EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (TYPE-APPROVAL) (AMENDMENT) (NO. 2) REGULATIONS 2025

2025 No. 796

1. Introduction

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

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under Secretary of State for the Future of Roads at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Phil Earl, Deputy Director for International Vehicle Standards, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Adrian Burrows at the Department for Transport Telephone: 07773643701 or email: adrian.burrows@dft.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated law on road vehicle type approval[1] to recognise approvals for components used in Emergency Call systems (eCall) issued in accordance with Regulation (EU) 2024/1180 as it applies in the EU. The purpose of these amendments is to increase harmonisation and reduce approval certification costs for vehicle manufacturers.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland, and Northern Ireland (NI).

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is in principle identical to the extent. However, it does not apply in NI further to the implementation of the Windsor Framework (see section 7A of the European Union (Withdrawal) Act 2018).

[1] Type approval is the process whereby manufacturers of a new model of vehicle are required to test it against international and domestic safety and environmental standards and obtain approval from a government body prior to placing it on sale.

5. Policy Context

What is being done and why?

5.1 Road vehicles are required to be type approved against safety and environmental rules by an approval authority before they go on sale. The requirements of the type approval scheme in Great Britain (the GB Type Approval Scheme) are derived from assimilated law, which entered into force following European Union (EU)-Exit, whilst the requirements of the type approval scheme in the EU and Northern Ireland (NI) are set out in EU regulations. The UK's approval authority is the Vehicle Certification Agency, the VCA. The VCA is an Executive Agency of the Department for Transport and is responsible for operating the GB Type Approval Scheme.

5.2 The GB type approval scheme was recently updated to ensure that eCall systems in vehicles will be able to communicate through 4G/5G mobile networks. eCall is a safety system that automatically provides information to the emergency services and opens a voice link in the event of a collision of sufficient severity to deploy the airbags. Previously, eCall systems were required to be compatible with 2G/3G mobile networks which mobile network operators are in the process of shutting down.

5.3 This change was in line with changes made in the EU to the equivalent regulation applicable in the EU and Northern Ireland, via Regulation (EU) 2024/1180, which permits cars and light commercial vehicles fitted with 4G/5G communication technology to be approved from 1st January 2025 and prevents registration of vehicles fitted with 2G/3G eCall systems from 1st January 2027.

5.4 This Statutory Instrument makes further amendments to the GB Type Approval Scheme to recognise eCall components that have been type approved to the European regulation as it applies in the EU.

5.5 The requirements for eCall in the EU Type Approval Scheme are set out in Regulation (EU) 2015/758. Approval authorities from any EU Member State can issue approvals to vehicles and components that comply with this regulation. Member States must accept approvals from the approval authorities in any other member state. The UK has not been obliged to accept EU approvals since the end of the transition period following EU Exit.

5.6 The technical requirements in the EU regulation, as amended by Regulation (EU) 2024/1180 are equivalent to those in the GB Type Approval Scheme. This SI will allow the VCA to accept approvals issued by an EU approval authority to the EU eCall regulation.

5.7 Vehicles will continue to require GB approval to demonstrate they comply with eCall requirements, but vehicle manufacturers will not need to repeat testing for eCall components fitted to the vehicle if they are already approved to the EU regulation.

5.8 The benefits of harmonisation include reducing complexity faced by manufacturers in attempting to understand and test vehicles to different national standards, and gives rise to economies of scale in manufacture, thus lowering costs.

5.9 This amendment will give suppliers to vehicle manufacturers greater flexibility when choosing their approval route for products intended for the GB market, giving them the additional choice to use EU approvals. This will ultimately remove barriers for vehicle manufacturers wishing to sell vehicles on both GB and EU/NI markets.

What was the previous policy, how is this different?

5.10 The GB type approval scheme for road vehicles establishes detailed safety and environmental technical requirements across approximately 70 subjects, including eCall. It mandates or accepts compliance with many of these requirements through adherence to UNECE Regulations. It is derived from EU law (now assimilated law).

5.11 The UK is a member of the United Nations Economic Commission for Europe (UNECE). The UK is a contracting party to the UNECE's 1958 Agreement, Revision 3. This is an international agreement relating to reciprocal recognition of vehicle approvals.

5.12 Type approval authorities of Governments ('contracting parties') that sign up to an internationally agreed specification ('UNECE regulation') are permitted to issue approvals to vehicles or components that comply with that regulation. Contracting parties must accept vehicles and components type-approved by another contracting party that is a signatory to the relevant UNECE regulation.

5.13 The most common approach for vehicle manufacturers seeking to place products on the market is to obtain approval from a type approval authority covering each subject and using this collection of approvals to obtain a final "whole" vehicle type approval. Where a component supplier has separately obtained approval, a vehicle manufacturer can use these approvals to demonstrate their vehicle meets some or all of the requirements for that subject.

5.14 These approvals largely consist of GB type approvals issued by the VCA or UNECE approvals issued by a type approval authority in a contracting party. Previously the only approval route for eCall components was to obtain GB or UNECE type approval. This amendment allows eCall component manufacturers to use approvals to the relevant EU eCall regulation, issued by an EU type approval authority.

6. Legislative and Legal Context

How has the law changed?

