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STATUTORY INSTRUMENTS

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**2022 No. 1273**

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

PART 4

EU Regulations

CHAPTER 1

Regulation (EU) 2018/858

**Amendments to Chapter II**

- 24.—(1) In Article 5 (technical requirements)—
- (a) in paragraph 1, after “technical units” insert “for which approval is sought under this Regulation”.
  - (b) in paragraph 2—
    - (i) in point (a), for “EU” substitute “GB”;
    - (ii) in point (c), and in the second subparagraph, for “, market surveillance authorities or the Commission”, substitute “or market surveillance authorities”;
  - (c) in paragraph 3, for “The Commission is empowered to adopt delegated acts in accordance with Article 82, amending”, substitute “The Secretary of State may by regulations amend”.
- (2) After Article 5, insert—

*“Article 5A*

*Recognition of EU type approvals in Great Britain*

1. Subject to compliance by manufacturers, distributors, importers and other economic operators with their obligations as set out in Articles 13, 14, 16, 17, 18, 19, 20, 38, 48, 50, 51 and 52, nothing in this Regulation, or in the regulatory acts listed in Annex II, prohibits the placing on the market, registration or entry into service in Great Britain of any vehicle, or any system, component or separate technical unit, to which this Article applies.

2. This Article applies to the following vehicles—

- (a) a vehicle which was in the United Kingdom before IP completion day, and a trailer which was in the United Kingdom before 1st January 2023, provided that the manufacturer of the vehicle or trailer holds a relevant EU approval in relation to that vehicle or trailer;

- (b) a vehicle in relation to which the manufacturer holds a valid type-approval certificate issued by the Secretary of State under section 55(1A) or (1D) of the Road Traffic Act 1988<sup>(1)</sup>;
  - (c) a vehicle in relation to which the manufacturer holds a relevant NI approval;
  - (d) a vehicle—
    - (i) which is a qualifying Northern Ireland good, and
    - (ii) in relation to which the manufacturer holds a relevant EU approval;
  - (e) an incomplete vehicle—
    - (i) to which Article 22(4A) applies, and
    - (ii) in respect of which the manufacturer holds a relevant EU approval.
3. This Article applies to the following systems, components and separate technical units—
- (a) a system, component or separate technical unit which was manufactured before 1st January 2023 in relation to which the manufacturer holds a relevant EU approval;
  - (b) a system, component or separate technical unit in relation to which the manufacturer holds a valid type-approval certificate issued by the Secretary of State under section 55(1A) or (1D) of the Road Traffic Act 1988;
  - (c) a system, component or separate technical unit in relation to which the manufacturer holds a relevant NI approval;
  - (d) a system, component or separate technical unit—
    - (i) which is a qualifying Northern Ireland good, and
    - (ii) in relation to which the manufacturer holds a relevant EU approval;
  - (e) any system or component fitted to a complete or an incomplete vehicle—
    - (i) to which Article 22(4A) applies, and
    - (ii) in relation to which the manufacturer holds a relevant EU approval.
4. For the purposes of this Regulation—
- (a) “a relevant EU approval” means a valid EU type-approval or EU individual vehicle approval issued—
    - (i) before IP completion day by a member State other than the United Kingdom in accordance with this Regulation as it has effect in EU law, or
    - (ii) on or after IP completion day in accordance with the EU Type Approval Regulation by a member State,
 and includes any such approval which is revised or extended;
  - (b) “a relevant NI approval” means a valid EU type-approval, EU individual vehicle approval, national small series type-approval or national individual vehicle approval issued by the Secretary of State on or after IP completion day in accordance with the EU Type Approval Regulation as it has effect by virtue of the Northern Ireland Protocol, and includes any such approval which is revised or extended.
5. This Article applies without prejudice to Article 50(6).”
- (3) In Article 6 (obligations of Member States)—
- (a) in the heading, for “Member States” substitute “the authorities”;
  - (b) omit paragraphs 1 to 3;

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(1) 1988 c. 52. Subsection (1A) was inserted by S.I. 2019/648.

