EXPLANATORY MEMORANDUM TO

THE TRACTORS ETC (EC TYPE-APPROVAL) (AMENDMENT) REGULATIONS 2011

2011 No. 1279

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

2. Purpose of the instrument

2.1 The instrument amends the Tractors etc (EC Type-Approval) Regulations 2005, in order to transpose three EU Directives.

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

3.1 None

4. Legislative Context

4.1 These Regulations amend the Tractors etc (EC Type-Approval) Regulations 2005 ("the 2005 Regulations") in order to transpose Directives 2010/22/EU, 2010/52/EU and 2010/62/EU into UK law.

4.2 Directive 2010/22/EU contains a number of minor clarifications and amendments, to remove ambiguity in various existing Directives.

4.3 Directive 2010/52/EU simplifies the legislation by removing tractors from the scope of the European Machinery Directive. Previously there was ambiguity for tractor manufacturers as to whether they would soon become subject to the Machinery Directive, which would have created a double burden when added to the existing Tractor type approval regime.

4.4 Directive 2010/62/EU creates a harmonised EU-wide type approval scheme for category T4.3 (low clearance) tractors. These tractors have a low centre of gravity, for improved stability, and are typically used in Alpine conditions.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

7.1 This instrument implements:-
(a) Directive 2010/22/EU;
(b) Directive 2010/52/EU; and

(c) Directive 2010/62/EU.

7.2 Pursuant to Directive 2003/37/EC ("the Framework Directive"), the 2005 Regulations provide a system for granting European Community type approval for Tractors and agricultural and forestry machinery and also their systems, separate technical units or component.

7.3 To obtain EC type approval compliance must be shown with the minimum technical standards specified by various separate EU 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.

7.4 Directives 2010/22/EU, 2010/52/EU and 2010/62/EU amend the Framework Directive and the separate directives by making amendments to the minimum technical requirements which must be met for type approval to be granted. The 2005 Regulations have therefore been amended to ensure that the EU type approval system in the UK is kept up-to-date.

7.5 The 2005 Regulations have not been consolidated, because the current Framework Directive is being reviewed and will be replaced with a new Framework EU Regulation in due course, which may result in substantial amendment or possibly revocation of the 2005 Regulations.

8. Consultation outcome

8.1 Although implementation of these Directives is mandatory, and there is no alternative option but to amend the 2005 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 was maintained during the decision making process that led to the adoption of the Directives. Following this practice, notification letters were sent by the Vehicle Certification Agency on 26 March 2011 to representatives of industry in order to advise of the imminent transposition and to invite any comment. To date one response has been received with no substantial comments.

9. Guidance

9.1 The Vehicle Certification Agency provides guidance on legislation through type approval scheme guides, legislation information notices, and its VISTA and Legstat type approval legislation databases.

10. Impact

10.1 There is no significant impact on business, charities or voluntary bodies as the effect of these Directives is to amend the separate directives to adapt them to technical progress.

10.2 There is also no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This legislation applies to small business, although VCA is not aware of any UK micro business engaged in the manufacture of agricultural tractors. Small volume producers can utilise certain exemptions available to tractors manufactured in low volumes (small series).

12. Monitoring & review

12.1 This legislation satisfies obligations placed on the United Kingdom by EU legislation to transpose the Directives into UK law.

12.2 A duty to review clause requiring a review of the 2005 Regulations within 5 years from the coming into force of this amendment. A review is likely to be carried out sooner if the new Framework EU Regulation for tractor type approval is agreed within the EU before the review is due.

13. Contact

13.1 Mohammed Farooq at the Vehicle Certification Agency Tel: 0117 952 4119 or email: mohammed.farooq@vca.gov.uk can answer any queries regarding the instrument.