NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** European Union  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:** European Commission  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  European Commission  EU-TBT Enquiry Point  Fax: +(32) 2 299 80 43  E-mail: [grow-eu-tbt@ec.europa.eu](mailto:grow-eu-tbt@ec.europa.eu)  Website: [http://ec.europa.eu/growth/tools-databases/tbt/en/](http://ec.europa.eu/growth/tools-databases/tbt/en/" \t "_blank) |
| **3.** | **Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [****X], 5.7.1 [ ], other:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Motor vehicles, trailers, two- and three-wheeled vehicles, quadricycles, agricultural and forestry vehicles, systems, components, technical units and engines for use in non-road mobile machinery |
| **5.** | **Title, number of pages and language(s) of the notified document:** Proposal for a Regulation of the European Parliament and of the Council complementing EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union (COM(2018) 397 final) (12 page(s), in English) |
| **6.** | **Description of content:** The United Kingdom on 29 March 2017 submitted 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 agreement establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, ('the withdrawal date'). The United Kingdom will then become a third country.  Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, the EU legislative framework governing type approval for a number of products will no longer apply to the United Kingdom as of the withdrawal date, notably:   * Directive 2007/46/EC concerning the type-approval of motor vehicles and trailers (to be replaced by a Regulation which will be applicable as from 1 September 2020); * Regulation (EU) No 168/2013 concerning the type-approval of two- and three-wheeled vehicles and quadricycles; * Regulation (EU) No 167/2013 concerning the type-approval of agricultural and forestry vehicles; and * Regulation (EU) 2016/1628 concerning the type-approval of engines for use in non-road mobile machinery.   This also means that the United Kingdom type-approval authority will cease to be an EU type-approval authority and will no longer be able to fulfil any of the powers and obligations of a type-approval authority under EU legislation. Manufacturers who obtained approvals in the United Kingdom in the past will thus need to obtain new approvals from EU-27 type-approval authorities, including for products already in production, in order to ensure continued compliance with EU legislation and retain access to the Union market.  While the legal framework for these products sets procedural requirements harmonising the way in which type-approvals are granted across the EU, some safeguards make it difficult for relevant manufacturers to take the necessary measures to ensure regulatory compliance and business continuity after the EU acquis ceases to apply to the United Kingdom.  This creates significant legal uncertainty for manufacturers with United Kingdom type-approvals. The present proposal aims to address this by modifying temporarily and in a very targeted manner the existing rules to allow concerned manufacturers to obtain new EU-27 approvals that replace their existing UK type-approved products.  The provisions proposed in the proposal will not lower the requirements regarding the safety or environmental performance of the vehicles, systems, components or separate technical units. It will not grant any advantages to manufacturers with UK type-approvals, compared to manufacturers with EU-27 type-approvals. The initiative will simply allow manufacturers to continue producing their products in compliance with applicable legal requirements without interrupting their existing production, which could have caused significant social and economic impacts. In facilitating manufacturers' compliance with EU law, the initiative will also ensure the protection of consumers and citizens. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** With a view to improve legal uncertainty for manufacturers with United Kingdom type-approvals, this proposal:   * Explicitly allows concerned manufacturers to apply to an EU-27 type-approval authority for new approvals for existing types; * Allows that tests underpinning the UK type approvals do not have to be repeated because the technical service was not designated and notified by the EU-27 type-approval authority before; * Provides that such approvals may be granted if the requirements for new vehicles, systems, components and separate technical units are met rather than those for new types; * Proposes to help identify new type-approval authorities for those products already on the market prior to the withdrawal, to avoid that no authority would be in charge of carrying out in-service conformity checks or issuing a possible future recall. |
| **8.** | **Relevant documents:**  Directive 2007/46/EC: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528987042508&uri=CELEX:32007L0046>  Regulation (EU) No 168/2013: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528987090952&uri=CELEX:32013R0168>  Regulation (EU) No 167/2013: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528987195631&uri=CELEX:32013R0167>  Regulation (EU) 2016/1628: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1528987239562&uri=CELEX:32016R1628> |
| **9.** | **Proposed date of adoption:**End of 2018  **Proposed date of entry into force:**On the day of publication in the Official Journal of the EU |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [ ]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  European Commission, EU-TBT Enquiry Point, Fax: + (32) 2 299 80 43, E-mail: [grow-eu-tbt@ec.europa.eu](mailto:grow-eu-tbt@ec.europa.eu)  The text is available on the EU-TBT Website : <http://ec.europa.eu/growth/tools-databases/tbt/en/>  <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2018:0397:FIN>  <https://members.wto.org/crnattachments/2018/TBT/EEC/18_3788_00_e.pdf>  <https://members.wto.org/crnattachments/2018/TBT/EEC/18_3788_00_f.pdf>  <https://members.wto.org/crnattachments/2018/TBT/EEC/18_3788_00_s.pdf> |