



STATUTORY INSTRUMENTS.

**S.I. No. 234 of 2011.**

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EUROPEAN COMMUNITIES (MECHANICALLY PROPELLED  
VEHICLE ENTRY INTO SERVICE) (AMENDMENT) REGULATIONS  
2011

**(Prn. A11/0810)**

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EUROPEAN COMMUNITIES (MECHANICALLY PROPELLED  
VEHICLE ENTRY INTO SERVICE) (AMENDMENT) REGULATIONS  
2011

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the power conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to the Directives and Regulations specified in the Schedules to the European Communities (Mechanically Propelled Vehicle Entry Into Service) Regulations 2007 (S.I. No. 448 of 2007) or to the Directives and Regulations set out in Regulation 2 of the following regulations, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Mechanically Propelled Vehicle Entry Into Service) (Amendment) Regulations 2011.

(2) These Regulations come into operation on 1 June 2011.

2. The purpose of these regulations also includes giving further effect to Council Directive 70/221/EEC of 20 March 1970<sup>1</sup> (as amended by Commission Directive 2006/20/EC of 17 February 2006<sup>2</sup>), Articles 11 and 13 of Regulation (EC) No. 715/2007 of the European Parliament and of the Council of 20 June 2007<sup>3</sup> (as amended by Commission Regulation (EC) 692/2008 of 18 July 2008<sup>4</sup>), Article 13 of Regulation (EC) No. 78/2009 of the European Parliament and of the Council of 14 January 2009<sup>5</sup>, Article 15 of Regulation (EC) No. 79/2009 of the European Parliament and of the Council of 14 January 2009<sup>6</sup>, Article 11 of Regulation (EC) No. 595/2009 of the European Parliament and of the Council of 18 June 2009<sup>7</sup> and to Article 16 of Regulation (EC) No. 661/2009 of the European Parliament and of the Council of 13 July 2009<sup>8</sup>, in so far as they relate to the entry into service of motor vehicles.

3. In these Regulations—

“Regulations of 2007” means the European Communities (Mechanically Propelled Vehicle Entry Into Service) Regulations 2007 (S.I. No. 448 of 2007);

“Regulations of 2008” means the European Communities (Mechanically Propelled Vehicle Entry into Service) (Amendment) Regulations 2008 (S.I. No. 195 of 2008).

<sup>1</sup>OJ No. L 76, 6.4.70, p.23

<sup>2</sup>OJ No. L 48, 18.2.2006, p.16

<sup>3</sup>OJ No. L 171, 29.6.2007, p.1

<sup>4</sup>OJ No. L 199, 28.7.2008, p. 1

<sup>5</sup>OJ No. L 35, 4.2.2009, p.1

<sup>6</sup>OJ No. L 35, 4.2.2009, p.32

<sup>7</sup>OJ No. L 188, 18.7.2009, p. 1

<sup>8</sup>OJ No. L 200, 31.7.2009, p. 1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 20th May, 2011.*

## 4. Regulation 2(1) of the Regulations of 2007 is amended—

(a) by substituting for the definition of “category M<sub>2</sub>” the following:

“ ‘category M<sub>2</sub>’ has the meaning assigned to it in Annex II to the Framework Directive;”,

(b) by substituting for the definition of “category M<sub>3</sub>” the following:

“ ‘category M<sub>3</sub>’ has the meaning assigned to it in Annex II to the Framework Directive;”,

(c) by substituting for the definition of “category N<sub>1</sub>” the following:

“ ‘category N<sub>1</sub>’ has the meaning assigned to it in Annex II to the Framework Directive;”,

(d) by substituting for the definition of “category N<sub>2</sub>” the following:

“ ‘category N<sub>2</sub>’ has the meaning assigned to it in Annex II to the Framework Directive;”,

(e) by substituting for the definition of “category N<sub>3</sub>” the following:

“ ‘category N<sub>3</sub>’ has the meaning assigned to it in Annex II to the Framework Directive;”,

(f) by substituting for the definition of “end-of-series vehicle” the following:

“ ‘end-of-series vehicle’ means a new vehicle—

(a) which is a type of vehicle for which a type-approval certificate was issued in respect of a matter specified in column (2) of Schedule 1 and where the type-approval certificate issued is no longer valid in respect of that matter due to the coming into force of a requirement of the Framework Directive or the separate directives or an amendment thereto and but for which requirement the type-approval would still be valid, and

