

**EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (EC TYPE APPROVAL) (AMENDMENT No.2)
REGULATIONS 2006**

2006 No. 1695

- 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 Motor Vehicles (EC Type-Approval) Regulations 1998 (“the 1998 Regulations”), in order to implement, for the purposes of the type approval of light passenger vehicles, three Directives, all of which amend Directive 72/245/EEC relating to radio interference and electromagnetic compatibility.
- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.
- 4. Legislative Background**
 - 4.1 This legislation implements, for the purposes of the type approval of light passenger vehicles, Directives 2005/49/EC, 2005/83/EC and 2006/28/EC, all amend Directive 72/245/EEC relating to radio interference and electromagnetic compatibility. Directives 2005/49/EC and 2006/28/EC also amend Directive 70/156/EEC.
 - 4.2 Directive 70/156/EEC provides for a system of vehicle type approval. Light passenger vehicles (i.e. passenger vehicles with no more than 8 seats, referred to in Directive 70/156/EEC as Category M1) must be of a type approved as conforming to this 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 an Annex to Directive 70/156/EEC.
 - 4.3 The two Directives listed in paragraph 2 amend one of the Separate Directives already listed in this Annex in order to update the technical requirements.
 - 4.4 It is a requirement of the EC type approval system that transposition of these Directives must be carried out, and by a specified date.
 - 4.5 The 1998 Regulations implement Directive 70/156/EEC in respect of light passenger vehicles, and the related Separate Directives.
 - 4.6 Like the 1998 Regulations, these Regulations are made under the powers conferred by section 2(2) of the European Communities Act 1972.
- 5. Extent**

This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

This instrument is subject to negative procedure and does not amend primary legislation. Therefore, no statement as to compatibility has been made.

7. Policy background

7.1 As a member State of the European Union, the UK is required to transpose the type approval requirements as specified by Directive 70/156/EEC and the Separate Directives. These requirements are constantly being refreshed with amending Directives.

7.2 Directive 2005/49/EC and 2006/28/EC amend Directive 72/245/EEC relating to electromagnetic compatibility and radio interference, to take into account the fact that a vehicle may be fitted with a short-wave radar system as part of its traffic control system. They require that the wavelength in which such radar might operate be recorded on type approval certificates of vehicles that are equipped with such radar systems. This is to ensure that a record may be made of the numbers of vehicles in use which are so equipped in order to estimate what impact there may be on other, non-automotive, users of the same wave-lengths. In addition, they provide that the registration, sale or entry into service of vehicles equipped with 24 GHz short-range radar equipment shall be prohibited from 1 July 2013.

7.3 Directive 2005/83/EC also amends 72/245/EEC on electromagnetic compatibility, to update the references made in the text of the Directive to the various ISO and CISPR International Standards used in testing and calibration.

7.4 By inserting a reference to the Directives in the appropriate place in a Schedule to the 1998 Regulations, these Regulations ensure that they will be taken into account as far as the type approval of M1 vehicles is concerned.

7.5 Although implementation of these Directives is mandatory, it has become usual to advise the United Kingdom's automotive industry of the necessary changes and ask their opinions. Representatives of the Industry participate actively in the development of European legislation, and close contact has been maintained during the decision-making process that led to the adoption of the Directives. Following this practice, notification letters were sent by the Vehicle Certification Agency on 19th January 2006 and on 19th April 2006 to the Society of Motor Manufacturers and Traders (SMMT) in order to advise of the imminent transposition and to invite any comment. They have made no response.

8. Impact

8.1 As the impact of this SI on the costs of businesses is negligible, no Regulatory Impact Assessment has been prepared.

8.2 There should be no impact on the public sector.

9. Contact

Gus Gander of the Vehicle Certification Agency of the Department for Transport, 1 Eastgate Office Centre, Eastgate Road, Bristol BS5 6XX (Tel: 01179 524119; e-mail ggander@vca.gov.uk) can answer questions regarding this instrument.

TRANSPOSITION NOTE

To accompany the Motor Vehicles (EC Type Approval) (Amendment No. 2) Regulations 2006, amending the Motor Vehicles (EC Type Approval) Regulation 1998 (“the 1998 Regulations”), to implement three Directives amending the European scheme for vehicle type approval.

1. Directive 2005/49/EC of the European Parliament and of the Council amending Council Directive 72/245/EEC on radio suppression and electromagnetic compatibility.

	Objectives	Implementation	Responsibility
Article 1	Amends Directive 72/245/EEC to require that the information document relating to an approval under it records the fitting of a vehicle with short-range radar equipment of 24GHz or 79GHz.	Regulation 3(2) adds this Directive to the list in Schedule 1 to the 1998 Regulations, which lists requirements to be met for light vehicles to obtain type-approval in the UK, and the amendments to the original requirements.	The Secretary of State.
Article 2	Amends Council Directive 70/156/EEC (the Framework Directive) to ensure that the information document and Certificate of Conformity produced under it record the information about short range radars.	Regulation 2 ensures that, for the purposes of the 1998 Regulations, Directive 70/156/EEC is read as amended by all the amendments up to and including those made by Directives 2005/64/EC and 2005/66/EC. These include the amendment made this Directive.	Ditto.
Article 3(1)	Sets out the dates from which the Member State must consider Certificates of Conformity to be no longer valid if its requirements are not fulfilled.	Regulation 3(2) adds this Directive to the list in Schedule 1 to the 1998 Regulations, which lists requirements to be met for light vehicles to obtain type-approval in the UK, and the amendments to the original requirements.	Ditto.
Article 3(2)	Sets out the dates from which the Member State must prohibit the registration, sale or entry into service of vehicles equipped with 24 GHz short-range radar equipment.	Ditto.	Ditto.

2. European Directive 2005/83/EC of the European Parliament and of the Council amending Council Directive 72/245/EEC on radio suppression and electromagnetic compatibility.

	Objectives	Implementation	Responsibility
Article 1 and Annex	Amend Directive 72/245/EEC to update references to ISO and CISPR Standards.	Regulation 3(2) adds this Directive to the list in Schedule 1 to the 1998 Regulations, which lists requirements to be met for light vehicles to obtain type-approval in the UK, and the amendments to the original requirements.	The Secretary of State.

3. Commission Directive 2006/28/EC amending Directive 72/245/EEC on radio suppression and electromagnetic compatibility, and making consequential amendment to Directive 70/156/EEC.

	Objectives	Implementation	Responsibility
Article 1	Amends the procedure for recording whether a vehicle is equipped with short-wave radar and, if so, in which	Regulation 3 adds this Directive to the list in Schedule 1 to the 1998 Regulations, which lists requirements to be met for light	The Secretary of State

	wavelength it operates, by amending to the provisions of Directive 72/245/EEC concerning the information document and the type-approval certificate.	vehicles to obtain type-approval in the UK, and the amendments to the original requirements.	
Article 2	Amends the procedure for recording whether a vehicle is equipped with short-wave radar and, if so, in which wavelength it operates, by amending to the provisions of Directive 70/156/EEC concerning the information document and the type-approval certificate.	Regulation 2 amends the definition “the Framework Directive” in regulation 3(1) of the 1998 Regulations, so that, for the purposes of those Regulations, the Framework Directive is read as last amended by Directive 2006/28/EC.	The Secretary of State