
STATUTORY INSTRUMENTS

2022 No. 1273

**The Road Vehicles and Non-Road Mobile
Machinery (Type-Approval) (Amendment and
Transitional Provisions) (EU Exit) Regulations 2022**

PART 3

Amendments to secondary legislation

Amendments to Part 2

13.—(1) For the heading to Part 2, substitute “Type-approval”.

(2) In regulation 3, for “and the Type Approval Regulation” substitute “, the Type Approval Regulation and the EU Type Approval Regulation”.

(3) In regulation 4—

(a) in paragraph (a), for “and the Type Approval Regulation” substitute “, the Type Approval Regulation and the EU Type Approval Regulation”,

(b) at the end of paragraph (a), omit “and”, and

(c) at the end of paragraph (b), insert—

“, and

(c) where applied by the EU Type Approval Regulation, or otherwise applicable to relevant products, Regulation (EU) 2019/1020 on market surveillance and compliance of products, as that Regulation has effect by virtue of the Northern Ireland Protocol⁽¹⁾.”.

(4) In regulation 5, after “Approval Regulation” insert “or of the EU Type Approval Regulation”.

(5) In regulation 6—

(a) in the heading, omit “EU”;

(b) in paragraph (1)—

(i) in the opening words, for “EU type-approval application” substitute “application for a GB type-approval or a UK (NI) type-approval”;

(ii) in the closing words, after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable”;

(c) in paragraph (2), after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable”.

(d) in paragraph (3), after “Approval Regulation” insert “or the EU Type Approval Regulation, as applicable”.

(6) After regulation 6, insert—

(1) OJ L 169, 25.6.2019, p. 1.

“Reusability, recycling and recovery of component parts and materials

6A.—(1) For the purposes of a GB type-approval, references in the following provisions of Annex II to the Type Approval Regulation to “[Directive 2005/64/EC](#) of the European Parliament and of the Council” are to be read as references to Schedule A1—

- (a) entry 59 of the table in Part 1;
- (b) entry 59 of table 1 in Appendix 1 to Part 1;
- (c) entry 59 of table 2 in Appendix 1 to Part 1.

(2) Schedule A1 applies to vehicles belonging to categories M1 and N1, as defined in Article 4 of the Type Approval Regulation.”.

(7) In regulation 7—

- (a) renumber the existing paragraph as paragraph (1);
- (b) in paragraph (1), as so renumbered—
 - (i) for “an EU type-approval, or national small series vehicle type-approval in accordance with Article 42 of the Type Approval Regulation” substitute “an approval referred to in paragraph (2)”;
 - (ii) in sub-paragraph (b), after “Regulation” insert “or the EU Type Approval Regulation”;
- (c) after paragraph (1), insert—

“(2) The approvals referred to in this paragraph are—

 - (a) a GB type-approval;
 - (b) an EU type-approval issued by the Secretary of State before IP completion day;
 - (c) a UK (NI) type-approval;
 - (d) a national small series type-approval issued by the Secretary of State before IP completion day;
 - (e) a UK (NI) national small series type-approval;
 - (f) a GB small series type-approval.”.

(8) In regulation 8(1)—

- (a) in the opening words, after “Regulation” insert “or the EU Type Approval Regulation”;
- (b) for paragraph (b) (but not the “and” at the end of that sub-paragraph), substitute—

“(b) the remedies available to the party concerned—

 - (i) where the application is made in respect of Great Britain, under the laws in force in Great Britain;
 - (ii) where the application is made in respect of Northern Ireland, under the laws in force in Northern Ireland.”.

(9) In regulation 10(1)—

- (a) in the opening words, after “Regulation” insert “, the EU Type Approval Regulation”;
- (b) in sub-paragraph (b), after “Regulation” insert “or the EU Type Approval Regulation, as applicable”.

(10) In regulation 11, in paragraphs (1), (4)(c) and (5), for “or the Type Approval Regulation” substitute “, the Type Approval Regulation or the EU Type Approval Regulation”.

(11) In regulation 12, for “or the Type Approval Regulation” substitute “, the Type Approval Regulation or the EU Type Approval Regulation”.

(12) In regulation 13(1), after “Regulation”, insert “or the EU Type Approval Regulation”.

