

Type-Approval Procedure

Information System of the German Type-Approval Authority

Regulation (EC) No. 661/2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore;

- **Applicability of EC type-approvals corresponding to repealed regulatory acts of the EU after 1st November 2014**
(Exemplification: Type-approval for a component according to EEC Directive 72/245/ECC)

Issue:

To grant a whole vehicle type-approval according to Framework Directive 2007/46/EC approvals to regulatory acts of the EU (Single Directives / Regulations) are frequently used.

According to the provisions of article 19 of Regulation (EC) No. 661/2009 (GSR General Safety Reg.) forty-nine regulatory acts will be repealed with effect from 1st November 2014. Up to 1st November 2014 this regulatory acts could be used as a foundation for granting of whole vehicle type-approvals. The repeal of this regulatory acts leads to the following questions:

Until when may an EC type-approval be used even though the regulatory act according to which it was granted has been repealed? What preconditions are valid for further consideration of this type-approval? Until when and under what conditions is it possible to grant an extension to a type-approval like this?

Result:

Article 13 paragraph 14 of Regulation (EC) No. 661/2009 is essential. As a basic principle type-approvals granted according to regulatory acts repealed with effect from 1st November 2014 may be considered and extended even after 1st November 2014 if the following three preconditions are fulfilled:

The requirements applying to a system, a component or a separate technical unit may **not** have been modified or extended

- by the Regulation (EC) No. 661/2009 itself or
- by implementation measures to this Regulation or
- by new requirements of the UNECE-Regulations obligatory after 1st November 2014 as a replacement to the regulatory acts repealed by the Regulation (EC) No. 661/2009.

Whether this basic principle applies to a specific regulatory act of the EU as a rule will be established by the implementation measure regarding this regulatory act. For an example see Article 4 of Regulation (EU) No. 672/2010.

Example:

The above shall be explained with a simple example using a type-approval of a component according to radio suppression.

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According to Regulation (EC) No. 661/2009 (GSR) a type-approval for a component according to Directive 72/245/EEC will not inevitably become invalid when Directive 72/245/EEC is repealed with effect from 1st November 2014. There will be created an implementation measure that among other things directs the replacement of Directive 72/245/EEC by UNECE-Regulation 10. Kraftfahrt-Bundesamt (KBA) assumes that this implementation measure will establish a provision corresponding to the above mentioned Article 4 of Regulation (EU) No. 672/2010.

If this precondition is fulfilled the type-approval of a component remains valid and may be extended as long as Directive 72/245/EEC with the amendment used to grant that type-approval is on the level of the valid UNECE-Regulation 10. An additional precondition is that no other implementation measures regarding radio suppression are put into force.

After 1st November 2014 each modification of UNECE-Regulation 10 valid in the framework of Directive 2007/46/EC may cause type-approvals in accordance with Directive 72/245/EEC to be no longer applicable.

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