Position Paper

AUTOMOTIVE OMNIBUS

ETSC Position on the Proposed Removal of 'End-Of-Series'

August 2026

European Transport Safety Council

Executive Summary

ETSC is concerned about proposed amendments to the EU's type approval framework Regulation for motor vehicles, tabled as part of the Automotive Omnibus. The amendments would delete Article 49 on 'end-of-series' vehicles and amend Article 48 so that a vehicle could be sold, registered or entered into service on the basis of the rules that applied on the date it was built, even if its type-approval has since expired.

In practical terms, this means that a vehicle manufactured the day before a new safety requirement takes effect could still be sold years afterwards without ever meeting that requirement. Under the current rules, such left-over vehicles may only be sold in limited numbers, for a limited period – normally 12 months – and only where the Member State concerned agrees. The amendments would remove all three of these limits at once.

This creates an incentive to stockpile. A manufacturer could increase production ahead of the date on which a new requirement starts to apply, and then continue selling those no-longer-compliant vehicles until the stock runs out. The only practical limits would be the storage space available and the financial risk each company is willing to take, which also means the change would be easier for large manufacturers to use than for small ones.

The consequence is delay, and in road safety delay has a measurable cost. Safety technologies only prevent deaths and injuries once they are fitted to vehicles on the road, so every additional year in which non-compliant vehicles displace compliant ones postpones those benefits. Widespread use of this loophole would slow the uptake of safety and environmental improvements across the EU fleet, distort competition between manufacturers, and place the framework Regulation in conflict with other EU law – including the General Safety Regulation, which obliges national authorities to refuse registration of non-compliant vehicles.

ETSC therefore calls on Members of the European Parliament to vote against amendments 37, 135, 136, 137 and 138.

For ETSC's general position on the Automotive Omnibus, covering, inter-alia the proposed exemption from new safety rules for a new category of electric car, see:

https://etsc.eu/briefing-the-automotive-omnibus-proposal-and-the-new-vehicle-subcategory-for-small-electric-cars-m1e/

BACKGROUND: THE CURRENT RULES

In the context of the EU Automotive Omnibus proposal, some Members of the European Parliament have proposed to delete Article 49 on end-of-series from the EUs’ motor vehicle type approval framework Regulation.[1] Instead, they propose to adapt Article 48 of that Regulation in order to allow vehicles that are not complying with new regulatory requirements to still be sold, as long as they were issued a valid certificate of conformity (CoC) at the date of manufacturing.

The EU’s type approval framework usually works with two deadlines when introducing new regulatory requirements. As from the first deadline, all new types of vehicles approved need to comply with the new regulatory requirements. As from the second deadline, all new vehicles sold need to comply with the new regulatory requirements.

A situation may occur in which a vehicle manufacturer has manufactured a vehicle in accordance with the then-applicable old rules, but is unable to sell the vehicle before the deadline that requires all new vehicles sold to comply with the new rules. These vehicles are called ‘end-of-series vehicles’.[2]

The current ‘end-of-series’ rules set out in Article 49 provide manufacturers with an opportunity to still get rid of left-over stock of end-of-series vehicles that normally would not be allowed to be sold anymore due to non-compliance with the applicable rules. There are however three conditions:

1. Manufacturers must request the authority of each Member State in which they want to sell such end-of-series vehicles and must provide them with technical and economic reasons preventing the vehicles from being sold. Each Member State must then decide whether or not it permits those vehicles to be sold in their territory, and if so, how many.
2. There is therefore a limit on the number of vehicles.[3]
3. There is a time limit as well, usually a period of 12 months from the date on which the type-approval expired.[4]

Although the concept of end-of-series may not be ideal from a road safety perspective, there are good economical and especially environmental reasons for it.

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[1] Regulation (EU) 2018/858.

[2] The definition of an ‘end-of-series vehicle’ provided in Regulation (EU) 2018/858’s Article 3(28) is: “a vehicle that is part of a stock and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service”.

[3] Member States have two options for the method to set this limit, as per Annex V of Regulation (EU) 2018/858.

[4] Paragraph 2 of Article 49. The time period is 18 months for completed “multi-stage” vehicles.

THE PROPOSED CHANGES

Some Members of the European Parliament claim that the current end-of-series approach creates an "unnecessary administrative burden" without benefits. As such they propose deleting Article 49 on end-of-series and amending Article 48 in order to allow for vehicles that were issued a valid CoC at the time of manufacturing to still be sold. This would apply even when the type-approval has expired since the date of manufacturing.

If the proposed changes are adopted, then there would no longer be a limit on the number of end-of-series vehicles that can be sold, nor would there be a limit on the time during which they can be sold. Moreover, manufacturers may sell those end-of-series vehicles without approval from the Member State, as it would no longer be a derogation that Member States may provide the manufacturer with.

THE LOOPHOLE AND ETSC CONCERNS

This would create a loophole for manufacturers to exploit, as manufacturers could ramp up production and stockpile vehicles before the new regulatory requirements start applying and then continue to sell those by-then no-longer-complying vehicles until they exhaust their stock.

