

2007 No. 3135

ROAD TRAFFIC

**The Motor Vehicles (EC Type Approval) (Amendment No. 2)
Regulations 2007**

<i>Made</i>	- - - -	<i>30th October 2007</i>
<i>Laid before Parliament</i>		<i>2nd November 2007</i>
<i>Coming into force</i>		<i>1st December 2007</i>

The Secretary of State for Transport is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) 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).

Accordingly, in exercise of the powers conferred upon her by that section, she 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 2007, and shall come into force on 1st December 2007.

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

Amendment of regulation 3 (interpretation)

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(d), dated 6th February 1970—

- (a) as last amended by Commission Directive 2006/96/EC(e), dated 20th November 2006, and
- (b) construed as required by Article 10 of Directive 2005/55/EC of the European Parliament and of the Council, dated 28th September 2005(f);”.

(a) 1972 c. 68.

(b) S.I. 1972/1811.

(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 and 2007/855.

(d) OJ No. L42, 23.2.1970, p.1.

(e) OJ No. L363, 20.12.2006, p.81.

(f) OJ No. L275, 20.10.2005, p.1.

Amendment of Schedule 1 (separate Directives)

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

(2) In items 1 to 3, 7 to 10, 13, 15, 16, 18, 21 to 26, 28 to 31, 35, 36, 38, 43, 50 to 52, 57 and 60, in the third and fourth columns, after the last entry in each item, add—

“2006/96/EC	L363, 20.12.2006, p.81”.
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(3) In item 16 (external projections), in the third and fourth columns, after the last entry, add—

“2007/15/EC* L75, 15.3.2007, p.21”.
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(4) In item 41 (diesel emissions), in the third and fourth columns, after the last entry, add—

“2006/81/EC* L362, 20.12.2006, p.92”.
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(5) After item 60, add the following item—

“61	2006/40/EC†	L161, 14.6.2006, p.12	Air-conditioning system”.
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Signed by authority of the Secretary of State for Transport

30th October 2007

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose, for the purposes of the EC type approval of light passenger vehicles, four EC Directives. Directive 2006/40/EC(a) of the European Parliament and of the Council, dated 17th May 2006, imposes new requirements relating to air conditioning systems in motor vehicles, and, in particular, the maximum global warming potential of their components. Commission Directive 2007/15/EC(b), dated 14th March 2007, amends Directive 74/483/EEC(c), dated 17th September 1974, on external projections, to adjust the requirements with respect to vehicle bumpers, and to align the requirements concerning the external projections of vehicles and their trailers with those applicable under regulation 26 of the type approval system established by the UN Economic Commission for Europe (UNECE). Commission Directive 2006/81/EC(d), dated 23rd October 2006, and Council Directive 2006/96/EC, dated 20th November 2006, both amend, among other instruments, several of the separate vehicle type approval Directives, and Directive 70/156/EEC (the Framework Directive), in view of the accession of Bulgaria and Romania to the European Union. The complete list of the Directives so amended is found in column 1 of the items in the Table in Schedule 1 to the Motor Vehicles (EC Type Approval) Regulations 1998 (“the principal Regulations”) listed in paragraph (2) of *regulation 3*.

To transpose the above Directives, these Regulations amend 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(e). 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 amends the definition of “the Framework Directive” in *regulation 3(1)* of the principal Regulations, to implement the amendments made to the Framework Directive by Directive 2006/91/EC.

The table in Schedule 1 to the principal Regulations lists separate Directives under the Framework Directive, which lay down technical requirements for vehicle components or features of construction. By inserting references to the four Directives referred to above at the appropriate places in that table, *regulation 3* requires a type of light passenger vehicle to comply with the requirements of those Directives in order to receive EC type approval.

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. When no symbol is used, the Directive is a Council Directive.

A full regulatory impact assessment of the effect that the implementation of Directive 2006/40/EC will have on the costs of business or the voluntary sector is available from 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), and is annexed to the Explanatory Memorandum available alongside the instrument on the OPSI website (www.opsi.gov.uk). A Regulatory Impact Assessment has not been produced in respect of the transposition of the other Directives, as no impact on the private or voluntary sectors is foreseen.

This Explanatory Note incorporates the Transposition Note that would otherwise be required.

(a) OJ No. L161, 14.6.2006, p.12.

(b) OJ No. L75, 15.3.2007, p.21.

(c) OJ No. L266, 2.10.1974, p.4, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, OJ No. L236, 23.9.2003, p.33.

(d) OJ No. L362, 20.12.2006, p.92.

(e) 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.

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