

**COMMISSION DELEGATED DIRECTIVE (EU) 2021/1717****of 9 July 2021****amending Directive 2014/45/EU of the European Parliament and of the Council as regards the updating of certain vehicle category designations and the addition of eCall to the list of test items, methods, reasons for failure and assessment of deficiencies in Annex I and Annex III to that Directive****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC <sup>(1)</sup> and in particular Article 17 thereof,

Whereas:

- (1) Directive 2014/45/EU applies to vehicles with a design speed exceeding 25km/h of the categories listed in Article 2(1) of that Directive. Those categories are determined by reference to Directives 2002/24/EC <sup>(2)</sup>, 2003/37/EC <sup>(3)</sup> and 2007/46/EC <sup>(4)</sup> of the European Parliament and of the Council.
- (2) Directives 2002/24/EC, 2003/37/EC and 2007/46/EC were repealed, respectively, by Regulations (EU) No 168/2013 <sup>(5)</sup>, (EU) No 167/2013 <sup>(6)</sup> and (EU) 2018/858 <sup>(7)</sup> of the European Parliament and of the Council.
- (3) Given the changes to the vehicle category designations that stemmed from the repeal of Directives 2002/24/EC and 2003/37/EC, certain vehicle category designations referred to in Directive 2014/45/EU should be adapted. Those changes do not affect the scope and frequency of the testing.
- (4) Regulation (EU) 2015/758 <sup>(8)</sup> of the European Parliament and of the Council lays down an obligation for certain new types of vehicles to be equipped with a permanently installed 112-based eCall in-vehicle system, with effect from 31 March 2018.

<sup>(1)</sup> Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L 141, 6.6.2009, p. 12).

<sup>(2)</sup> Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC (OJ L 124, 9.5.2002, p. 1).

<sup>(3)</sup> Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9.7.2003, p. 1).

<sup>(4)</sup> 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 (OJ L 263, 9.10.2007, p. 1).

<sup>(5)</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

<sup>(6)</sup> Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

<sup>(7)</sup> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

<sup>(8)</sup> Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ L 123, 19.5.2015, p. 77).

- (5) The 112-based eCall in-vehicle system, as an emergency system, requires the highest possible level of reliability. The accuracy of the minimum set of data and of the voice transmission, and quality, should be ensured, and a uniform testing regime should be developed to ensure the longevity and durability of the 112-based eCall in-vehicle system. Periodic roadworthiness tests for eCall should therefore be carried out regularly in accordance with Directive 2014/45/EU. A new point relating to such a test should be added in Table 3 of Annex I to that Directive.
- (6) Directive 2014/45/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 2014/45/EU is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the introductory wording is replaced by the following:

‘1. This Directive shall apply to vehicles with a design speed exceeding 25km/h of the following categories, as referred to in Regulations (EU) No 167/2013 (\*), (EU) No 168/2013 (\*\*), and (EU) 2018/858 (\*\*\*) of the European Parliament and of the Council:

(\*) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

(\*\*) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

(\*\*\*) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1);

(ii) the sixth and seventh indents are replaced by the following:

‘— from 1 January 2022, two- or three-wheel vehicles – vehicle categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm<sup>3</sup>; wheeled tractors of categories T1b, T2b, T3b, T4.1b, T4.2b and T4.3b the use of which mainly takes place on public roads with a maximum design speed exceeding 40km/h.’;

(b) in paragraph 2, the seventh indent is replaced by the following:

‘— vehicles in categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm<sup>3</sup> where the Member State has put in place effective alternative road safety measures for two or three-wheel vehicles, taking into account in particular relevant road safety statistics covering the last five years. Member States shall notify such exemptions to the Commission.’;

(2) Article 5 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

‘(c) wheeled tractors of categories T1b, T2b, T3b, T4.1b, T4.2b and T4.3b the use of which mainly takes place on public roads for commercial road haulage purposes: four years after the date on which the vehicle was first registered, and thereafter every two years.’;

(b) paragraph 2 is replaced by the following:

‘2. Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm<sup>3</sup>, are to be subject to a roadworthiness test.’;

(3) Annexes I and III are amended in accordance with the Annex to this Directive.

#### *Article 2*

##### **Transposition**

1. Member States shall adopt and publish, by 27 September 2022 at the latest, the laws, regulations and administrative measures necessary to comply with this Directive.. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply the measures necessary to comply with Article 1 and point (2) of the Annex of this Directive from 27 September 2022.

They shall apply the measures necessary to comply with point 1 of the Annex to this Directive from 20 May 2023 at the latest.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

##### **Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

#### *Article 4*

##### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 9 July 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

## ANNEX

Annexes I and III are amended as follows:

(1) in point 3 of Annex I, the following point is added to section 7:

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
‘7.13 eCall (if fitted, in accordance with EU type approval legislation)					
7.13.1 Fitment and configuration	Visual inspection complemented, where made possible by the technical characteristics of the vehicle and where the necessary data is made available, with the use of electronic interface	(a) System or any component missing		X	
		(b) Software version incorrect	X		
		(c) System coding incorrect	X		
7.13.2 Condition	Visual inspection complemented, where made possible by the technical characteristics of the vehicle and where the necessary data is made available, with the use of electronic interface	(a) System or components damaged	X		
		(b) eCall MIL indicates any kind of failure of the system	X		
		(c) eCall electronic control unit failure	X		
		(d) Mobile network communication device failure	X		
		(e) GPS signal failure	X		
		(f) Audio components not connected	X		
		(g) Power source not connected or insufficient charge	X		
		(h) System indicates failure via the electronic vehicle interface	X		
7.13.3 Performance	Visual inspection complemented, where made possible by the technical characteristics of the vehicle and where the necessary data is made available, with the use of electronic interface	(a) Minimum set of data (MSD) incorrect	X		
		(b) Audio components not working in order	X		

(2) in Annex III, point 4 of Table I is amended as follows:

(a) the title is replaced by the following:

‘Special vehicles derived from a category N vehicle, T1b, T2b, T3b, T4.1b, T4.2b and T4.3b’;

(b) references to ‘T5’ vehicles are replaced by a reference the following categories:

‘T1b, T2b, T3b, T4.1b, T4.2b and T4.3b (P) and T1b, T2b, T3b, T4.1b, T4.2b and T4.3b (D)’.