- (c) for paragraph 4, substitute—
    - “4. Vehicles, systems, components and separate technical units may only be placed on the market, registered or entered into service if they comply with this Regulation, or, where Article 5A applies to the vehicle, system or component, with the EU Type Approval Regulation.”;
  - (d) in paragraph 5—
    - (i) in the first subparagraph, for “Member States shall” substitute “The Secretary of State must”;
    - (ii) in the second subparagraph—
      - (aa) for “Member States” substitute “the Secretary of State”;
      - (bb) for the words from “harmonised dimensions” to the end, substitute “dimensions laid down in regulations 7 and 8 of the Road Vehicles (Construction and Use) Regulations 1986<sup>(2)</sup> and weights and axle loads laid down in regulation 4 of the Road Vehicles (Authorised Weight) Regulations 1998<sup>(3)</sup>”;
  - (e) in paragraph 6, for “Member States shall” substitute “The market surveillance authority must”;
  - (f) omit paragraph 7;
  - (g) in paragraph 8—
    - (i) in the first and second subparagraphs, for “Member States shall” substitute “The Secretary of State must”;
    - (ii) in the first subparagraph, omit the words from “, and the results thereof” to the end;
    - (iii) omit the third subparagraph;
  - (h) in paragraph 9—
    - (i) in the first and second subparagraphs, for “Member States shall” substitute “The Secretary of State must”;
    - (ii) in the first subparagraph, omit the words “and the results thereof” to the end;
    - (iii) omit the third subparagraph;
  - (i) omit paragraph 10.
- (4) In Article 7 (obligations of approval authorities)—
- (a) for “Approval authorities” each time it occurs, substitute “The approval authority”;
  - (b) in paragraph 1, at the end, insert “or, in the case of a relevant NI approval (within the meaning of Article 5A), the EU Type Approval Regulation”;
  - (c) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) for “They shall” substitute “It must”;
      - (bb) omit the words from “the obligation laid down” to “and to other”;
      - (cc) for “Union law” substitute “the law of the United Kingdom or of any part of the United Kingdom”;
      - (dd) for “in the Union” substitute “in the United Kingdom”;
    - (ii) omit the second subparagraph;

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(2) S.I. 1986/1078.

(3) S.I. 1998/3111.

- (d) in paragraph 3—
  - (i) for “market surveillance authorities”, both times it occurs, substitute “the market surveillance authority”;
  - (ii) for “approval authorities” substitute “the approval authority”;
  - (iii) for “EU type-approval certificate” substitute “GB type-approval certificate”;
- (e) in paragraph 4, for “an approval authority” substitute “the approval authority”.
- (5) In Article 8 (obligation of market surveillance authorities)—
  - (a) in paragraphs 1, 3, 8, 10, 12, for “Market surveillance authorities” each time it occurs, substitute “The market surveillance authority”;
  - (b) in paragraphs 1, 2, 9, 11 and 13, for “market surveillance authorities” substitute “market surveillance authority”;
  - (c) in paragraph 1, in point (c) of the second subparagraph—
    - (i) omit “the information exchanged in the Forum and”;
    - (ii) for “the implementing acts referred to in Article 13(10)” substitute “any retained direct EU legislation made under Article 13(10) as it had effect before IP completion day, or any regulations made under Article 13(10) as it is now in force”;
  - (d) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) omit “of each Member State”;
      - (bb) omit “per Member State”;
      - (cc) for “in that Member State” substitute “in Great Britain”;
    - (ii) in the second subparagraph, at the end insert “or, where Article 5A applies to the vehicle, the applicable regulatory acts listed in Annex II of the EU Type Approval Regulation.”;
  - (e) omit paragraphs 4 to 7;
  - (f) in paragraph 8—
    - (i) for “to the authorities”, substitute “to the authority”;
    - (ii) for “authorities consider” substitute “authority considers”;
  - (g) in paragraph 10—
    - (i) omit “within the territories of their Member States”;
    - (ii) omit “or the Commission”;
  - (h) in paragraph 11—
    - (i) omit “of one Member State”;
    - (ii) for “decide” substitute “decides”;
    - (iii) omit “relevant”;
  - (i) in paragraph 12—
    - (i) omit the words from “to the obligation” to “available to the Commission and”;
    - (ii) for “Union law” substitute “the law of the United Kingdom, or any part of the United Kingdom”;
    - (iii) for “in the Union” substitute “in the United Kingdom”;
  - (j) omit paragraphs 13 to 15.
- (6) Omit Articles 9 to 11.

