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## EXPLANATORY NOTE

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

These Regulations make provision in connection with Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ No. L 151, 14.6.2018, p.1) (“the Type Approval Regulation”). In particular, they:

- appoint the Secretary of State as the approval authority and the market surveillance authority for the purposes of the Type Approval Regulation (regulations 3 and 4)
- specify when the Secretary of State may treat any application as having been withdrawn by the manufacturer (regulation 5) or when it must be refused (regulation 6)
- require the holder of a type approval to retain certain records (regulation 7)
- provide for a review procedure in respect of notices given in connection with decisions taken pursuant to the Type Approval Regulation, etc. (regulation 8)
- specify when and how an approval may be withdrawn (regulation 9) and the effect of such a withdrawal or a suspension (regulation 10)
- set out how any notice or other document is to be served by the approval authority, market surveillance authority or enforcement authority (regulation 11)
- authorise the approval authority to provide and maintain testing stations and apparatus to use for examination of products for the purposes of the Type Approval Regulation (regulation 12)
- provide that breach of the duty to provide certain technical information which causes a person to sustain loss or damage is actionable at the suit of that person, and that a defence is available to the manufacturer where they have exercised all due diligence (regulation 13)
- provide for an offence of placing on the market or registering a vehicle that is fitted with a defeat system (regulation 14)
- provide for applications for, and the granting of, national small series type approval (regulations 15 and 16, and Schedule 1)
- provide for recognition of national type approvals of small series granted in other EU Member States (regulation 17)
- provide for applications for individual approvals of vehicles (regulation 18 and Schedule 2) and appeals against decisions made (regulation 19)
- provide for the form of certificates to be used for national type approval of small series and individual approval (regulation 20)
- provide that the grant of a first vehicle licence or the registration of motor vehicles cannot happen unless a certificate of conformity or individual approval has been issued in respect of the vehicle (regulation 21)
- provide for consent to be obtained for the supply of large trailers (regulation 23 and Schedule 3) and for certain records to be kept in relation to large trailers and small trailers (regulations 24 and 25)
- provide for limits on the number of end-of-series vehicles entering into service (regulation 27)
- provide for derogations from the requirements of the Type Approval Regulation in respect of components or separate technical units intended for fitment to vehicles which have been

*Status: This is the original version (as it was originally made).*

- exempted from one or more provisions of the Type Approval Regulation, or which are not required to be type-approved by the Type Approval Regulation (regulation 28)
- provide for breach of these Regulations, the Type Approval Regulation or legislation listed in Schedule 5 to be an offence, and for offences to be punishable either by criminal or civil penalties (regulation 29 and Parts 1 and 2 of Schedule 4)
  - make provision for enforcement of these Regulations, including in connection with false statements and obstruction of officers, powers of search, detention of goods by customs officers and recovery of expenses of enforcement (regulation 29 and Part 3 of Schedule 4)
  - make consequential amendments to various enactments, and revoke instruments replaced by the Type Approval Regulation (regulation 30(1) and Schedule 6)
  - provide for the continuation under these Regulations or the Type Approval Regulation of anything done under, or by virtue of, any regulation revoked by these Regulations, if it could have been done under or for the purpose of the corresponding provision of these Regulations or the Type Approval Regulation (regulation 30(2))
  - make transitional provision in respect of existing national small series type approvals of vehicles over 4m in height (regulation 31)
  - make transitional provision until the end of 2020 in respect of requirements for paper certificates of conformity in connection with national small series type approval (regulation 32)

These Regulations also transpose the obligation in Article 113 of, and paragraph 3 of Annex XI to, Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ No. L 321, 17.12.2018, p.36) in relation to interoperability for car radio receivers (regulation 22).

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared, and a review provision not included.

This Explanatory Note incorporates the Transposition Note which would otherwise have been provided separately. An Explanatory Memorandum is published alongside these Regulations on the UK legislation website at [www.legislation.gov.uk](http://www.legislation.gov.uk) .