(b) the vehicle was in the territory of the European Union and was accompanied by the certificates of conformity required for such vehicles under these Regulations but had not been registered or put into service before the type-approval, as referred to in paragraph (a), lost its validity;”,

(g) by inserting after the definition of “end-of-series vehicle”, the following:

“ ‘Framework Directive’ means; Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007<sup>9</sup> (as amended by the Regulations of the European Union and European Communities specified in Schedule 2);”,

- (h) by substituting for the definition of “mechanically propelled vehicle” the following:

“ ‘mechanically propelled vehicle’ means any power-driven vehicle (with or without bodywork) which is moved by its own means, having at least four wheels, a maximum design speed exceeding 25 kilometres per hour and which is intended for use on the road;”,

- (i) by inserting after the definition of “registration” the following:

“ ‘RSA’ means the Road Safety Authority;”,

- (j) by substituting for the definition of “separate directives” the following:

“ ‘separate directives’ means the directives as specified in column (3) of Schedule 1 which deal with the matters specified in column (2) of that Schedule;”,

and

- (k) by inserting after the definition of “type-approval certificate” the following:

“ ‘UNECE Regulations’ means the regulations to which the European Union has acceded to as a Contracting Party to the United Nations Economic Commission for Europe ‘Revised 1958 Agreement’ by virtue of Council Decision 97/836/EC of 27 November 1997<sup>10</sup>, along with any amendment thereto;”,

5. The Regulations of 2007 are amended by substituting for Regulation 4 the following:

“4. (1) Subject to paragraphs (2) and (3), for the purpose of a declaration for registration in the State in respect of a new mechanically propelled vehicle, a certificate of conformity shall be required pursuant to each of the applicable separate directives.

(2) Where a date is specified in column (4) of Schedule 1 at any reference number for a Directive specified in column (3), that date is the date from which a certificate of conformity is required for a declaration for registration in the State.

(3) Where reference is made to a separate directive in Schedule 1, an approval issued under the UNECE Regulations listed in Part II of

<sup>9</sup>OJ No. L 263, 9.10.2007, p.1

<sup>10</sup>OJ No. L 346, 17.12.1997, p.78

Annex IV to the Framework Directive shall be considered as equivalent to an EC type-approval granted under the relevant separate Directive or Regulation.

(4) Notwithstanding paragraph (3), approvals to the level of the 09 series of amendments to UNECE Regulation 13 will be acceptable for paragraph (1) of this Regulation for the Directive specified in column (3) opposite reference number 13 mentioned in column (1) of Schedule 1.

(5) A certificate of conformity shall not be required in respect of the matters specified—

(a) in column (2) for the Directive specified in column (3) opposite reference number 4 mentioned in column (1) of Schedule 1 for the registration of—

- (i) new vehicles of category M<sub>2</sub>, M<sub>3</sub> or N<sub>1</sub>,
- (ii) off-road new vehicles of categories N<sub>2</sub> or N<sub>3</sub> (symbol G), or
- (iii) new vehicles of categories N<sub>2</sub> or N<sub>3</sub>, where any such vehicles are certified by the manufacturer, or the distributor on the manufacturer's behalf, as being vehicles such that the vehicle's use is incompatible with front underrun protection,

(b) in column (2) for the Directive specified in column (3) opposite reference number 7 mentioned in column (1) of Schedule 1 for the registration of a new vehicle of category N<sub>1</sub> on or before 25 January 2010,

(c) in column (2) for the Directive specified in column (3) opposite reference number 8 mentioned in column (1) of Schedule 1 for the registration of—

- (i) new vehicles, other than vehicles of category N<sub>1</sub> with a reference mass not exceeding 1,305 kilogrammes, or
- (ii) with effect from 1 January 2008, new vehicles other than vehicles of category N<sub>1</sub>,

(d) in column (2) for the Directive specified in column (3) opposite reference number 11 mentioned in column (1) of Schedule 1 for the registration of new vehicles other than vehicles of category N<sub>1</sub>,

and

(e) in column (2) for the Directive specified in column (3) opposite reference number 12 mentioned in column (1) of Schedule 1 for the registration of new vehicles other than vehicles of Category N<sub>1</sub> Class I as defined in the first table in section 5.3.1.4 of Annex I to Council Directive 70/220/EEC of 20 March 1970<sup>1</sup>.”.