- (13) In regulation 14—
- (a) in paragraph (1)(a), for the words after “registered in” to the end, substitute “Great Britain or, as the case may be, Northern Ireland, and”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a)—
 - (aa) in the opening words, for “to which Regulation (EC) 595/2009 applies”, substitute “which is of a type approved in accordance with Regulation (EC) 595/2009 or EU Regulation (EC) 595/2009”;
 - (bb) after “approval authority” insert “or the approval authority of a member State”“Approval Regulation”;
 - (cc) for “Type Approval Regulation” substitute “EU Type Approval Regulation”;
 - (ii) in sub-paragraph (b)—
 - (aa) in the opening words, for “to which Regulation (EC) 715/2007 applies” substitute “which is of a type approved in accordance with Regulation (EC) 715/2007 or EU Regulation (EC) 715/2007”;
 - (bb) in paragraph (i) for “that Regulation” substitute “the Regulation in accordance with which the type was approved”;
 - (cc) in paragraph (ii), after “approval authority” insert “or the approval authority of a member State”;
 - (dd) for “Type Approval Regulation” substitute “EU Type Approval Regulation”;
 - (c) in paragraph (4)—
 - (i) for “a single EU vehicle type-approval” substitute “an applicable type-approval”;
 - (ii) for “that single EU vehicle type-approval” substitute “that applicable type-approval”;
 - (iii) in sub-paragraph (a), for “an EU”, substitute “a”;
 - (d) for paragraph (5) substitute—

“(5) In paragraph (4)—

 - (a) “applicable type approval” means—
 - (i) an EU whole-vehicle type approval or an EU small series type-approval, whether or not issued by the Secretary of State, or
 - (ii) a GB whole-vehicle type-approval or a GB medium series type-approval;
 - (b) a motor vehicle is associated with an applicable type approval if a certificate of conformity relating to that type approval has been issued in respect of that vehicle.”;
 - (e) in paragraph (7)—
 - (i) in the definition of “defeat system”, after paragraph (b), insert—
 - “(c) in the case of a motor vehicle to which EU Regulation (EC) 595/2009 applies—
 - (i) where the engine system or engine family meets the conditions specified in Article 6(1a) of EU Commission Regulation (EU) No 582/2011, a “defeat strategy” as defined in paragraph 2 of UNECE Regulation 49;

- (ii) in all other cases, a “defeat strategy” as defined in Article 3(8) of EU Regulation (EC) 595/2009,
at the time of applying for emissions type-approval for that vehicle;
- (d) in the case of a motor vehicle to which EU Regulation (EC) 715/2007 applies—
 - (i) where, pursuant to Article 6(1) of EU Commission Regulation (EC) No 692/2008, the motor vehicle meets the requirements of EU Regulation (EC) 715/2007 by virtue of compliance with UNECE Regulation 83, a “defeat device” as defined in paragraph 2 of that UNECE Regulation;
 - (ii) in all other cases, a “defeat device” as defined in Article 3(10) of EU Regulation (EC) 715/2007,
at the time of applying for emissions type-approval for that vehicle;”;
- (ii) in the definition of “emissions type-approval”—
 - (aa) omit “EC”, the first time it occurs;
 - (bb) for “Regulation (EC) 715/2007 or Regulation (EC) 595/2009” substitute “Regulation (EC) 715/2007, EU Regulation (EC) 715/2007, Regulation (EC) 595/2009 or EU Regulation (EC) 595/2009”;
- (iii) after the definition of “emissions type-approval”, insert—
 - “EU Commission Regulation (EC) No 692/2008” means Commission Regulation (EC) No 692/2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and EURO 6) and on access to vehicle repair and maintenance information⁽²⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU Commission Regulation (EU) No 582/2011” means Commission Regulation (EC) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council⁽³⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU Commission Regulation (EU) 2017/1151” means Commission Regulation (EU) 2017/1151 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information⁽⁴⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;
 - “EU Regulation (EC) 715/2007” means Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information⁽⁵⁾,

(2) OJ L 199, 28.7.2008, p. 1.

(3) OJ L 167, 25.6.2011, p. 1.

(4) OJ L 175, 7.7.2017, p. 1.

(5) OJ L 171, 29.6.2007, p. 1.

as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;

“EU Regulation (EC) 595/2009” means Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and access to vehicle repair and maintenance information⁽⁶⁾, as that Regulation has effect in EU law and by virtue of the Northern Ireland Protocol;”;

(iv) in the definition of “extended documentation package”, after paragraph (b), insert—

“(c) in the case of a motor vehicle to which EU Regulation (EC) 715/2007 applies, the extended documentation package mentioned in—

(i) Article 5(11) of EU Commission Regulation (EC) No 692/2008; or

(ii) Article 5(11) of EU Commission Regulation (EU) 2017/1151;

(d) in the case of a motor vehicle to which EU Regulation (EC) 595/2009 applies, the extended documentation package specified in Article 5(3) of, and Section 8 of Annex 1 to, EU Commission (EC) No 582/2011;”.

⁽⁶⁾ OJ L 188, 18.7.2009, p. 1.