

EC Whole Vehicle Type Approval

Consultation Analysis Report

Executive Summary

In June 2008, the Department for Transport (DfT) and the Department of the Environment in Northern Ireland (DoENI) undertook a consultation on the implementation of Directive 2007/46/EC. This extends European Community Whole Vehicle Type Approval (ECWVTA) from passenger cars to all commercial vehicles, including buses, coaches, vans, trucks, trailers and some other specialised vehicles. This is a harmonisation Directive with the objective of benefiting consumers and industry by creating a European single market in new vehicles, whilst ensuring high levels of road safety and environmental protection. The Directive comes into force from 29th April 2009.

The analysis of the responses showed that there was strong support from the consultees to the general principles embodied in our implementation of ECWVTA, including the proposals for UK-wide national approval schemes and trailer entry into service schemes. However, a number of issues were raised during the consultation, with the majority relating to issues such as bus construction and interior dimensions, school buses and wheelchair accessible vehicles. We have thoroughly reviewed the responses and have worked with the relevant industry associations to resolve these issues. Following detailed discussions with certain stakeholders we have made changes, chiefly in the following areas:

- Bus and minibus construction and interior fittings.
- For cars designed to carry wheelchairs, changes were made with the aim of minimising the costs of compliance whilst maintaining or improving the level of safety enjoyed by occupants of such vehicles. We continue to work very closely with the industry on these issues.
- A number of minor changes have been made to reduce the administrative burden and the costs of approval.
- For school buses, the proposed specification (which allows 3+2 seating) was not amended although these will now be known as buses of 'Class IIIS' rather than 'School buses' to avoid misinterpretation, since school children can still be carried in any bus. The issue of the necessity for restrictions on who can travel in a Class IIIS bus will be considered further following implementation.

We will proceed as quickly as possible to implementation of the national approval schemes, and the trailer entry into service schemes. These changes will ensure the schemes meet both the requirements of the Directive and the needs of UK business, while at the same time preserving high levels of safety and environmental performance.

Background

The Department for Transport (DfT) and the Department of the Environment in Northern Ireland (DoENI) completed a statutory consultation exercise in August 2008 on draft regulations to implement European Community Whole Vehicle Type Approval (ECWVTA). This is part of the approval framework introduced by Directive 2007/46/EC (the RFD or Recast Framework Directive) to extend ECWVTA from passenger cars to all commercial vehicles, including buses, coaches, vans, trucks, trailers and some other specialised vehicles such as motorhomes and breakdown vehicles. This is a harmonisation Directive with the objective of benefiting consumers and industry by creating a single market in new vehicles, whilst ensuring a consistent level of road safety and environmental protection.

The current European rules on the construction standards for road vehicles are to change in line with the requirements set out in Directive 2007/46/EC. The Directive must be implemented in UK domestic legislation by 29th April 2009. This will allow EC approvals to be issued by the UK authorities immediately, and over a 5 year phase-in period will require compliance for new vehicles entering service.

In addition to the European approval scheme the DfT and the DoENI propose to introduce National Small Series Type Approval and Individual Vehicle Approval schemes - an option made possible through the use of provisions in the Directive. The national schemes will cover the same categories of vehicle and technical subjects as the European scheme, but will provide a less onerous and more cost effective route to compliance for vehicles sold in the UK market in low volumes.

A key goal for both Departments was to ensure that the consultation reached as wide an audience as possible given the impact of the changes. In the run up to the consultation we used many channels to increase industry's awareness of ECWVTA and the opportunity they had to participate in the consultation. Activities included running seminars attended by some 250 organisations; the publication of features and articles on ECWVTA and the consultation in trade journals; and providing speakers for industry-led events. In addition DfT has worked very closely with its stakeholder group to ensure that they and their members were aware and able to participate.

Overview of the consultation

The consultation was launched in June 2008. Its purpose was to seek comments on the Departments' proposals and associated matters. In particular, views were sought on:

- whether to offer national approval schemes
- the technical requirements for the proposed national schemes

- the draft Regulations
- fee levels for each of the proposed approval routes, and
- the draft Impact Assessment

Response profile

Letters were sent to over 3000 companies and individuals inviting them to participate in the consultation and explaining how they could do so. A total of 104 responses to the consultation were received. The break down of the responses by organisation is provided in Table 1. The responses comprised of 74 completed questionnaires and 30 letters. It should be noted that the 25 Trade Associations in most cases represent the views of large numbers of companies in vehicle manufacture and transportation.