6. The Regulations of 2007 are amended by substituting for Regulation 5 the following:

“5. (1) Notwithstanding Regulation 9 of the European Communities (Motor Vehicles Type Approval) Regulations 2009 (S.I. No. 127 of 2009) and subject to paragraph (2) and Regulation 4(2) and (3), the manufacturer or distributor of a new vehicle for which a declaration is to be made for registration in the State shall complete a certificate of conformity, pursuant to each of the applicable separate directives listed in column (3) of Schedule 1.

(2) The Directives specified in Schedule 1 shall have effect in each case subject to any derogations specified therein.

(3) A certificate of conformity shall not be issued for a vehicle in respect of any of the separate directives unless the manufacturer or distributor of the vehicle in question holds a type-approval certificate for the vehicle type for the time being in force for the directive concerned.”.

7. The Regulations of 2007 are amended by substituting for Regulation 8 the following:

“8. (1) A manufacturer or distributor shall not complete a short form of the certificate of conformity in respect of a new vehicle unless—

- (a) the requirements of Regulations 4, 5, 6 and 7 have been complied with,
- (b) the vehicle is a vehicle which is not fitted with brake linings containing asbestos,
- (c) where the registration of the vehicle is effected on or after 1 July 2013, the vehicle is a vehicle which is not equipped with 24 GHz short range radar equipment, and
- (d) the vehicle has a certificate of conformity confirming it satisfies the requirements set out in Annex II to Directive 70/221/EEC of the 20 March 1970<sup>1</sup> (as amended by Commission Directive 2006/20/EC of 17 February 2006<sup>2</sup>) concerning rear underrun protection or, if such vehicle is fitted with a rear underrun protective device as a separate technical unit, that the device has been granted type-approval as a separate technical unit, as defined in that Annex, and satisfies the requirements set out in the Annex

<sup>1</sup>OJ No. L 76, 6.4.70, p.23

concerning rear underrun protection devices and installed in accordance with the requirements set out therein.

(2) As regards rear underrun protection, paragraph (d) of Regulation 8(1) does not apply to—

- (a) a tractor for a semi-trailer,
- (b) a ‘slung’ trailer and other similar trailers for the transport of logs or other very long items, or
- (c) a vehicle of a type specified in Regulation 4(3) of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1985 (S.I. No. 158 of 1985) subject to any case in which Regulation 4(4) of those Regulations would apply to such vehicle.”.

8. The Regulations of 2007 are amended by substituting for Regulation 11 the following:

“11. (1) The RSA may, upon the application of a manufacturer or a distributor on behalf of a manufacturer, in respect of an end-of-series vehicle, in accordance with Regulation 12, grant an exemption, whereby a certificate of conformity issued for the said vehicle when a type-approval in respect of a matter specified in column (2) of Schedule 1 for the vehicle type to which the vehicle purports to conform was still valid, shall be acceptable for the purpose of making a declaration for registration in the State, for a period of 12 months from the date that that certificate ceases to be in force in the case of a complete vehicle and for a period of 18 months from the date that that certificate ceases to be in force for a completed vehicle from the date the vehicle first became an end-of-series vehicle.

(2) The maximum number of vehicles for which the RSA may grant exemptions shall be the number of vehicles of any one type for which the relevant certificates of conformity were issued on or after the date of manufacture and which remained in force for at least 3 months after their date of issue.”.

9. The Regulations of 2007 are amended by substituting for Regulation 12 the following:

“12. (1) An application for an exemption under Regulation 11 shall be made in writing to the RSA by the manufacturer or the distributor of the vehicle and contain—

- (a) details of either or both the technical reasons and the economic reasons for the making of the application,
- (b) details of the vehicle type to which the application relates and details of the requirement but for which the relevant certificate

of conformity would still be in force, citing the particular provision for this requirement, and

(c) the vehicle identification number of the vehicle for which the exemption is sought.

(2) An application in respect of a vehicle under paragraph (1) shall be accompanied by the certificate of conformity for the vehicle which issued when the relevant type-approval for the type of vehicle concerned was still valid.

(3) The RSA may request an applicant for an exemption under Regulation 11 to submit such other information or documents as the RSA may require to consider an application and the applicant shall comply with any such request.”.

