EXPLANATORY MEMORANDUM TO

THE ROAD VEHICLES (TYPE-APPROVAL) (AMENDMENT) REGULATIONS 2025

2025 No. 661

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 incorporate recent developments in international regulations on vehicles. Principally, the instrument recognises several United Nations Economic Commission for Europe Regulations (UN Regulations) and changes in EU regulation in the Great Britain (GB) type approval scheme for road vehicles. 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 In the last few years since EU-Exit, there have been numerous developments in vehicle regulations internationally which the GB type approval scheme does not reflect. This statutory instrument updates domestic regulation to align with these new standards, to avoid the potential need for additional testing specifically for the GB market. This will ultimately remove barriers for vehicle manufacturers wishing to sell vehicles on both GB and EU/NI markets.

eCall

5.3 The EU has updated its vehicle safety standards (via Regulation (EU) 2024/1180) so that, in future, the Emergency Call (eCall) systems in vehicles will be able to communicate through 4G/5G mobile networks. This will improve the performance of eCall systems which automatically provide information to the emergency services and open a voice link in the event of a collision of sufficient severity to deploy the airbags.

5.4 The EU regulation 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.

5.5 Currently, in GB, the standard for eCall is 2G/3G, which mobile network operators are in the process of shutting down. Without changes to legislation, manufacturers planning to sell vehicles in the EU/NI and GB will be required to fit two different types of equipment in vehicles to satisfy the differing standards in both markets.

5.6 This instrument ensures that the GB type approval scheme reflects the updates to the EU vehicle safety standards in respect of eCall and avoids the need for duplicate testing to comply with the GB type approval scheme

Windscreen Wash and demist systems

5.7 The EU has amended Regulation (EU) 2024/883 which requires vehicles to meet specific requirements on the performance of their windscreen wash and demist systems. The changes provide a more efficient sequence of the activities in the test process, whilst at the same time ensuring better health and working conditions for the persons performing the tests. The technical specifications for the systems themselves remain unchanged.

5.8 This instrument will align the test procedures in the GB type approval scheme with those in the amended EU scheme, which in general provide more flexibility for manufacturers without reducing performance.

Calculating CO2 emissions for heavy duty vehicles

5.9 Under the GB type approval scheme, there is currently a waiver in place until 31 December 2026 allowing manufacturers and suppliers to use components (such as

engine, axle, gearbox) that are certified to the EU version of Regulation 2017/2400 when calculating CO2 emissions for Heavy Goods Vehicles.

5.10 A review of the current waiver concluded that introducing a GB equivalent would likely be prohibitively costly to develop and provide no additional benefits at this time. Therefore, this instrument will extend the waiver indefinitely. This means that manufacturers do not have to apply for GB certification for numerous components provided they hold the relevant EU certificate.

UNECE Regulations

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 benefits of international 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.

5.14 This instrument will update domestic legislation to ensure that the GB type approval scheme accepts UN regulations that the UK has signed. Specifically, the UN has made changes to the following areas: ISOFIX (child safety seat attachment points) and Automated Lane Keeping Systems.

5.15 ISOFIX is the international standard for attachment points for child safety seats in passenger cars. Until recently, the ISOFIX requirements were contained in UN Regulation 14 (safety-belt anchorages). They have now been moved to a new dedicated regulation – UN Regulation 145 (ISOFIX anchorage systems).

5.16 This instrument will add UN Regulation 145 into the GB type approval scheme to provide clarity for vehicle manufacturers.

5.17 UN Regulation 144 covers Accident Emergency Call Systems (eCall). This instrument adds UN Regulation 144 to the GB type approval scheme to allow eCall components to be approved to this regulation as an alternative to the equivalent GB requirements. Vehicles will continue to require GB approval to ensure that important elements on privacy, data protection and personal data processing, which are not covered in the UN Regulation, continue to be assessed as part of the process of approving a vehicle.

5.18 An Automated Lane Keeping System (ALKS) is an automated driving system capable of performing the dynamic driving task without driver supervision in certain circumstances. It limits operation to motorway-type roads, where it allows for vehicles to operate up to 130km/h (81 mph) and for passenger cars and other light-duty vehicles to change lane. When used on the roads, vehicles will still be subject to the applicable speed limit, e.g. 70 mph on motorways.

5.19 UN Regulation 157 provides the first internationally agreed technical requirements for ALKS, starting the process to allow vehicles fitted with these systems to enter the market. This instrument will add UN Regulation 157 into the GB type approval scheme to easily enable ALKS technology to enter the market as it becomes available.

What was the previous policy, how is this different?