Of the total of 104 responses received, 9 responses were seeking clarification and have therefore been excluded from the analysis and dealt with separately. The remaining responses total 95.

Small to Medium Enterprise (SM)	24
Large Company (LC)	28
Representative Organisation/Trade Association (RO)	25
Trade Union (TU)	0
Interest Group (IG)	7
Local Government (LG)	7
Central Government (CG)	4
Police (PO)	2
Member of the public (MP)	5
Other (OT)	2
TOTAL RESPONSES	104
EXCLUDE 9 RESPONSES SEEKING CLARIFICATION	9
REMAINING RESPONSES	95

Table 1 - Breakdown of response by organisation type

Response overview

The consultation document asked 16 specific questions and also asked for any general comments. 8 questions were voting questions - respondents could agree or oppose the Department's proposals. 8 questions were not voting questions but were used to elicit comments.

Table 2 shows the number of responses for the 8 voting topics. It can be seen that there is good overall support, except for the level of fees. It is quite understandable that respondents would like to see lower fees.

Consultation Topic	Number of responses received			Total
	Yes (Support)	No (Oppose)	No Comment	
National approval schemes plus ECWVTA	71	3	21	95
UK wide national schemes (GB & NI)	71	0	24	95
National specification for school buses	29	10	56	95
Rules for End of Series derogation	35	21	39	95
Checking approval certificate for small trailers	28	14	53	95
Checking approval certificate for large trailers	32	6	57	95
Proposed NSSTA Fees	21	35	39	95
Proposed IVA Fees	24	36	35	95

Table 2 - Breakdown of responses by consultation topic

Detailed analysis

Each question in the consultation is reproduced in the shaded boxes, together with analysis of the responses and commentary on the results. The Department's response is then provided.

Your views on the proposed approval schemes

Q1: Do you agree with our proposal to introduce National approval schemes in addition to the EC Whole Vehicle Type Approval Scheme (Option 2)

Please add any additional comments you wish to make:

Figure 1 shows that 71 responses (75%) agreed with DfT’s proposal to introduce National approval schemes in addition to the ECWVTA, 3 responses (3%) opposed the proposal and 21 responses (22%) expressed no preference.

Reviewing the additional comments made, some respondents thought that such a scheme is long overdue and agreed that it is essential that the opportunity exists to obtain approval under UK National schemes for special vehicles etc. Those who voted 'no' seem to have done so on the basis of their concerns for cost and timescales needed for companies to modify their production processes.

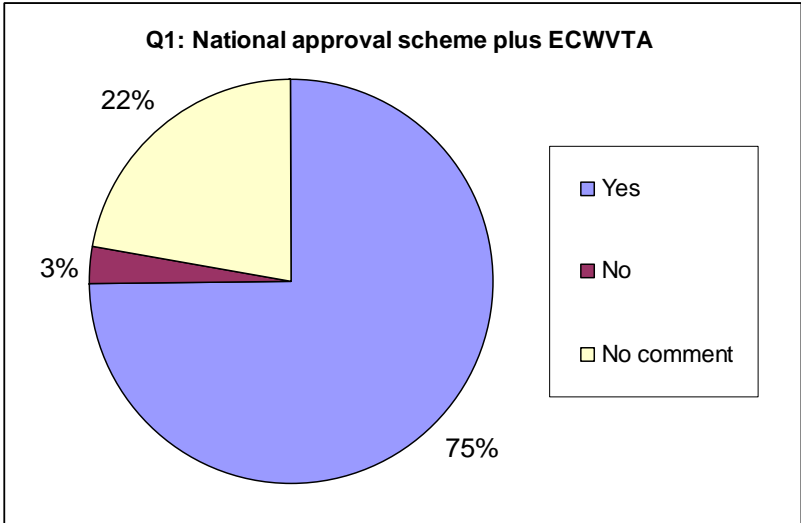


Figure 1 - Response to proposal for a national scheme plus ECWTA

Department response

It is encouraging to note that a very large proportion of respondents supported our proposals to have national approval schemes, and only a tiny number opposed them. The national schemes were conceived in line with industry requests and we will proceed as quickly as possible to implementation of these schemes. Concerns expressed about the costs of complying with national schemes are considered in question 3.