10. The Regulations of 2007 are amended by substituting for Schedule 1 (inserted by the Regulations of 2008) the following:

*Regulations 2(1),  
4, 5 and 11*

“SCHEDULE 1

Reference Number	Matter	Directive	Specified Required Date	Official Journal (OJ) Reference
(1)	(2)	(3)	(4)	(5)
1	Sound levels	70/157/EEC as last amended by 2007/34/EC		L 42, 23.2.1970, p. 16 L 155, 15.6.2007 p. 49
2	Emissions (Euro 5 and 6) light duty vehicles	70/220/EEC as last amended by 2003/76/EC and including the administrative procedures required by EC Regulation 715/2007 as amended by EC Regulation 692/2008 and by EC Regulation 595/2009		L 76, 6.4.1970, p. 1 L 206, 15.8.2003, p. 29  L 171, 29.6.2007, p. 1 L 199, 28.07.2008, p.1 L 188, 18.7.2009. p. 1
2a	Emissions (Euro IV, V and VI) heavy duty vehicles	2005/55/EC as last amended by 2008/74/EC and including the administrative procedures required by EC Regulation 595/2009	See Article 2 of 2005/55/EC as last amended by 2008/74/EC	L 275, 20.10.2005, p. 1 L 192, 19.7.2008, p. 51  L 188, 18.7.2009. p. 1
3	Tyres	92/23/EEC as last amended by 2005/11/EC	4 February 2005	L 129, 14.5.1992, p. 95 L 46, 17.2.2005, p. 42



Reference Number	Matter	Directive	Specified Required Date	Official Journal (OJ) Reference
(1)	(2)	(3)	(4)	(5)
4	Front underrun protection	2000/40/EC		L 203, 10.8.2000, p. 9
5	Reverse and speedometer equipment of motor vehicles	75/443/EEC as last amended by 97/39/EC	1 January 2005	L 196, 26.7.1975 p. 1 L 177 5.7.1997 p. 15
6	Devices for indirect vision	2003/97/EC as last amended by 2005/27/EC	26 January 2007	L 25, 29.1.2004, p. 1 L 81 30.3.2005 p. 44
7	CO <sub>2</sub> Emissions/ Fuel Consumption	80/1268/EEC as last amended by 2004/3/EC	1 January 2006	L 375, 31.12.1980, p. 36 L 49, 19.2.2004, p. 36
8	Seat strength	74/408/EEC as last amended by 2005/39/EC	20 October 2007	L 221, 12.8.1974, p. 1 L 255, 30.9.2005, p. 143
9	Seat belt anchorages	76/115/EEC as last amended by 2005/41/EC	20 October 2007	L 24, 30.1.1976, p. 6 L 255, 30.9.2005, p. 149
10	Seat Belts	77/541/EEC as last amended by 2005/40/EC	20 October 2007	L 220, 29.8.1977, p. 95 L 255, 30.9.2005, p. 146
11	Reusability, recyclability and recoverability	2005/64/EC as last amended by 2009/1/EC	15 July 2010	L 310, 25.11.2005, p. 10 L 9, 14.1.2009, p. 31
12	Emissions from air-conditioning systems in motor vehicles	2006/40/EC including the administrative procedures required by EC Regulation 706/2007	21 June 2009	L 161, 14.6.2006, p. 12  L 161, 22.6.2007, p. 33
13	Braking	71/320/EEC as last amended by 98/12/EC	1 June 2011	L 202, 6.9.1971, p. 37 L 81, 18.3.1998, p. 1

”.

11. The Regulations of 2007 are amended by substituting for Schedule 2 (inserted by the Regulations of 2008) the following:

*Regulation 2(1)*

“SCHEDULE 2

AMENDING EUROPEAN COMMUNITIES REGULATIONS

Commission Regulation (EC) No. 1060/2008 of 7 October 2008<sup>11</sup>.

Commission Regulation (EC) No. 385/2009 of 7 May 2009<sup>12</sup>.

Commission Regulation (EU) No. 371/2010 of April 16 2010<sup>13</sup>.”.

DONE under my hand,  
19 May 2011.

LEO VARADKAR,  
Minister for Transport, Tourism and Sport.

<sup>11</sup>OJ No. L 292, 31.10.2008, p. 1

<sup>12</sup>OJ No. L 118, 13.5.2009, p. 13

<sup>13</sup>OJ No. L 110, 1.5.2010, p. 1

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