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ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Sustainable Growth and EU 2020
Sustainable Mobility and Automotive Industry

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**NOTE FOR THE ATTENTION OF THE MEMBERS OF THE
TECHNICAL COMMITTEE OF MOTOR VEHICLES (TCMV)**

Subject: Application of Article 46 of Directive 2007/46/EC

Dear Member,

Article 46 of 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 (Framework Directive)¹ requires Member States to determine the penalties applicable for infringement of its provisions, and to take all necessary measures for their implementation. This provision also sets out some requirements which must be met by the penalties: they must be effective, proportionate and dissuasive. Finally, it sets a deadline for Member States to notify these provisions to the Commission: 29 April 2009.

So far, the services of the Commission have received no notification, under Article 46 of Directive 2007/46/EC, of the specific measures adopted by Member States to comply with this provision. Therefore, the Commission requests Member States to provide this information as soon as possible and in any case before 28 February 2013.

Similarly, other legal acts in the automotive sector contain equivalent provisions, namely:

- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (Article 16)²;
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and

¹ OJ L 263, 9.10.2007.

² OJ L 200, 31.7.2009, p. 1.

Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (Article 11)³;

- Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC (Article 15)⁴;
- Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC (Article 13)⁵;
- Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (Article 13)⁶.

Also regarding the acts listed above the deadline for notification of the national provisions concerning penalties has expired and therefore the Commission would like to request Member States to notify their national measures before 28 February 2013.

Best regards.



³ OJ L 188, 18.7.2009, p. 1.

⁴ OJ L 35, 4.2.2009, p. 32

⁵ OJ L 35, 4.2.2009, p. 1.

⁶ OJ L 171, 29.6.2007, p. 1.