

**EXPLANATORY MEMORANDUM TO**  
**THE GOODS VEHICLES (COMMUNITY LICENCE) REGULATIONS**  
**(NORTHERN IRELAND) 2013**

**SR 2013 No. 115**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. These Regulations give effect to aspects of Regulation (EC) No 1072/2009 of 21 October 2009 (“Regulation 1072/2009”), which makes provision for a Community licence allowing goods vehicles access to the market in the carriage of goods by road between Member states and for a driver attestation where the driver is a third country national.

**3. Background**

- 3.1. Regulation 1072/2009, which has direct effect in Member States, recasts existing European Regulations and governs the conditions for the issue and use of Community licences and driver attestations. It prescribes the form of the Community licence (Article 4.4 and Annexes I and II) and driver attestation (Article 5(3) and Annexes I and III), and the period of validity for each (Articles 4(2) and 5(7) respectively).

**4. Consultation**

- 4.1. A consultation was issued between 28<sup>th</sup> September 2011 and 23<sup>rd</sup> November 2011. No issues were raised as a consequence of the consultation.

**5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the NI Act 1998. An Equality Screening Exercise has been completed and as no equality issues have been identified a full Equality Impact Assessment was considered unnecessary.

**6. Regulatory Impact**

- 6.1. The main business sectors affected are the road haulage and freight transport industries, however there will be no additional costs or administrative burden for those who comply with the law.
- 6.2. A partial Regulatory Impact Assessment was issued with the September 2011 NI consultation document and a full and final version has subsequently been produced.
- 6.3. A Final Regulatory Impact Assessment will be submitted with the draft Statutory Rule.

## **7. Financial Implications**

- 7.1. There will be no additional cost to the Department/DVA in implementing this Statutory Rule as it is already the licensing body.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has considered the matter of convention rights and community law and is satisfied that there are no matters of concern.

## **9. EU Implications**

- 9.1. The proposed Statutory Rule is necessary in order to comply with the requirements of the EC Regulations.

## **10. Parity or Replicatory Measure**

- 10.1. The legislation has been modelled on the approach being followed in Britain and the implementation of their Goods Vehicles (Community Licences) Regulations 2011 (SI 2011/2633.)

## **11. Additional Information**

- 11.1. Not applicable.