

**2008 No. 2844**

**ROAD TRAFFIC**

**The Motor Vehicles (EC Type Approval) (Amendment)  
Regulations 2008**

<i>Made</i>	- - - -	<i>31st October 2008</i>
<i>Laid before Parliament</i>		<i>5th November 2008</i>
<i>Coming into force</i>		
<i>for the purposes of regulation 4(7)</i>		<i>2nd January 2013</i>
<i>for all other purposes</i>		<i>10th December 2008</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred upon him by section 2(2) of the European Communities Act 1972(a).

He is a Minister designated for the purposes of that section for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type approval scheme(b).

**Citation, interpretation and commencement**

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) (Amendment) Regulations 2008.

(2) In these Regulations, “the principal Regulations” means the Motor Vehicles (EC Type Approval) Regulations 1998(c).

(3) These Regulations shall come into force for the purposes of regulation 4(7) on 2nd January 2013, and for all other purposes on 10th December 2008.

**Amendment of the definition of “the Framework Directive”**

2. In regulation 3(1) of the principal Regulations, for the definition of “the Framework Directive”, substitute—

““the Framework Directive” means Council Directive 70/156/EEC, dated 6th February 1970(d), as amended, extended, applied or modified by instruments up to Regulation (EC) No 715/2007 of the European Parliament and of the Council dated 20th June 2007(e);”.

---

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a).  
(b) S.I. 1972/1811; relevant amending instruments are S.I. 1996/266 and 2000/2812.  
(c) S.I. 1998/2051; relevant amending instruments are S.I. 1999/778, 1999/2324, 2000/869, 2000/2730, 2001/2809, 2002/1835, 2002/2743, 2003/1019, 2003/2428, 2004/73, 2004/2186, 2005/2454, 2006/142, 2006/1695, 2006/2409, 2006/2816, 2007/855 and 2007/3135.  
(d) OJ No. L 42, 23.2.1970, p.1.  
(e) OJ No. L171, 29.6.2007, p.1.

### Amendments to reflect the introduction of separate Community Regulations

3.—(1) The principal Regulations are amended as follows.

(2) In regulation 3(1), for the definition of “separate Directive”, substitute—

““separate Community instrument” means a Community instrument specified in the second column of an item in Schedule 1 as read with the Community instruments (if any) specified in the third column of that item.”.

(3) For the note at the bottom of the table in Schedule 1, substitute “Note: The Community instruments marked with a \* were made by the Commission, while those with a † were made by the European Parliament and the Council. The other instruments were made by the Council.”.

(4) In the following provisions, namely—

- (a) the definition of “EC type approval” in regulation 3(1),
- (b) regulations 4(6), 7 and 12(1)(b), and
- (c) paragraph 1(3)(b) of Schedule 2,

for the words “separate Directive”, substitute “separate Community instrument”.

(5) In the following provisions, namely—

- (a) regulation 4(10),
- (b) the title of Schedule 1, and
- (c) paragraph 3(3)(b) of Schedule 2,

for the words “separate Directives”, substitute “separate Community instruments”.

(6) In the following provisions, namely—

- (a) regulation 5(2)(c), and
- (b) the headings of columns (2) and (3) in the table in Schedule 1,

for “Directives”, substitute “Community instruments”.

### Amendment of Schedule 1 (separate Directives)

4.—(1) The table in Schedule 1 to the principal Regulations is amended as follows.

(2) In item 1 (sound levels), in the third and fourth columns, after the last entry, add—

“2007/34/EC*”	L155, 15.6.2007, p.49”.
---------------	-------------------------

(3) After item 2, insert the following item—

“2A	Regulation (EC) No 715/2007†	L171, 29.6.2007, p.1	Emissions/Access to information”.
-----	------------------------------	----------------------	-----------------------------------

(4) In item 20 (installation of lighting and light signalling devices), in the third and fourth columns, after the last entry, add—

“2007/35/EC*”	L157, 19.6.2007, p.14”.
---------------	-------------------------

(5) In item 41, in the third and fourth columns, after the last entry, add—

“Regulation (EC) No 715/2007†	L171, 29.6.2007, p.1”.
-------------------------------	------------------------

(6) In item 61 (air-conditioning system), in the third and fourth columns, after the last entry, add—

“Regulation (EC) No 706/2007*”	L161, 22.6.2007, p.33”.
--------------------------------	-------------------------

(7) Items 2, 11 and 39 are omitted, and item 2A is renumbered 2.

