EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (EC TYPE APPROVAL) (AMENDMENT) (No. 2) REGULATIONS 2004 No.2186

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 Vehicles (EC Type Approval Regulations) 1998 ("the 1998 Regulations") in order to implement Directives 2003/97/EC, 2004/3/EC and 2004/11/EC of the European Parliament and of the Council, and Commission Directive 2004/78/EC. The Directives relate to the technical standards for vehicle components or features of construction laid down under the European Community's system for type approval of motor vehicles and their trailers.

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

3.1 None

4. Legislative Background

4.1 The Secretary of State for Transport 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 for vehicles, and in particular any vehicle type approval scheme. These Regulations are made in exercise of the powers conferred by that section.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable

7. Policy background

7.1 Pursuant to Directive 70/156/EEC as amended ("the Framework Directive"), the 1998 Regulations provide the basic system for granting European Community "whole vehicle" type approval to light passenger vehicles (i.e. cars). The 1998 Regulations also provide for the EC type approval of systems, components or separate technical units intended for motor vehicles and their trailers.

7.2 To obtain EC "whole vehicle" type approval light passenger vehicles must comply with the minimum technical standards specified by various separate EC Directives in respect of certain vehicle systems, components and separate technical units; they are then approved in complete form as whole vehicles. This allows registration of the vehicles in any EU Member State. The aforementioned separate Directives are listed in Schedule 1 to the 1998 Regulations.

7.3 These Regulations add four recently published EC Directives to Schedule 1 to the 1998 Regulations. Three of the Directives (2004/3/EC, 2004/11/EC and 2004/78/EC) modify existing separate Directives and one Directive (2003/97/EC) is a separate Directive to supplement, and eventually replace, an existing separate Directive. These Regulations also update the definition of "the Framework Directive" in the 1998 Regulations in order to recognise the associated amendments made to Directive 70/156/EEC by Directives 2003/97/EC, 2004/3/EC and 2004/78/EC. Further detail on each of the four Directives is set out below.

7.4 Directive 2003/97/EC has been introduced to provide a new framework of requirements relating to the provision of rear-view mirrors and other indirect vision devices for vehicles, the intention is to reduce the number of road accident casualties. It introduces more stringent requirements for heavy goods vehicles in order to alleviate the problem of 'blind spots', requires a greater field of view for car and light goods vehicle mirrors, and also introduces new requirements for state-of-the-art technologies for indirect vision such as TVs, camera-monitor devices etc. The Directive augments, and will eventually repeal and replace, the requirements for rear-view mirrors set out in Directive 71/127/EEC. These changes have been long in development, with major stakeholders representing manufacturers and consumers involved in the Commission's Working Group discussions, and are the subject of wide consensus. As a result, the industry has long been aware of the proposed changes and indeed, in some cases, manufacturers are already meeting the new standards.

7.5 Directive 2004/3/EC amends Directive 80/1268/EEC, which sets out the harmonised Community-wide methodology for determining the CO_2 emissions and fuel consumption figures for motor vehicles, in order to extend the scope of the Directive to cover light commercial vehicles, as well as light passenger vehicles. The amendment has been made by the European Parliament and Council with a view to permitting subsequent measures to reduce fuel consumption and CO_2 emissions in this vehicle sector.

7.6 Directive 2004/11/EC amends Directive 92/24/EEC relating to the construction requirements for speed limiters, which at present only applies to larger vehicles so that it also applies to smaller vehicles (both goods and passenger vehicles with a maximum mass of 3.5 tonnes of more).

7.7 Directive 2004/78/EC extends the scope of the technical standard relating to vehicle heating systems (Directive 2001/56/EC) in order to provide requirements for the type approval of vehicles fitted with combustion heating systems fuelled by liquefied petroleum gas (LPG) and for LPG fuelled combustion heaters as components

7.8 The motor vehicle industry retains its own experts in the field of motor vehicle legislation and is aware of the development of new, or modifications to, EC type approval standards. However, the Society of Motor Manufacturers and Traders (SMMT) has been informally consulted about these Regulations and has made no comment.

8. Impact

8.1 A Regulatory Impact Assessment has been prepared for this instrument and is attached.

8.2 There is no impact on 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.