Q2: Do you agree with the decision to opt for UK-wide national schemes, identical in Great Britain and Northern Ireland?

Please add any additional comments you wish to make:

Figure 2 shows that 71 responses (75%) supported the proposal for UK wide national approval schemes, no responses opposed the proposal and 24 responses (25%) expressed no preference.

The response to this question is very similar to question 1. No one opposed this proposal which suggested that there is consensus for common technical

requirements in GB and Northern Ireland. Some comments called for even more closely harmonised National schemes in different Member States to avoid confusion and maximise benefits.

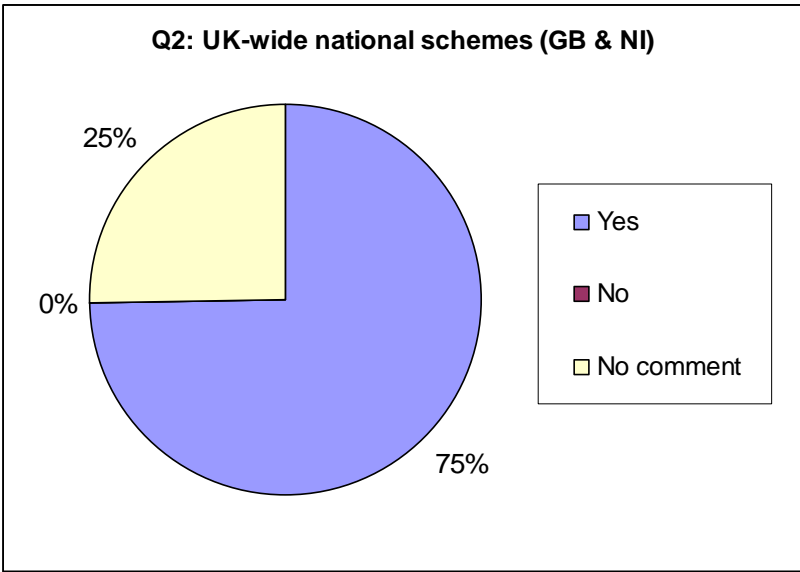


Figure 2 - Response to UK-wide national schemes (GB & NI)

Department response

We are encouraged that the vast majority of respondents agreed with our proposals for UK wide national schemes and will proceed as planned.

There were several comments about harmonising the national schemes with other Member States. From 29 April there will be an EC Small Series type approval (EC SSTA) scheme for low volume passenger cars (limited to 1000 units per year) which combines acceptance across the EC with lower technical requirements. Work is underway on developing a harmonised EC Individual Vehicle Approval (IVA) scheme, initially for passenger cars and light trucks (categories M1 and N1), and further harmonisation is likely to follow.

Your views on the proposed technical requirements

Q3: Do you have any comments on the technical requirements in Annex B for any vehicle category under the proposed National Small Series Type Approval (NSSTA) scheme?

Please elaborate below, or submit a separate sheet with your comments, including a reasoned justification for any changes you wish to make:

43 respondents provided detailed comments to this question about the technical requirements for National Small-Series Type Approval (NSSTA). The key issues covered the following subjects:

- Bus construction, interior dimensions and features. NSSTA now mandates most aspects of the “**Bus Directive**”, **Directive 2001/85/EC**, which previously was optional in GB and NI. This has some differences to current national rules and industry requested a number of exemptions.
- Buses used to carry schoolchildren. Operators and local authorities wished to retain the flexibility to have a bus with 3+2 seating (School Buses).
- Vehicles intended to carry occupants in wheelchairs. For buses with up to 22 seats, respondents were concerned that the number of wheelchairs to be carried would be reduced, since more space would need to be allowed for each wheelchair in line with the specification in the Bus Directive. For cars (known as WAV - wheelchair accessible vehicles), which are modified from type approved vehicles, respondents were pleased that these had been recognised as a special category in the legislation but requested more exemptions to reduce the costs associated with approval of the modifications necessary to accommodate space for a wheelchair.
- A number of changes were requested for special vehicles mainly used in national traffic, such as car transporters and long wheelbase 4 axle tipper trucks. Current GB and NI rules differ from the European rules in a number of ways.

