

**Information system**  
Type-approval procedure

**Granting of exemptions for end-of-series vehicles as of key date 01.09.2019, Vehicles of vehicle categories M1, M2, N1, N2 in the range of application of Regulation (EC) No. 715/2007**

**Legal bases:**

Directive 2007/46/EG,  Regulation (EC) No. 715/2007	Article 17 Article 27	(Validity of EC type-approvals) (Registration, sale and the placing in service of end-of-series vehicles)  (Type-approval emissions of light vehicles)
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**Implementing Regulation (EC) No 692/2008 as last amended by Regulation (EU) No 2016/646 (Cycle NEDC) and Regulation (EU) 2017/1151 and also Regulation (EU) 2018/1832**

**Implementing Regulation (EU) No 2017/1151 as last amended by Regulation (EU) No 2017/1154 (Cycle WLTC) and also Regulation (EU) 2018/1832**

**EC vehicle approval regulation (EC-VAR)****§ 8 (2),**

*"The Kraftfahrt-Bundesamt (Federal Motor Transport Authority) **may** grant exemptions for end of series vehicles within the meaning of Article 27 of Directive 2007/46/EC, which continue to permit the registration, sale and placing in service of a limited number of vehicles even though they conform to a vehicle type whose EC type-approval is no longer effective"*

**Question or problem:**

As of key date 01.09.2019, certificates of conformity of vehicles of category N1, group II and III as well as N2 whose type-approval with regard to emissions does not show a valid status according to Regulation (EU) 2017/1151 will become invalid.

As of the key date 01.09.2019, the national authorities will refuse the registration, sale or placing in service of new vehicles of category M1, M2 and N1 Group I which do not comply with the requirements of Annex II Part B of Regulation (EU) 2017/1151, as last amended by Regulation (EU) 2018/1832.

As of the key date 01.09.2019, the national authorities will refuse to register, sell or place in service vehicles which do not comply with the requirements of Annex VI of Regulation (EU) 2017/1151, as last amended by Regulation (EU) 2018/1832. This does not apply to vehicles approved for evaporative emissions in accordance with the procedure laid down in Annex VI to Regulation (EC) No 692/2008, as amended by Regulation (EU) No 2017/1221.

As at the key date 01.09.2019, national authorities will refuse the registration, sale or placing in service of new vehicles of category M1, M2 and N1 Group I which do not comply with the requirements of Annex IX to Directive 2007/46/EC, as amended by Regulation (EU) 2018/1832.

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It is to be expected that vehicle manufacturers will apply to the Kraftfahrt-Bundesamt (Federal Motor Transport Authority) to obtain an exemption for end-of-series vehicles for a large number of vehicles produced before the key date.

### **Result:**

Pursuant to Decree LA 23/7363.1/1-1 of 26.04.2016 on "Conclusions from the Report of the Volkswagen Investigation Commission - Future Implementation of the Type-Approval Procedure", which is available in the KBA (Federal Motor Transport Authority), the KBA intends to grant applications for exemptions for end-of-series vehicles with **diesel engine<sup>1</sup>** only if the KBA can establish that there are no inadmissible shut-off devices within the meaning of Article 5 of Regulation (EC) No 715/2007.

Proof of a verified emission strategy is to be provided by the manufacturer. A type-approval for emissions, granted in accordance with Regulation (EU) 2016/646 or later, is recognised as evidence of a verified emission strategy. Alternatively, the manufacturer may submit confirmation from the type-approval authority responsible for the emissions type-approval. This confirmation can, for example, be as follows:

***"A description of the emission strategy for vehicle type X of manufacturer Y according to extended documentation requirements of Article 5(11) and (12) of Regulation (EU) 2016/646 has been provided by the manufacturer. A review of the documentation revealed no suspicion of impermissible shut-off devices within the meaning of Article 5(2) of Regulation (EC) No 715/2007".***

As a further alternative, the manufacturer may declare the absence of unauthorised shut-off devices. In addition, the KBA (Federal Motor Transport Authority) must then be provided with all software versions of the engine control system covered by the declaration.

A sample for a manufacturer's declaration is given in the Annex.

The request for exemption for end-of-series vehicles can only be finalised if either:

- confirmation is issued by the manufacturer or his authorised representative that the EC type-approvals concerned for the whole vehicle, for all vehicle variants/versions with diesel engine, provide evidence of type-approval with regard to emissions in accordance with Regulation (EU) 2016/646 or later

OR

- confirmation is provided by the type-approval authority responsible for type-approval with regard to emissions, the text of which indicates that the vehicle types have been checked for unauthorised shut-off devices (see above)

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<sup>1</sup> Decree LA 23/7363.1/1-1 does not contain any restriction on diesel engines. The restriction to diesel engines is made on the basis of the inadmissible shut-off devices within the meaning of Article 5 of Regulation (EC) No 715/2007 which have so far only been established for diesel engines.

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OR

- in the application it is confirmed that no vehicle variants/versions with a diesel engine are listed in the application

OR

- a declaration is made by the manufacturer on the absence of unauthorised shut-off devices (see sample). In addition, all software versions of the engine management covered by the declaration must then be made available to the KBA (Federal Motor Transport Authority) via the usual transmission routes (E-type, type master application) used and secured in the type-approval procedure.

With regard to vehicles for which the KBA has determined inadmissible shut-off devices and which are covered by a corresponding administrative decision, the application for exemption for end-of-series vehicles can only be granted after the KBA has appropriately approved the measure intended to re-establish compliance. To register these vehicles, an additional conversion certificate from the manufacturer must be submitted to the registration authority. This obligation is accordingly listed in a text module in the exemption granted for these vehicles.

Similarly, the above requirements apply to the application procedure for individuals and dealers. It is only possible to grant an exemption for vehicles with a diesel engine to individuals and dealers if the manufacturer or his authorised representative has already provided the KBA (Federal Motor Transport Authority) with corresponding evidence, or if the individual or the dealer has submitted to the KBA a confirmation of a type-approval authority (see 2. indent) available to the manufacturer or his authorised representative.

The end-of-series procedure may also be applied to such vehicles where the requirements of Annex IX to Directive 2007/46/EC, as amended by Regulation (EU) 2018/1832 of the Commission, have not been supplemented in the certificate of conformity. Notwithstanding the above, for all vehicles registered from 1 January 2019 under the new type-approvals granted during that period and for which the information listed in Annex IX to Directive 2007/46/EC, as amended by Regulation (EU) 2018/1832, has not yet been included in the certificate of conformity, the manufacturer will provide this information free of charge within 5 working days of the request by an accredited laboratory or technical service for the purposes of testing in accordance with Annex II.

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Annex 1: Sample of a manufacturer's confirmation