- (7) In Article 12 (online data exchange)—
- (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) in the first and second subparagraphs—
      - (aa) for “Member States”, both times it occurs, substitute “the Secretary of State”;
      - (bb) omit “in the common secure electronic exchange system,” both times it occurs;
    - (ii) for the third subparagraph, substitute—

“The Secretary of State may by regulations establish the format of, and the criteria for, public access to the information referred to in the first and second subparagraphs of this paragraph.”;
  - (c) omit paragraph 3;
  - (d) in paragraph 4—
    - (i) in the first paragraph—
      - (aa) for the words from the beginning to “in order to” substitute “The Secretary of State must”;
      - (bb) for “EU” both times it occurs, substitute “GB”;
      - (cc) for “1 September 2022” substitute “1 September 2024”;
    - (ii) for the second paragraph, substitute—

“The Secretary of State may by regulations establish the format of, and the criteria for, public access to the information referred to in the first subparagraph of this paragraph.”;
  - (e) in paragraph 5—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for “implementing acts” substitute “regulations”.
- (8) In Article 13 (general obligations of manufacturers)—
- (a) in paragraph 1—
    - (i) after “this Regulation” insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation”;
    - (ii) at the end, for “those in Article 5” substitute “the requirements of Article 5 of the Regulation in question”;
  - (b) in paragraph 4—
    - (i) for “EU type-approval” both times it occurs, substitute “GB type-approval”;
    - (ii) for “the Union” each time it occurs, substitute “Great Britain”;
  - (c) in paragraph 5, after “this Regulation”, insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation”;
  - (d) in paragraph 8, for “the Union” substitute “Great Britain”;
  - (e) in paragraph 9, at the end insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, in the EU Type Approval Regulation”;
  - (f) in paragraph 10—
    - (i) in the first subparagraph—

- (aa) omit “without prejudice to Article 9(5) and”;
- (bb) for “Union and national law” substitute “the law of the United Kingdom or of any part of the United Kingdom”;
- (ii) for the second subparagraph, substitute—
  - “For the purposes of the first subparagraph of this paragraph, the Secretary of State may by regulations specify—
  - (a) the data to be made available free of charge, and
  - (b) the requirements to be met by third parties to demonstrate that they have—
    - (i) a legitimate interest in public safety or environmental protection, and
    - (ii) recourse to adequate testing facilities.”.
- (9) In Article 14 (obligations of manufacturers concerning their vehicles etc that are not in conformity or that present a serious risk)—
  - (a) in paragraph 1—
    - (i) in the first subparagraph, after “Regulation” insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation,”;
    - (ii) in the second subparagraph, omit “that granted the type-approval”;
  - (b) in paragraph 2, for “authorities” both times it occurs, substitute “authority”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “EU” each time it occurs, substitute “GB”;
    - (ii) in the second subparagraph—
      - (aa) for “authorities” substitute “authority”;
      - (bb) at the end, insert “and, where Article 5A applies to a vehicle, a copy of any EU certificate of conformity or UK (NI) certificate of conformity”;
  - (d) in paragraph 4—
    - (i) omit the first subparagraph;
    - (ii) in the second subparagraph, for “a national authority” substitute “the approval authority or the market surveillance authority”.
- (10) In Article 15 (obligations of manufacturer’s representatives)—
  - (a) in paragraph 1—
    - (i) for “authorities” each time it occurs, substitute “authority”;
    - (ii) in point (a)—
      - (aa) for “EU” each time it occurs, substitute “GB”;
      - (bb) for “one of the official Union languages” substitute “English”;
    - (iii) in point (b), for “an approval authority” substitute “the approval authority”;
  - (b) in paragraph 2, in the first paragraph, for the words from “both” to the end substitute “the approval authority”.
- (11) In Article 16 (obligations of importers)—
  - (a) in paragraph 1, at the end, insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, with the EU Type Approval Regulation”;
  - (b) in paragraph 2, in the first subparagraph—
    - (i) for “EU” substitute “GB”;