Virtually all respondents could accept the general principles adopted, but many expressed concerns at the costs of compliance, particularly for those sectors new to type approval such as truck bodybuilders and trailer manufacturers. Clarification and interpretation of the requirements was requested in some cases.

Department response

DfT experts have thoroughly reviewed the responses related to the technical requirements for NSSTA. We have worked with industry associations to resolve the issues and they are now broadly content. We have made a number of modifications to the technical requirements. In response to the key issues above:

- Regarding bus construction, interior dimensions and features, the majority of the requested changes have been made.
- There was some misunderstanding of our proposals on School Buses. Under the new regulations, 3+2 seating (5 abreast) will still be possible in such buses, however the capacity for a typical 13 metre bus or coach is likely to decrease from 70 to 65 children due to a requirement for increased legroom compared to current rules. This is in line with the

general increase in height of the population and the raising of the school leaving age to 18.

- For both minibuses and cars designed to carry wheelchairs, changes have been made with the aim of minimising the costs of compliance whilst maintaining or improving the current level of safety enjoyed by occupants of these vehicles. We will continue to work closely with the industry on these issues.
- For special vehicles mainly used in national traffic such as car transporters and 4 axle tipper trucks, several exemptions were granted since there is no evidence to suggest that current national rules are detrimental to safety.

A number of minor changes have been made to reduce the administrative burden and costs of approval. For example: -

- engineering assessment rather than physical testing of certain subjects where this can provide high confidence of compliance,
- engineering assessment rather than physical testing of certain modifications made when converting approved vehicles (e.g. panel vans) into a different category of vehicle (e.g. minibus), and
- acceptance of seat belts on vehicles not named in the seat belt approval documents (subject to an engineering assessment).

Q4: Do you have any comments on the technical requirements in Annex B for any vehicle category under the proposed Individual Vehicle Approval (IVA) scheme?

Please elaborate below, or submit a separate sheet with your comments, including a reasoned justification for any changes you wish to make:

Similarly to question 3, this question required a detailed qualitative analysis of the comments on the technical requirements for Individual Vehicle Approval (IVA). There were 51 respondents who provided comments to this question. Key issues from the responses were as follows:

- The four key issues outlined under question 3 for NSSTA were also raised for vehicles undergoing IVA.
- Issues specific to the particular types of vehicles that would typically be approved individually rather than type approved. For example, concerns were raised by independent importers of vehicles from Japan and North America stating that mass produced vehicles from these countries might have difficulty in complying with one or two subjects, which would thus

halt the import of vehicles from those territories, and concerns were raised on behalf of small companies building classic replica vehicles.

- Respondents were also concerned about the capacity of VOSA to provide the IVA inspections required for the increased number of vehicles.

In general, there was broad agreement that the technical requirements appear appropriate. However, there were concerns about the amount of documentary evidence that is required for some subjects. For example, respondents felt that for heavy goods vehicles, there is too much reliance upon having test reports or type approval certificates; it is too similar to ECWVTA. More reliance should be placed upon simple testing at the time of the IVA test.

Department response

DfT experts have thoroughly reviewed the responses related to the technical requirements for IVA and worked with industry associations to resolve any issues. We have made a number of modifications to the technical requirements.

- Regarding the issues mentioned under NSSTA the response is the same, and similar changes, (amending as necessary for the IVA regime), have been made.
- Certain limited changes have been made for independent imports of vehicles originally intended for sale in Japan or North America, as long as evidence of compliance with standards in the intended country of sale is provided. These vehicles are manufactured to similar high standards as those intended for sale in Europe. A small change was made to assist producers of classic replica vehicles.
- We have reviewed carefully with VOSA the issue of managing the additional workload. They have a strategy which will allow them to be responsive to changes in demand over the 5 year introductory period to 2014. A key aspect of the strategy is for VOSA to work with industry associations to predict and manage spikes in demand. VOSA have set up regular Light and Heavy Vehicle Trade User Groups for this purpose.