6.1 All the details of the EU type approval scheme are set out in a large body of EU Regulations, of which the principal instrument is Regulation (EU) 2018/858.

6.2 Following EU-Exit, Regulation (EU) 2018/858, was retained and adapted in Great Britain (England and Wales, and Scotland). For road vehicles (cars, buses, goods vehicles, and their trailers), the Road Vehicles (Approval) Regulations 2020 (SI 2020/818) now provides the domestic regulatory framework implementing Regulation (EU) 2018/858 in the UK.

6.3 Retained EU law was established by The European Union (Withdrawal) Act 2018 to ensure legal certainty and continuity immediately after EU Exit, by preserving all EU and EU-derived law as it stood immediately before the UK's departure.

6.4 Under the Windsor Framework, the body of EU Regulations governing type approval remain directly applicable in NI. Accordingly, NI is governed by the EU scheme, rather than the GB Type Approval Scheme.

6.5 In GB this body of EU Regulations is now assimilated law, after the Retained EU Law (Revocation and Reform) Act 2023. Deficiencies in the Retained EU law had been removed by the Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (SI 2022/1273) so as to enable continued functioning of the regulatory framework within the domestic context.

6.6 Assimilated Commission Delegated Regulation (EU) 2017/79 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service is amended to specify the vehicle tests that are required when components approved to Regulation (EU) 2017/79 as it applies in the EU are fitted.

Why was this approach taken to change the law?

6.7 Road vehicles are required to be type approved against safety and environmental regulations before they go on sale. These regulations are set out in what is now assimilated law. These regulations must be updated to enable harmonization with the EU Type Approval Scheme.

7. Consultation

Summary of consultation outcome and methodology

7.1 Under Article 82(3) of Regulation (EU) 2018/858, the Secretary of State is required to consult with such representative organisations as the Secretary of State thinks fit, before making these regulations.

7.2 The Department conducted a public consultation from 4th November to 2nd December 2024, with information placed on the Department's website and a link emailed to major stakeholders. This consultation covered a number of proposals some of which have been implemented separately.

7.3 17 responses were received, of which 12 were on behalf of companies and representative bodies, the remainder were private individuals. The main trade associations responding included the Society of Motor Manufacturers and Traders, the Wheelchair Accessible Vehicle Converters Association and the Association of British Insurers.

7.4 All the trade associations representing vehicle manufacturers supported the proposal, highlighting the importance of aligning with international standards. Two private individuals raised concerns about increasing costs of vehicles. These were in response to the overall package of measures which, based on the Department's analysis, will provide small cost savings to businesses. Others either did not respond on this specific issue or supported the approach.

7.5 A more detailed summary of the responses to this consultation is available online at https://www.gov.uk/government/consultations/incorporating-international-rules-into-gb-type-approval-for-road-vehicles

7.6 Hard copies may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

8. Applicable Guidance

8.1 The Department considers the provision of guidance on this instrument unnecessary, as affected manufacturers are in regular dialogue with the Vehicle Certification Agency to obtain their GB approvals. The Vehicle Certification Agency will be emailing customers to notify them of this instrument and its implications.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the Equivalent Annual Net Direct Cost to Business (EANDCB) has been assessed as below the £10m per year De Minimis threshold. Allowing the use of components approved to EU or UN regulations will ease processes for manufacturers as it will create flexibility and avoid having to repeat administrative processes. It will not increase burdens for manufacturers. Internal analysis explored a mixture of manufacturers' strategies for demonstrating compliance with GB type approval, all of which fall within the De Minimis threshold. The present value of the net direct costs to business is estimated between -£1.4 million and -£2.0 million across the 10-year appraisal period. The Equivalent Annual Net Direct Costs to Business (EANDCB) is estimated to be -£0.19 million in the central scenario, -£0.16 million in the low and -£0.23 million in the high scenario. NB, this analysis covered a package of proposals. Those not covered by this Statutory Instrument have been implemented in a separate Statutory Instrument, The Road Vehicles (Type-Approval) (Amendment) Regulations 2025.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is likely to be a reduction in the administrative and testing costs of obtaining GB type approval for road vehicles.

9.3 The legislation does impact small or micro businesses. There is no specific action proposed to minimise regulatory burdens on small businesses because the impact of the regulations on small businesses is intended to be either neutral or positive. Small series and individual vehicle approval schemes exist to provide small businesses with a simplified certification route.

9.4 There is no, or no significant, impact on the public sector because these changes primarily impact the private sector, specifically the automotive industry. The volume of vehicle type approvals issued by the VCA will be unaffected however, there may be a small reduction in the total volume of approvals they issue as eCall component manufacturers may choose to use alternative approval authorities.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Department and the Vehicle Certification Agency will continue their regular liaison meetings with stakeholders about the functioning of the GB road vehicle approval scheme, with the aim of continuous improvement.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Parliamentary Under Secretary of State, Lilian Greenwood MP, has made the following statement:

"The Department has assessed the net benefits to industry of this instrument as amounting to less than the £10 million De Minimis threshold. Article 6(8) of Regulation (EU) 2018/858 on type approval, places an obligation on the Secretary of State to carry out a review on type approval activities every four years. Conducting a

five-year review on top of this is considered disproportionate and duplication. Given this, a statutory review clause has not been included.".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument amends the law to align technical requirements to international standards, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").