

**EXPLANATORY MEMORANDUM TO**  
**THE TRACTOR ETC. (EC TYPE-APPROVAL) (AMENDMENT) REGULATIONS**  
**2008**

**2008 No. 1980**

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

**2. Description**

These Regulations amend the Tractor Etc. (EC Type-Approval) Regulations 2005 (“the 2005 Regulations”), in order to implement, first, in relation to tractor type approval, Council Directive 2006/96/EC of 20 November 2006 adapting certain Directives in the field of free movement of goods, by reason of the accession of Bulgaria and Romania<sup>1</sup> and, secondly, Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors<sup>2</sup>.

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

None.

**4. Legislative Background**

4.1 These Regulations implement, for the purposes of the tractor type approval process, Directive 2006/96/EC, to recognize the accession to the European Union of Bulgaria and Romania and, Directive 2008/2, which is a codification of Directive 74/347/EEC.

4.2 Directive 2003/37/EC provides for a system of tractor type approval. Tractors and similar vehicles referred to in Directive 2003/37/EC must be of a type approved as conforming to that Directive before being registered, sold or entered into service for the first time. In order to be so approved, a vehicle must comply with technical requirements specified in other Directives, called the “Separate Directives”, listed in a Annex II to Directive 2003/37/EC. In the United Kingdom, the requirements of Directive 2003/37/EC are implemented by the Tractor Etc. (EC Type-Approval) Regulations 2005 (which were previously amended by the Tractor Etc. (EC Type-Approval) (Amendment) Regulations 2006.)

4.3 Directive 2006/96/EC amends this system of type approval in order to reflect that Bulgaria and Romania are now Member States of the Union. Directive 2008/2/EC codifies Directive 74/347/EEC and its amendments and deems any reference in European legislation (including in Directive 2003/37/EC) to 74/347/EEC to be a reference to 2008/2/EC.

4.4 It is a requirement of the EC type approval system that transposition of those Directives must be carried out.

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<sup>1</sup> OJ No L363, 20.12.2006, p. 81

<sup>2</sup> OJ No L24, 29.1.2008, p. 30

**5. Extent**

This instrument extends to all of the United Kingdom.

**6. European Convention on Human Rights**

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

**7. Policy background**

Member States are required to transpose the type approval requirements. These requirements are constantly being updated. Directive 2006/96/EC is an updating Directive, which merely reflects that these new States are part of the Union. It makes no new policy or other requirements. Directive 2008/2/EC is only a codification and does not add any additional requirements.

The UK has no option other than to transpose these directives into national legislation. In a case such as this where the scope for transposing in different ways is severely limited given the nature of the existing type approval legislation, it is not considered appropriate to conduct a formal consultation exercise, but it has become usual to advise the appropriate sector of industry of the necessary changes and ask their opinions. Following this practice, a notification letter was sent on 9<sup>th</sup> April 2008 to representatives of industry in order to advise of the imminent transposition and to invite any comments. No responses were received.

**8. Impact**

As 2006/96/EC concerns the recognition of new Member States and 2008/2/EC is a codification Directive which adds no additional requirements, there are no costs or other implications to be considered, so no Impact Assessment has been prepared. There will be no impact on the public sector.

**9. Contact**

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## TRANSPOSITION NOTE

### The Tractor etc (EC Type-Approval) (Amendment) Regulations 2008

2006/96/EC

These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Article	Objective	Implementation	Responsibility
1 (together with the Annex)	Amending 2003/37/EC and certain of the separate directives (as listed in Annex II, Chapter B of 2003/37/EC) to reflect that Bulgaria and Romania are now Member States.	<p>a. Regulation 2(3) which, in so far as is relevant, amends the definition of “separate directive” in regulation 2 of the Tractor etc (EC Type-Approval) Regulations 2005 so that a reference to “separate directive” in the 2005 Regulations is to those directives listed in Annex II, Chapter B as amended at the date of the making of the 2008 amending Regulations (including as amended by 2006/96/EC); and</p> <p>b. Regulation 2(4) which amends the definition of “the Tractor Type Approval Directive” in regulation 2 of the 2005 Regulations so that a reference to “the Tractor Type Approval Directive” in the</p>	The Secretary of State

		2005 Regulations is to 2003/37/EC as amended at the date of the making of the 2008 amending Regulations (including as amended by 2006/96/EC).	
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2008/2/EC

These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Article	Objective	Implementation	Responsibility
2, 3 and 6 (together with the Annexes)	Codifying 74/347/EEC, one of the separate directives to 2003/37/EC.	Regulation 2(3) which, in so far as is relevant, amends the definition of “separate directive” in regulation 2 of the Tractor etc (EC Type-Approval) Regulations 2005 so that a reference to “separate directive” in the 2005 Regulations is to the codified version of those directives listed in Annex II, Chapter B (as amended at the date of the making of the 2008 amending Regulations.)	The Secretary of State