The evidence of compliance required has been reduced in some cases, where this can be justified. For example, in the case of Side (Lateral) Under-run Protection on heavy vehicles, an IVA test will involve a visual inspection of this area rather than documentary evidence of compliance being required. Conversely, documentary evidence in the key areas of Exhaust Emissions, Drive-by Noise and Braking compliance will still be required for heavy vehicles as these subjects are critical to safety and environmental protection. Documentary evidence of compliance is already required under current legislation, and to relax this requirement would risk reducing the protection afforded to other road users and society in general. It is also important to note that the vast majority of heavy vehicles are based on a mass produced chassis of a type sold throughout Europe which routinely comply with all subjects for which documentary evidence is

required - it is just the specialised bodywork which is bespoke and built in limited quantities that would be subject to inspection at IVA.

Q5: Do you agree with the proposal to introduce a national specification for School Buses, and the proposal to prohibit their use on scheduled services?

Figure 3 shows that 29 responses (31%) supported the proposal. 10 responses (11%) opposed this proposal and 56 responses (59%) provided no comment. Many respondents expressed a 'no comment' preference which indicates that they are not directly involved in this field.

The proposal was generally welcomed by trade associations with members who operate school buses. However the proposal for possible restrictions on the use of these vehicles (to be known as Class IIIS buses) received a variety of responses. Some respondents felt that the use of these buses would be self-enforcing, in that operators would be unlikely to use them on scheduled services for the public because of the restricted space per person. Others requested flexibility in the permitted use, otherwise these buses would lie idle during the middle of the day (ie. during school hours).

Generally, respondents felt that it would be difficult to implement a restriction on the number of persons carried above a certain age (for example no more than 10 persons over the age of 16), without ruling out certain legitimate or desirable usage.

In addition, some respondents felt that only buses of this class should be used on all school related journeys including excursions and tours, and preferred to retain the same minimum dimensions as in the existing national rules, which would permit more passengers in a given size of bus. There was a request for these vehicles to be fitted with high back seats and an interlock to be fitted to all emergency doors preventing their opening over 5mph.

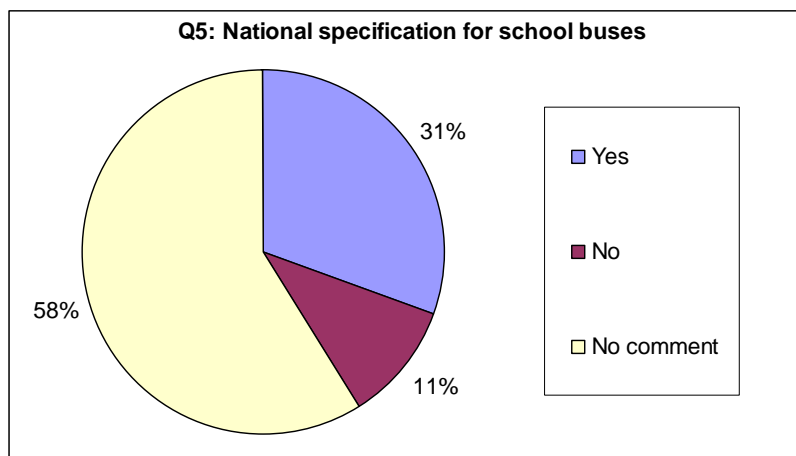


Figure 3 - Response to national specification for school buses

Department response

In the absence of any significant opposition to this proposal and in view of the strong supportive comments from operators, the DfT will allow the approval of buses constructed to carry children, with less space per occupant than for standard buses, under the national approval schemes. These buses will be known as Class IIIS buses, since school children will still be permitted to be carried in any bus, not just these buses, whether on a school related journey or not. We will not be requiring enhanced safety features (apart from seat belts, which will be mandatory, as they are on all Class III buses) since it seems preferable to allow schools or operators to specify these if they wish, according to their circumstances, whether or not they choose to use Class IIIS buses.