5.20 The GB type approval scheme for road vehicles establishes detailed safety and environmental technical requirements across approximately 70 areas. It mandates or accepts compliance with many of these requirements through adherence to UNECE Regulations. It is derived from EU law (now assimilated law) and did not recognise several UN Regulations that the UK had subsequently signed. It also differed from subsequent changes to EU law on eCall and windscreen wash and demist systems.

5.21 The new policy will reflect these international developments in EU and UN vehicle safety standards.

6. Legislative and Legal Context

How has the law changed?

6.1 The law will ensure that the UK's Type Approval Authority, the Vehicle Certification Agency, is able to accept approvals under the relevant UN Regulations that the UK has signed and to accept vehicles designed to meet EU specification requirements on eCall, windscreen wash and defrost/demist and calculating CO2 emissions for Heavy Goods Vehicles components.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

6.7 This Statutory Instrument amends the assimilated regulations as they form part of the type approval requirements for road vehicles in GB.

6.8 Part I of Annex II to assimilated Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles lists the regulatory acts which contain the technical requirements that vehicles must meet to gain type approval. Part II of that Annex is a list of UNECE Regulations which are accepted as alternatives to the regulatory acts set out in Part I of the Annex. This annex is amended to include UNECE Regulation R144 for eCall components.

6.9 A new annex, Annex XII, is added to Regulation (EU) 2018/858 to list UN regulations which apply on a compulsory basis. UN Regulation 157 is the first regulation to be included in this annex.

6.10 Assimilated Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of vehicles, their systems and components is amended to recognise changes in the layout of UN Regulations and clarify ISOFIX child safety seat attachment requirements in GB.

6.11 Assimilated Regulation (EU) No 1008/2010 of 9 November 2010 and Regulation (EU) No 672/2010 of 27 July 2010 concerning type-approval requirements for windscreen wiper and washer systems of certain road vehicles and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of road vehicles, their trailers and systems, components and separate technical units is amended to update testing procedures. The changes will provide a more efficient sequence of the activities in the test chamber and flexibilities in the choice of the degreaser used to clean a windscreen during the test of washer and wiper systems.

6.12 Assimilated Regulation (EU) 2015/758 and Commission Delegated Regulation (EU) 2017/79 concerning type-approval requirements for the deployment of the eCall in-vehicle system is amended to update references to standards that require eCall systems that are compatible with 2G and 3G to be instead compatible with 4G and 5G. The changes will permit cars and light commercial vehicles fitted with 4G/5G communication technology to be approved from 1 January 2026 and prevent registration of vehicles fitted with 2G/3G eCall from 1 January 2027 to give industry sufficient time to prepare. The changes will permit the acceptance of EU and UN approvals on eCall components.

6.13 Assimilated Regulation (EU) 2017/2400 of 12 December 2017 and implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles is amended to extend the waiver indefinitely for accepting EU approvals on components.

Why was this approach taken to change the law?

6.14 Road vehicles are required to be type approved against safety and environmental regulations before they go on sale. These updates must be changed in law to keep consumers and the wider public safe as, without legal requirements, we would be reliant on the good-will of the manufacturer to meet new safety and environment standards.

6.15 The UK must add the UN requirements into its domestic regulations to meet our international obligations since the UK is a contracting party to the UNECE.

7. Consultation

Summary of consultation outcome and methodology

7.1 Under Article 82(3) of Regulation (EU) 2018/858 and Article 15(3) of Regulation (EU) 661/2009, 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 Secretary of State is also required to consult in accordance with Article 13(3) of Regulation 595/2009 and Article 8(3) of Regulation 2015/758.

7.3 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.

7.4 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.

7.5 All the trade associations representing vehicle manufacturers supported the measures, highlighting the importance of aligning with international standards. The insurance industry highlighted the need for data sharing and recording of the location in the event of an accident involving a vehicle fitted with ALKS. This will be addressed separately through the implementation of the Automated Vehicles Act 2024. In the interim the Department will facilitate discussions between vehicle manufacturers and insurers to develop approaches for meeting the insurer's needs. 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.

7.6 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.

7.7 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. This SI will align the technical standards within the GB type approval scheme with those applied internationally. This will ease processes for manufacturers as it will prevent them having to manufacture vehicles to two different standards or 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.

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 impact the private sector, specifically the automotive industry. VCA will implement the changes as part of their routine activity. 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 who issue UNECE approvals.

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. The Department will continue to monitor new UN regulations to ensure that these are promptly incorporated into the GB approval scheme and will monitor, with a view to minimising, divergence from type approval requirements in NI and the EU.

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 for the Future of Roads at the Department for Transport, 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 The Parliamentary Under Secretary of State for the Future of Roads at the Department for Transport, Lilian Greenwood MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Road Vehicles (Type-Approval) (Amendment) Regulations 2025 are compatible with the Convention rights."

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").