Signed by authority of the Secretary of State for Transport

31st October 2008

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State  
Department for Transport

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement, for the purposes of the EC type approval of light passenger vehicles, three EC Directives and two EC Regulations. Commission Directive 2007/34/EC (OJ No. L155, 15.6.2007, p.49) aligns the technical requirements relating to noise with those applicable under regulation 51 of the type approval system established by the UN Economic Commission for Europe (UNECE). Commission Directive 2007/35/EC (OJ No. L157, 19.6.2007, p.14) aligns the technical requirements concerning lighting and light signalling devices with those applicable under UNECE regulation 48. Directive 2007/37/EC amends Directive 70/156/EEC (OJ No. L 42, 23.2.1970, p. 1), the Framework Directive for the EC type approval system, to update the information documents required, following the publication of Directive 2006/40/EC (OJ No. L161, 14.6.2006, p.12) on air conditioning. Regulation (EC) 706/2007 (OJ No. L161, 22.6.2007, p.33) lays down the administrative provisions for the implementation of that Directive, and a harmonised leakage test to measure compliance of air conditioning systems with its requirements. Regulation (EC) No. 715/2007 makes various provisions on emissions and access to repair and maintenance information; in particular, it provides for the emission limits, dates of application and other requirements for the “Euro 5” and “Euro 6 ” emissions programmes, and will repeal earlier EC instruments concerning emissions.

To those ends, these Regulations amend the Motor Vehicles (EC Type Approval) Regulations 1998 (“the principal Regulations”), which set out the procedure and technical requirements for the type approval of “light passenger vehicles”, within the meaning of Part II of the Road Traffic Act 1988 (1988 c. 52; see section 85(1) of that Act, as amended by S.I. 1992/3107, regulation 16 and Schedule 2, paragraph 5. There are other amendments to that Act, not relevant to these Regulations). Generally speaking, these are passenger vehicles with fewer than 8 seats not including the driver’s seat, regardless of their maximum laden weight.

*Regulation 2* substitutes a new definition of “the Framework Directive” in regulation 3(1) of the principal Regulations, to implement all the amendments made to the Framework Directive up until Regulation (EC) No 715/2007. These include the amendments made by Directive 2007/37/EC. In addition, some Community instruments have made provisions which, although they do not textually amend the Framework Directive, have an effect on its interpretation; one of them was Article 10 of Directive 2005/55/EC, which provides for references to earlier instruments to be read as a reference to that latter Directive. Regulation 2 makes provision for such provisions to have effect.

In addition to separate Directives, Community Regulations are now used to specify the separate technical requirements and their dates of application. *Regulation 3* accordingly updates the principal Regulations.

The table in Schedule 1 to the principal Regulations lists separate Community instruments under the Framework Directive, which specify technical requirements, and their dates of application, for vehicle components or features of construction. By inserting references to the four Community instruments referred to above that are separate Community instruments or modify some of these (which do not include Directive 2007/37/EC) at the appropriate places in that table, *regulation 4(2) to (6)* require a type of light passenger vehicle to comply with the requirements of those instruments in order to receive EC type approval. In addition, *regulation 4(7)* will implement the repeal of a number of instruments by Article 17(1) of Regulation (EC) No 715/2007. However, in

accordance with Article 17(4), this repeal will only take place from 2nd January 2013: see *regulation 1(3)*.

In line with the principal Regulations, the use of the symbol † denotes that the instrument specified was made by the European Parliament and the Council, while the use of the symbol \* denotes that it was made by the Commission.

Full impact assessments of the effect that the implementation of Directive 2007/34/EC and Regulation (EC) No 715/2007 will have on the costs of business or the voluntary sector are available from Mohammed Farooq, of the Vehicle Certification Agency of the Department for Transport, 1 Eastgate Office Centre, Eastgate Road, Bristol BS5 6XX (Tel: 01179 524119, e-mail: mohammed.farooq@vca.gov.uk), and are annexed to the Explanatory Memorandum available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)). Impact assessments have not been produced in respect of the transposition of Directives 2007/35/EC and 2007/37/EC and Regulation (EC) 706/2007 as no impact on the private or voluntary sectors from these instruments is foreseen.

Except with respect to Regulation (EC) No 715/2007, this Explanatory Note incorporates the Transposition Note that would otherwise be required. The Transposition Note in respect of Regulation (EC) No 715/2007 is available from the same sources as the impact assessments referred to in the previous paragraph.

---

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00