Regarding the question of possible restrictions on use of such buses, the consultation was not conclusive. It would appear difficult to impose a restriction on the number of persons above a certain age that could be carried, without ruling out certain legitimate usage. Once the current package of measures on vehicle approval is implemented the Department will consider whether to carry out informal consultations with operators and user groups to determine whether any restrictions on the use of Class IIIS buses are necessary. Such restrictions might be through legislation or other means such as a code of practice.

Q6: Do you agree with the proposal to operate only the "3-month" rule for End of Series vehicles of all categories?

If the answer is no, please specify why you would prefer the "percentage of previous year's production" rule to apply. (more information is in Article 27 and Annex XII of the RFD):

Figure 4 shows that 35 responses (37%) supported the 3 month rule for End of Series proposal, 21 responses (22%) opposed the scheme and 39 responses (41%) provided no comment.

Although many respondents supported this proposal, there is also a relatively sizeable proportion opposing it. The comments of all the organisations opposed to the 3-month rule were examined in detail. It was seen that 19 out of 22 organisations may have misunderstood the proposal on this complex subject, since they asked for a 12 month period in which to sell and register unsold stock upon the onset of a new regulatory requirement. In fact this proposal would allow 12 months (or 18 in the case of multi-stage build) to register vehicles that were built at least 3 months before the onset of a new regulatory requirement.

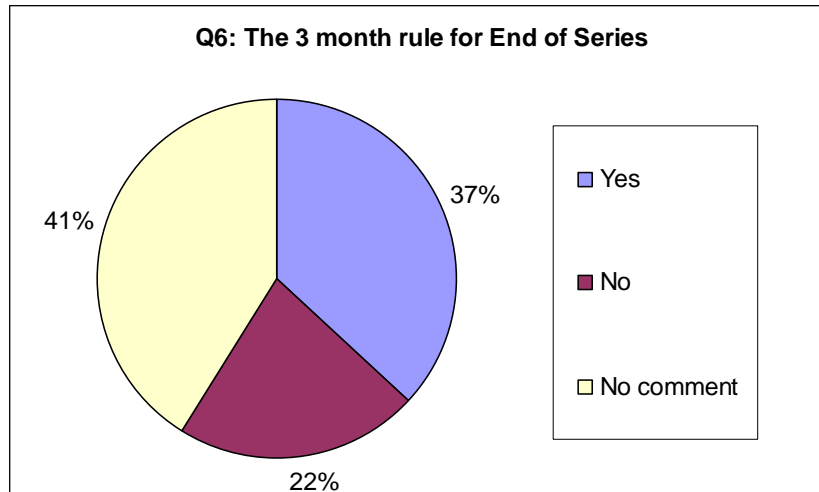


Figure 4 - Response to the 3-month rule for End of Series

Department response

The further analysis has revealed that due to the complexity of the European rules on this subject, some respondents misinterpreted the impact of these proposals. We believe this contributed to the higher number of negative responses and have communicated directly with key respondents to explain the proposal more clearly. We intend to proceed with implementation of the “3 month rule”, since only a very small number of stakeholders preferred the other option of “percentage of previous year’s production”. Unfortunately the European legislation does not allow us to apply both options, only one. We will also provide further information to help clarify how the rules will apply.

Your views on the proposed approach for trailers

Q7: Do you agree with our proposals for checking the approval certificate for small trailers, (trailers that do not have an annual test)? The proposal is that retailers check the approval certificate when selling the trailer, and keep records of this.

Please add any additional comments you wish to make:

Figure 5 shows that 28 responses (29%) supported the proposal for checking approval certificate for small trailers, 14 responses (15%) opposed the idea and 53 responses (56%) again provided no comment.

More respondents agreed than disagreed with the proposal for checking the approval certificates for small trailers. Many respondents expressed a 'no comment' preference (56%) which may indicate they are not directly involved with manufacturing or sale of such trailers. Of those who opposed this proposal, issues pertaining to the roadworthiness of used trailers, checking approval

compliance of used trailers and the level of responsibility for manufacturers to retain records were raised.

