

**2004 No. 2186**

**ROAD TRAFFIC**

**The Motor Vehicles (EC Type Approval) (Amendment) (No. 2)  
Regulations 2004**

*Made* - - - - - *25th August 2004*

*Laid before Parliament* *3rd September 2004*

*Coming into force in accordance with regulation 1*

The Secretary of State for Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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, in exercise of the powers conferred by that section, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (EC Type Approval) (Amendment) (No. 2) Regulations 2004.

(2) These Regulations except regulation 5 shall come into force on 29th September 2004.

(3) Regulation 5 shall come into force on 24th January 2010.

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

**Preliminary**

2. The principal Regulations shall be further amended as follows.

**Amendment to Regulation 3 (Interpretation)**

3. In regulation 3(1) of the principal Regulations for the definition of “the Framework Directive” there shall be substituted the following—

““the Framework Directive” means Council Directive 70/156/EEC(d) as amended by amendments up to and including those effected by Commission Directive 2004/78/EC(e);”.

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(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.I. 1998/2051; relevant amending instruments are S.I. 1999/778 and 2324, S.I. 2000/869 and 2730, S.I. 2001/2809, S.I. 2002/1835 and 2743, S.I. 2003/1019 and 2428, and S.I. 2004/73.

(d) OJ No. L42, 23.2.70, p. 1.

(e) OJ No. L153, 30.4.2004, p. 100.

### Amendments to Schedule 1 (Separate Directives)

4.—(1) The Table in Schedule 1 to the principal Regulations shall be amended as follows.

(2) In item 36 (Heating Systems), for the entries in the second, third and fourth columns there shall be substituted the following—

2001/56/EC†		L292, 9.11.2001, p.21
	2004/78/EC*	L153, 30.4.2004, p.100

(3) In item 39 (CO<sub>2</sub> emissions/fuel consumption), there shall be added in the third and fourth columns after the last entry—

2004/3/EC†		L49, 19.2.2004, p.36
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(4) In item 47 (Speed limiters), there shall be added in the third and fourth columns after the last entry—

2004/11/EC†		L44, 14.2.2004, p.19
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(5) After item 8 (Rear visibility), there shall be added the following item—

8A	2003/97/EC†		L25, 29.1.2004, p.1	Indirect vision devices
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### Revocation

5. Item 8 (Rear visibility) in the Table in Schedule 1 to the principal Regulations is revoked and item 8A shall be renumbered item 8.

Signed by authority of the Secretary of State

25th August 2004

*Tony McNulty*  
Parliamentary Under Secretary of State  
Department for Transport

## EXPLANATORY NOTE

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

These Regulations amend the Motor Vehicles (EC Type Approval) Regulations 1998 (S.I. 1998/2051) (“the principal Regulations”).

*Regulation 3* replaces the existing definition of “the Framework Directive” in regulation 3(1) of the principal Regulations. The new definition encompasses the further amendments made to Council Directive 70/156/EEC by Directives 2003/97/EC, 2004/03/EC and 2004/78/EC.

The Table in Schedule 1 to the principal Regulations (“the Table”) lists separate Directives under the Framework Directive, which lay down technical standards for vehicle components or features of construction. Recent EC Directives 2004/03/EC, 2004/11/EC and 2004/78/EC amend the separate Directives relating to CO<sub>2</sub> emissions/fuel consumption, speed limiters and heating systems respectively. *Regulation 4* inserts references to these Directives at the appropriate places in the Table, thereby implementing them for the purposes of EC type approval procedures.

Directive 2004/78/EC amends Directive 2001/56/EC relating to heating systems for motor vehicles and their trailers which repealed Directive 78/548/EEC on the approximation of the laws of the Member States relating to heating systems for the passenger compartment of motor vehicles. *Regulation 4(2)* amends item 36 of the Table accordingly.

*Regulation 4(5)* adds Directive 2003/97/EC as a new item (8A) to the Table. The Directive relates to the type approval of devices for indirect vision (such as mirrors) and of vehicles equipped with these devices. Where required, the Secretary of State’s decision to grant or amend an EC type approval under the principal Regulations shall be made in accordance with the provisions of Directive 2003/97/EC in addition to those of Directive 71/127/EEC.

*Regulation 5* removes Directive 71/127/EEC on rear view mirrors on motor vehicles from the Table with effect from 24th January 2010. This reflects its repeal from that date, and replacement for type approval purposes, by Directive 2003/97/EC.

In line with the principal Regulations, the use of the symbol † denotes that the Directive specified is a Directive of the European Parliament and of the Council, and the use of the symbol \* denotes that the Directive specified is a Commission Directive.

This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately. Copies of the EEC and EC Directives referred to in these Regulations can be obtained from the Stationery Office.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Department for Transport, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number: 020 7944 2076). A copy has been placed in the library of each House of Parliament.

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