. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

¹¹ Article 3, point 29, of Directive 2007/46/EC.