If a sufficiently large number of manufacturers exploit this loophole, the penetration of new technologies and measures improving vehicle safety and environmental protection in the EU's vehicle fleet would be negatively affected.

With a view of ensuring these technologies start penetrating the fleet, ETSC finds it highly undesirable that manufacturers would be allowed to sell for an unlimited period of time, without requiring any approval, an unlimited number of vehicles that are no longer complying with the EU's rules, as long as those vehicles were compliant when they were manufactured.

Although limitless on paper, the limits that will be there in practice will be determined for each manufacturer by the size of the parking lots and warehouses they have at their disposal, as well as the economic risk they are willing and/or able to take.

Although some Members of the European Parliament claim that there is no incentive for manufacturers to stockpile vehicles as storing vehicles is costly, this will in the end be an economic calculation for each manufacturer to make.

ETSC moreover considers that claim as acknowledgement by those Members of the European Parliament that the proposed rules can indeed be exploited for reasons other than the intention of allowing for genuine left-over stock to still be sold.

ETSC furthermore cautions that this would create a playing field that is not level for all players, as in addition to the economic calculation of whether stockpiling vehicles can be financially beneficial, it would also depend on the storage facilities and economic resources available to manufacturer whether they can or cannot exploit the rules.

Finally, ETSC is concerned that the proposed amendments will create legal contradictions. For example, the amended Article 48 of Regulation (EU) 2018/858 would allow for a vehicle to be sold (or rather: made available on the market, registered or enter into service) if issued a valid CoC at the date of manufacture, while at the same time, Article 16(2) of Regulation (EU) 2019/2144 (the General Safety Regulation) requires national authorities to prohibit the registration of vehicles if they do not comply with the requirements of that Regulation.[5]

ETSC therefore calls on Members of the European Parliament to vote against amendments 37, 135, 136, 137 and 138.

THE WIDER CONTEXT: APPLYING FUTURE REQUIREMENTS ONLY TO NEW TYPES

These amendments should also be seen in a wider context. The European Commission's staff working document accompanying the Automotive Omnibus proposal records a request from ACEA, representing European vehicle manufacturers, that new regulatory requirements should apply only to new types of vehicles, and not to types already type-approved, in order to avoid the costs of redeveloping or redesigning existing models.[6]

Both proposals rest on the same principle: that a vehicle's compliance obligations should be fixed in time, rather than determined by the requirements in force when it is placed on the market. Applied to type approval, that principle would have far-reaching effects. Vehicle types commonly remain in production for six to eight years and often longer, so a requirement applying only to new types would take a full model cycle to reach the whole of new vehicle production. It would also create a foreseeable incentive to bring approvals forward: ahead of a revision of the General Safety Regulation, manufacturers could seek type-approval for new models shortly before stronger standards take effect, and then continue to sell those models for the remainder of the cycle without the newly required safety systems.

The safety implications follow directly from that timing. The measures mandated by the General Safety Regulation were adopted because the evidence shows that they prevent collisions and reduce the severity of injuries; the European Commission expects them to help save over 25,000 lives and

[5] Similar contradictions can be found with environmental performance legislation, e.g. Art. 10(5) of Regulation (EU) 2024/1257 on the Euro 7 emission standards.
[6] European Commission. Staff Working Document SWD (2025) 1056 accompanying the automotive omnibus proposal, p.35.

avoid at least 140,000 serious injuries by 2038.[7] Benefits on that scale accrue only as the technologies reach the fleet. Deferring their fitment to new vehicles by a model cycle would defer a corresponding share of those benefits. A delay in application is therefore not a neutral administrative question: it is measured in deaths and serious injuries that the rules are designed to prevent.

There is already evidence that manufacturers time their decisions around known deadlines. The unusually high number of vehicles submitted to Euro NCAP for assessment in 2025, immediately ahead of the new testing and rating regime introduced in 2026, indicates a strategic response to a scheduled change in requirements. A comparable response at EU regulatory level would be a rational commercial decision for the companies concerned. That is precisely why the point at which requirements take effect needs to be settled in legislation rather than left to manufacturers' own scheduling.

ETSC recommends retaining the established approach, under which manufacturers are given additional time - usually two years - before new requirements apply to models already on the market. That approach already balances the cost of adapting existing models against the public interest in bringing safety improvements into service, and it should be maintained.

[7] European Commission (2024) Mandatory drivers assistance systems expected to help save over 25,000 lives by 2038, https://single-market-economy.ec.europa.eu/news/mandatory-drivers-assistance-systems-expected-help-save-over-25000-lives-2038-2024-07-05_en

European Transport Safety Council

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We are a non-profit international organisation, with members from across Europe, dedicated to reducing deaths and injuries in transport.

Founded in 1993 in Brussels, we provide an impartial source of expert advice on transport safety matters to the European Commission, the European Parliament, international organisations, and national governments.

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