

EC type approval for vehicle parts

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So-called 'type approval' has been provided for at [European level in the Directive 2007/46/EC, Art. 1](#) of which states that the directive establishes a harmonised framework for the approval of vehicles and the systems, components and separate technical units intended for those vehicles. So it can be seen quite clearly at the beginning that not only the vehicle as such, but also vehicle parts are the subject of the directive.

Possibilities for approval and sale

For the simple sale of a vehicle part to a vehicle manufacturer (OEM), the part does not require to have been subject to type approval, and even if it is, that approval does not need to be obtained in advance. This can be and usually is dealt with by the OEM: the EC type approval of a new vehicle type also entails the licensing of the vehicle parts installed in it – but only for that vehicle type. Furthermore, the part concerned has to be from the same manufacturer and structurally identical to the part for which the OEM has already obtained an EC type approval in licensing that vehicle type.

By contrast, if a manufacturer is also aiming to sell the vehicle part in the aftermarket, a distinction must be made between the replacement parts market and the market for retrofit parts. Whilst on the replacement parts market it may be possible, taking certain special features into account, to manage without separate EC type approval (depending on the vehicle part the same applies here as in simple sale to an OEM [see above] – when all is said and done the part being sold here is one which has already been approved for a vehicle type), separate type approval is required for sale on the aftermarket. This can in principle be issued for any vehicle part which is eligible for approval according to the so-called 'list of regulatory acts' in Annex IV of Directive 2007/46/EC. If that is the case, the final decisive factor is whether or not the vehicle part complies with the technical requirements of EC type approval, in particular those in Annex IV of the directive. This can only be ascertained conclusively via inspection by a technical service agency.

In the authorisation procedure, an inspection is carried out from time to time to see whether or not the vehicle part has a decisive influence on the specifications (e.g. the emissions class) of a vehicle type that has

already been approved. If the part is licensed, it can be sold in its own right on the aftermarket for installation in certain vehicle types.

Furthermore, if the authorisation procedure has been completed successfully in one EU Member State, the manufacturer can sell his product throughout the EU and license it in all European countries without further inspection.

Update for EC type approval

Regulation (EU) 2018/858 replaces Directive 2007/46/EC

The rules applicable for the approval of vehicles and vehicle components will be replaced effective 1 September 2020. On that date, (Framework) Directive 2007/46/EC, which remains in effect for now and which is described above, will be repealed and replaced by Regulation (EU) 2018/858, which was adopted by the European Parliament.

This should be seen in light of the EU's continuing efforts to harmonize legal rules within the EU. When the Regulation takes effect, all national statutes implementing Directive 2007/46/EC (in Germany: the EC Vehicle Approval Ordinance) will automatically lose significance for approvals as of 1 September 2020. The Regulation will take direct effect on that date in all EU member states.

Stricter rules under the new Regulation

Stricter rules will apply for type approval when the Regulation takes effect on 1 September 2020. With regard to the diesel exhaust scandal in particular, it should be noted that the prohibition on defeat devices remains in effect (cf. Recital 36 to Regulation (EU) 2018/58). In fact, the Regulation actually goes further and requires vehicle manufacturers to ensure access to the software protocols of each individual vehicle (No. 3.1.1 of Appendix 2 to Regulation (EU) 2018/858).

The new Regulation also seeks to ensure higher quality and greater independence from type approval testing organizations ("technical services"). It will even be possible to challenge their license and authority to conduct testing pursuant to Article 77 of Regulation (EU) 2018/858. In other words, the Regulation extends the regulatory powers of the individual (national) approval authorities. In addition, the Regulation calls for market

surveillance of approved vehicles and vehicle components by the member states and their market surveillance authorities, e.g. by conducting spot checks of the vehicles and vehicle components on the market.

The Regulation also states that manufacturers are required to make all information necessary for diagnosis, maintenance, reprogramming and reinitialization of their vehicles available online. This is to be done by enabling (public) access to this data in the form of machine-readable and electronically processed data sets, pursuant to Article 61 I, Sentence 2 of Regulation (EU) 2018/858.

With this provision, the Type Approval Regulation makes things much easier than they were under the Directive, especially for car dealerships and repair shops. Access to all maintenance and repair information means that work can be performed in accordance with the manufacturer's specifications. This is of vital importance for vendors of individual parts in particular, since access to the vehicle manufacturer's spare parts and vehicle identification data allows them to classify their own parts in accordance with the Regulation.



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