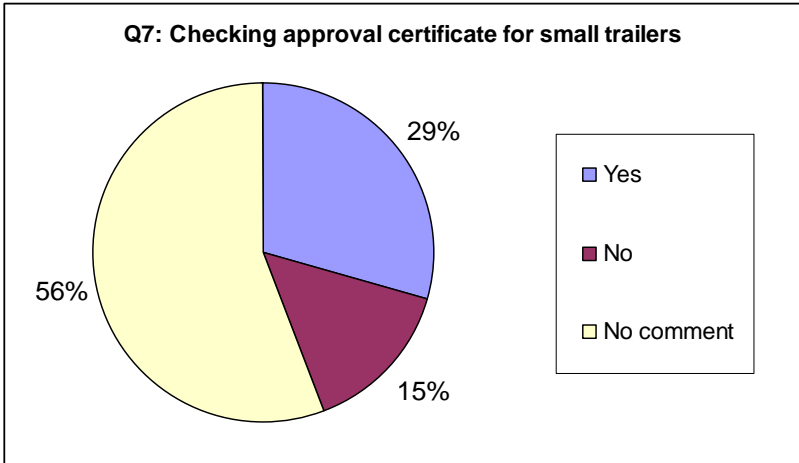


Figure 5 - Response to checking approval certificate for small trailers

Department response

Although respondents have raised a number of issues, overall there was support for this proposal and we will implement it as planned. We are encouraged by the support and the recognition of the advantages to such a scheme, for example, improved trailer standards and effective entry into service controls.

Q8: Do you agree with our proposals for checking the approval certificate for large trailers, (trailers that have an annual test)? The proposal is that large trailers are notified to VOSA before being placed on the road, VOSA will then provide consent that the trailer can be used.

Please add any additional comments you wish to make:

Figure 6 shows that 32 responses (34%) supported the proposal for checking approval certificate for large trailers, 6 responses (6%) opposed this proposal and 57 responses (60%) elected to provide no comment.

Many respondents agree with the proposal for checking the approval certificates for large trailers. Many respondents expressed a 'no comment' preference (60%) which may indicate that they are not directly involved with manufacturing or sale of such trailers. Of those who opposed this proposal, concerns regarding the practice of producing trailers that are neither recorded by or referred to VOSA and which will thereby avoid Annual Testing were raised. However, a number of organisations noted that this proposal will reduce the risk of non-compliance of large trailers being used on the road, thus improving road safety.

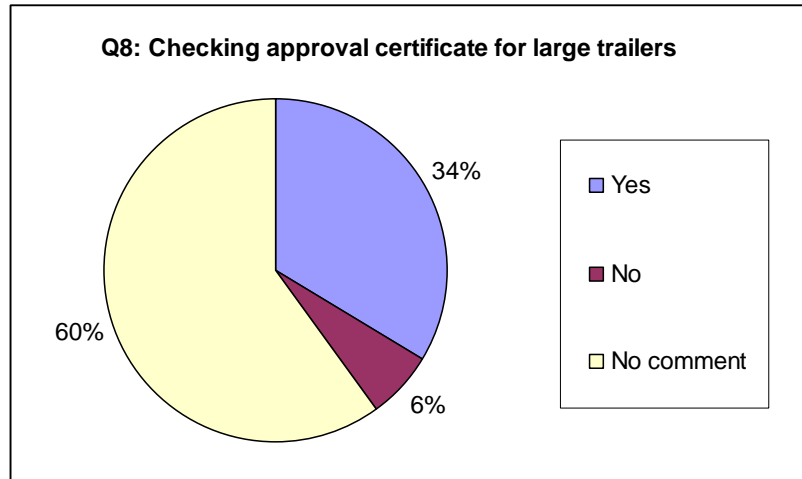


Figure 6 - Checking approval certificate for large trailers

Department response

DfT is encouraged by the support for this proposal and will proceed to implement it. Together with the responsible Agency VOSA, we are developing appropriate communication strategies to ensure that organisations and stakeholders are aware of the forthcoming requirement to notify a new trailer to VOSA before it goes on the road.

