EXPLANATORY MEMORANDUM TO

THE MOTOR CYCLES ETC. (EC TYPE APPROVAL)(AMENDMENT) REGULATIONS 2006

2006 No.2935

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Motor Cycles Etc. (EC Type Approval) Regulations 1999 ("the 1999 Regulations") in order to implement Commission Directive 2005/30/EC relating to the type approval of two or three-wheel motor vehicles.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation of the type, description, construction or equipment of vehicles and components of vehicles, and in particular, any vehicle type approval scheme. These Regulations are made in exercise of the powers conferred by that section of that Act to implement Directive 2005/30/EC.

4.2 Directive 2005/30/EC introduces technical measures for the type approval, as separate technical units, of replacement catalytic converters and also measures as to the marking of such catalytic converters (and their packaging) in order that approval may be sought by independent manufacturers, as well as by manufacturers of the original equipment.

4.3 These Regulations provide that the definition of "the Framework Directive" (Directive 2002/24/EC) means that Directive as amended by Directive 2005/30/EC and add a references to Directive 2005/30/EC to the "separate Directives" specified in Schedule 1 to the 1999 Regulations. Decisions by the Secretary of State as to the grant or refusal of type approval must be in accordance with the Framework Directive and any relevant separate Directives.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Pursuant to Directive 2002/24/EC, the 1999 Regulations provide a system for granting European Community type approval for two or three-wheeled vehicles (mopeds, motor cycles and motor tricycles) and certain light four-wheeled vehicles (quadricycles) and also for their systems, separate technical units or components.

7.2 To obtain EC type approval there must be compliance with the minimum technical standards specified by various separate EC Directives. In the case of vehicles, this allows registration and sale of the vehicles in any EEA Member State, and in the case of systems or components, this allows sale or installation.

7.3 As mentioned in paragraph 4.2, Directive 2005/30/EC introduces technical and marking measures for replacement catalytic converters.

7.4 Although implementation of this Directive is mandatory, and there is no alternative option but to amend the 1999 Regulations, it has become usual to advise the United Kingdom's automotive industry of the necessary changes and ask their opinions. Representatives of the Industry participate actively in the development of European legislation, and close contact will have been maintained during the decision-making process that led to the adoption of the Directive. Following this practice, a notification letter was sent by the Vehicle Certification Agency on 26th January 2006 to the Motor Cycle Industries Association (MCIA) in order to advise of the imminent transposition and to invite any comment. They have made no response.

8. Impact

8.1 The effect of the transposition is to allow independent manufacturers of replacement catalytic converters to obtain type approval for their products. Before the adoption of this Directive, this course of action had been open only to the manufacturers of the original equipment supplied with the vehicle. This Directive does not mandate the type approval of such items, and therefore cannot have any impact, as it does not prohibit the sale of non-approved converters. No RIA has therefore been prepared in respect of these Directives.

8.2 There is no impact on charities, voluntary bodies or the public sector.

9. Contact

Gus Gander at the Vehicle Certification Agency, Department for Transport Tel: 01179 524119 or e-mail: ggander@vca.gov.uk can answer any queries regarding the instrument.