
STATUTORY INSTRUMENTS

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 2

Other EU Regulations

Commission Regulation (EU) 2017/2400: Articles

- 82.**—(1) Commission Regulation (EU) 2017/2400 is amended as follows.
- (2) In Article 1 (subject matter), for “in the Union” substitute “in Great Britain”.
- (3) In Article 2 (scope)—
- (a) in paragraph 1, for “Annex II to [Directive 2007/46/EC](#)” substitute “Article 4 of Regulation (EU) 2018/858”;
- (b) in paragraph 3, for “Annex II to [Directive 2007/46/EC](#)” substitute “Annex I to Regulation (EU) 2018/858”;
- (4) In Article 3 (definitions)—
- (a) omit point (5);
- (b) in point (16), for “Annex II to [Directive 2007/46/EC](#)” substitute “Annex I to Regulation (EU) 2018/858”;
- (c) in point (20), for “as defined in Article 3(15) of [Directive 2007/46/EC](#)” substitute—
- “a hybrid vehicle that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy or power—
- (a) a consumable fuel;
- (b) an electrical energy or power storage device, such as, for example, a battery, capacitor, flywheel or generator;”.
- (5) In Article 5 (electronic tools)—
- (a) in paragraph 1—
- (i) in the opening words, for “The Commission shall provide free of charge the following tools in the form of downloadable and executable software”, substitute “The approval authority must use the following electronic tools, as provided by the Commission under Article 5 of this Regulation as it has effect in EU law”;
- (ii) in the closing words, omit the words from “The Commission” to the end;
- (b) omit paragraph 2.

- (6) In Article 6(4) (application for a licence to operate the simulation tool etc)—
- (a) for “an EC type-approval”, both times it occurs, substitute “a GB type-approval”;
 - (b) omit “and access to vehicle repair and maintenance information” both times it occurs;
 - (c) in the final sentence, for “EC type-approval” substitute “GB type-approval”.
- (7) In Article 9 (obligation to determine and declare CO₂ emissions and fuel consumption)—
- (a) in paragraph 1, for “in the Union” both times it occurs, substitute “in Great Britain”;
 - (b) in paragraph 5, for “Article 24 of [Directive 2007/46/EC](#)” substitute “Article 45 of Regulation (EU) 2018/858”.
- (8) In Article 10 (modifications, updates and malfunctions of electronic tools)—
- (a) in paragraph 1, after “made available” insert “by the Commission in accordance with paragraph 1 of Article 5 of this Regulation as it applies in EU law”;
 - (b) after paragraph 1, insert—
 - “**1a.** The approval authority must notify approval holders as soon as practicable on each occasion that the simulation tool is updated by the Commission.”;
 - (c) in paragraph 2, for the words from “the Commission” to the end” substitute “the approval authority without delay”.
- (9) In Article 11 (accessibility of the simulation tool inputs and output information)—
- (a) in paragraph 1, omit “and the Commission”;
 - (b) omit paragraphs 2 and 3.
- (10) In Article 12 (components, separate technical units and systems relevant to determine CO₂ emissions and fuel consumption), after paragraph 7, insert—
- “**8.** A manufacturer may choose to comply with paragraphs 2, 3 and 4 by submitting values determined in accordance with Articles 13 and 14, and certified in accordance with Article 17, of Regulation (EU) 2017/2400 as it applies in EU law, provided that the components, separate technical units or systems concerned were certified before 31st December 2026.”.
- (11) In Article 16(3) (application for certification of CO₂ emissions and fuel consumption related properties), in the second subparagraph—
- (a) for “an approval” substitute “the approval”;
 - (b) for “point 1 of Annex X of [Directive 2007/46/EC](#)” substitute “point 2 of Annex IV of Regulation (EU) 2018/858”.
- (12) In Article 19(1) (subsequent changes relevant to the certification of CO₂ emissions etc), after “pursuant to” insert “Article 12(8) or”.
- (13) In Article 20 (responsibilities re conformity of simulation tool operation)—
- (a) in paragraph 1, in the second subparagraph, omit the words from “and shall make them available” to the end;
 - (b) in paragraph 2—
 - (i) in the second subparagraph, omit the second sentence;
 - (ii) omit the fourth subparagraph.
- (14) In Article 21 (remedial measures for the conformity of simulation tool operation), in paragraph 3, omit “and all the other Member States”.
- (15) In Article 22 (responsibilities re conformity of CO₂ emissions etc)—
- (a) in paragraph 1—

- (i) for “Annex X to [Directive 2007/46/EC](#)” substitute “Annex IV to Regulation (EU) 2018/858”;
 - (ii) after “Article 17”, insert “or with Article 12(8), where such components, separate technical units and systems are fitted to the vehicle,”;
 - (b) in paragraph 2, for the second sentence, substitute “In the case of components, separate technical units or systems approved under Article 12(8), the manufacturer must provide the approval authority with the test reports that were sent to the certifying approval authority in the relevant member State.”;
 - (c) omit paragraph 3;
 - (d) in paragraph 4, for “Any approval authority” substitute “The approval authority”.
- (16) In Article 23 (remedial measures for the conformity of CO₂ emissions etc)—
- (a) in paragraph 1, after “Article 17” insert “or Article 12(8)”;
 - (b) in paragraph 3, in the first sub-paragraph, omit “and all the other Member States”.
- (17) In Article 24(1) (transitional provisions), in the opening words, for “Member States shall prohibit the registration, sale or entry into service of” substitute “the registration, sale or entry into service of the following vehicles is prohibited”.
- (18) After Article 27 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.