- (ii) after “certificate”, insert “or a type-approval certificate which is valid under the EU Type Approval Regulation, as appropriate.”;
    - (iii) after “Article 13(8)” insert “of this Regulation or, where applicable, of the EU Type Approval Regulation”;
  - (c) in paragraph 3, after “Regulation” insert “or of the EU Type Approval Regulation, where applicable”;
  - (d) in paragraph 4—
    - (i) for “market surveillance authorities” substitute “market surveillance authority”;
    - (ii) omit “that granted the type-approval”;
  - (e) in paragraph 6—
    - (i) after “Article 59,” insert “of this Regulation or, where applicable, of the EU Type Approval Regulation”;
    - (ii) for the words from “the official language” to the end, substitute “English”;
  - (f) in paragraph 9, at the end, insert “or, where applicable, in the EU Type Approval Regulation”.
- (12) In Article 17 (obligations of importers concerning their vehicles etc, that are not in conformity or that present a serious risk)—
- (a) for “authorities”, each time it occurs, substitute “authority”;
  - (b) for “EU” each time it occurs, substitute “GB”;
  - (c) in paragraph 1—
    - (i) after “this Regulation” insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation”;
    - (ii) omit “that granted the EU type-approval”;
  - (d) after paragraph 3, insert—

“**3A.** Where Article 5A applies to a vehicle, system, component or separate technical unit, the importer must—

    - (a) keep a copy of any EU type-approval certificate which applies to the vehicle, system or component in question, including the attachments referred to in Article 28(1) of the EU Type Approval Regulation, for a period of—
      - (i) ten years after the end of the validity of the EU type-approval of a vehicle, and
      - (ii) five years after the end of the validity of the EU type-approval of a system, component or separate technical unit, and
    - (b) ensure that the certificate and attachments referred to in subparagraph (a) can be made available to the approval authority and the market surveillance authority on request.”;
  - (e) in paragraph 4—
    - (i) for “a national authority” both times it occurs”, substitute “the approval authority or the market surveillance authority”;
    - (ii) in the first subparagraph—
      - (aa) after “unit” insert “with this Regulation or, where applicable, the EU Type Approval Regulation”;
      - (bb) for the words from “a language” to the end, substitute “English”.

- (13) In Article 18 (obligations of distributors)—
- (a) in paragraph 1—
    - (i) after “Article 59” insert “of this Regulation, or, where Article 5A applies to a vehicle, system, component or separate technical unit, of the EU Type Approval Regulation”;
    - (ii) for “the official language or languages of the relevant member State” substitute “English”;
    - (iii) at the end insert “of this Regulation or, where Article 5A applies, of the EU Type Approval Regulation”;
  - (b) in paragraph 3, at the end insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, in the EU Type Approval Regulation”.
- (14) In Article 19 (obligations of distributors concerning vehicles etc not in conformity or presenting a serious risk)—
- (a) in paragraph 1—
    - (i) after “this Regulation” insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation”;
    - (ii) omit “that granted the EU type-approval”;
  - (b) in paragraph 2—
    - (i) after “this Regulation”, insert “or, where Article 5A applies to a vehicle, system, component or separate technical unit, the EU Type Approval Regulation”;
    - (ii) omit “that granted the EU type-approval”;
  - (c) in paragraph 3—
    - (i) for “authorities” both times it occurs, substitute “authority”;
    - (ii) omit the words from “of the Member States” to the end;
  - (d) in paragraph 4, for “a national authority” substitute “the approval authority or the market surveillance authority”.
- (15) In Article 20 (cases in which obligations of manufacturers apply to importers and distributors)—
- (a) in point (b)—
    - (i) for “the Union” both times it occurs, substitute “Great Britain”;
    - (ii) omit “the territory of the”;
  - (b) at the end of point (b), insert—
    - “.
  - (c) where the importer or distributor makes available on the market or is responsible for the entry into service of a vehicle, system, component or separate technical unit to which Article 5A applies on the basis of a relevant EU approval or a relevant NI approval that was granted to a manufacturer outside Great Britain, and it is not possible to identify a manufacturer’s representative in Great Britain”.
- (16) In Article 21 (identification of economic operators), in the opening words—
- (a) for “an approval” substitute “the approval”;
  - (b) for “a market” substitute “the market”.