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Article 44 - Making available on the market, registration or entry into service of end-of-series vehicles

1. Subject to the end-of-series limits and time limit specified in paragraphs 2 and 4, vehicles conforming to a type of vehicle whose EU type-approval has become invalid pursuant to Article 37 may be made available on the market, registered or entered into service.

The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production, but which had neither been made available on the market, registered nor entered into service before that EU type-approval lost its validity.

2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of 24 months from the date on which the EU type-approval became invalid and, in the case of completed vehicles, for a period of 30 months from that date.

3. A manufacturer who wishes to benefit from paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be made available on the market, registered or entered into service. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements.

The national authority concerned shall decide, within three months of receiving the request, whether and in what number to permit the registration of those vehicles within their territory.

4. The amount of end-of-series vehicles shall not exceed 10 % of the number of vehicles registered in the two preceding years or 100 vehicles per Member State, whichever is higher.

5. A special entry qualifying the vehicles as 'end-of-series' shall be made on the certificate of conformity of the vehicles put into service under this procedure.

6. Member States shall ensure that the number of vehicles to be made available on the market, registered or entered into service under the procedure set out in this Article is effectively monitored.

7. This Article shall apply only to discontinuation due to termination of validity of the type-approval in the case referred to in point (a) of Article 37(2).