



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Consumer Goods and EU Satellite navigation programmes
Automotive industry

Brussels, **30 MARS 2010**
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To all Members of the Technical Committee – Motor Vehicles

via the Permanent Representations

Dear Members of the TCMV,

On 29 April 2009, the new Framework Directive 2007/46/EC of the 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 vehicles¹ became applicable. In its Article 18, this directive has clarified the obligations of manufacturers with regard to the delivery of a certificate of conformity.

This Article in paragraph 1 expresses very clearly that a certificate of conformity has to be delivered "to accompany each vehicle" that is manufactured on the basis of an EC type approval. Paragraph 7 of that Article furthermore specifies that "without prejudice to the provisions of paragraph 1", the manufacturer may transmit data by electronic means to the registration authority of the Member State. This paragraph clearly stipulates that the transmission of electronic information may supplement the delivery of a certificate of conformity, but can in no way replace the obligation to deliver such a certificate in a physical format. It furthermore follows from the wording of that Article that the certificate of conformity must be delivered without any further requests or any justification from the buyer and that no fee may be charged for it.


Despite the clear wording of this Article, the Commission continues to be faced with complaints from individual and commercial buyers of vehicles within Europe pointing out that EU-type approved vehicles are delivered without certificate of conformity and that the sellers do either not even provide such certificates upon request, or only upon specific request or justification or against payment of a fee. The Commission concludes that some vehicle manufacturers continue to systematically use the withholding of the certificate of conformity as an instrument to make it more difficult for European citizens to benefit from the internal market.

¹ L 263 of 9.10.2007, p.1.

The Commission considers this to be unacceptable. The internal market for motor vehicles clearly is one element where citizens and companies can experience the advantages which membership of the European Union can bring. Thus, the European Commission has a strong interest in the proper functioning of this market and intervenes within its possibilities and competences in order to ensure its proper functioning. At the same time, it is not the task of the Commission to ensure the appropriate application of the national legislation implementing a European Directive in each individual case.

The Commission thus calls upon the Member States to collaborate with the Commission to ensure the proper application of Article 18 and the national legislation implementing this provision. It will address the issue again at one of the forthcoming meetings with Member States and also raise it in the Type-Approval Authorities Expert Group on 12 April 2010.

Sincerely yours,


po- Philippe JEAN