Your views on Post Registration Conversion

Q9: Do you believe that there are safety or environmental protection issues today with vehicles modified at some point after registration? Please explain why and provide evidence to support your statement.

Please add any additional comments you wish to make:

This question raised a number of written responses. Many of the respondents agreed that the vast majority of professional coach builders and aftermarket modifiers operate to a high standard, and vehicles are at least as safe as when first tested. Respondents also noted that there were a number of modifications made after registration to less than satisfactory standards. These are described under Question 10. In terms of safety and the environment, some respondents offered anecdotal evidence that modifications made after registration could have an effect.

Various suggestions were made to improve the current processes – these included better roadside enforcement and tighter controls on changes to vehicle registration certificates (V5C), as well as policing or testing changes to vehicles at the annual MOT.

Department response

See overall response under Q11.

Q10: Are there any particular areas of the vehicle where you believe there is a problem at present, where modifications are made which have a negative effect on road safety or the environment? If yes please give details below, and describe which vehicle categories you are most concerned about.

Please add any additional comments you wish to make:

Respondents to this question identified a number of areas where they believed there might be a problem at present. These are summarised below:

- Vehicles, typically light commercial vehicles and some 4 x 4 cars, with an extra axle fitted or increases to the payload/vehicle weight rating without justification or the support of the original vehicle manufacturer. This may lead to overloading and inadequate braking capability.
- Seating and seatbelt anchorages added after registration may not be of adequate standard. For example, converters of minibuses may not understand the difference between a tested seat (out of vehicle test), and a complete in-vehicle installation of seats.
- Post-registration fitting of items that may cause vehicles to become non-compliant, such as noisy exhausts, engine management “chips” that affect emission compliance, and wider wheels and tyres, may reduce the benefit of vehicle type approval standards.
- Fitment of extended bodywork without considering the impact on mirrors to maintain an adequate view to the rear.

Department response

See overall response under Q11.

Q11: Do you favour more stringent restrictions and checks on the modifications that can be made to registered vehicles? Please give a reasoned justification and advise which vehicle categories you are addressing.

Please add any additional comments you wish to make:

A number of responses (51%) were in favour of more stringent restrictions whilst 19% were opposed. Breaking down the organisations opposing more stringent restrictions is helpful in understanding the significance of this question.

Many are organisations which can be assumed to represent numerous members' views. Some of the comments raised by these organisations include:

- The existing safeguards (MOT procedures and powers invested in the Police under Construction & Use regulations, as well as the Notifiable Alteration schemes for larger vehicles) provide adequate regulation.
- One organisation suggested relaxing the current Notifiable Alteration scheme for Public Service Vehicles.
- Some respondents felt it would be impossible to administer or enforce strict restrictions on modifications in the private vehicle sector. They suggested that modified vehicles are generally not a safety problem and the problem lies with poorly maintained vehicles.

Department response

It is noted that a number of respondents would like to see extra checks or controls on modifications to vehicles that take place after registration. Various safety concerns were cited, however we received little evidence beyond the anecdotal to back up the views of consultees, as to the actual risk presented and the numbers of vehicles involved. Some consultees opposed any additional restrictions and felt that the current situation was adequate or even (in the case of buses), a little restrictive.

We believe that the majority of vehicle converters operate within the law but accept that the new approval regulations may increase the incentive for the unscrupulous to avoid type approval. We will keep the situation under review during the implementation period and maintain contacts with stakeholders to identify any new or emerging evidence. The European Commission also plan to regulate certain items fitted in the aftermarket (such as engine management “chips”) and we will await their proposals.

Your views on the proposed inspection fees

Q12: Do you agree with the proposed fees for National Small Series Type Approval inspections?

Please add any additional comments you wish to make:

Figure 7 shows that 21 responses (22%) supported the proposed NSSTA fees, 35 responses (37%) opposed this proposal and 39 responses (41%) provided no comment.

Many respondents opposed the level of NSSTA fees. They queried the fairness of the fees in terms of time taken and expertise involved and noted that costs should reflect the current VCA rates. Some respondents provided a detailed calculation by comparing the proposed fees for NSSTA with current fees. They

suggested that a full quote on fees should be given prior to the commencement of a test. Other suggestions included charging a higher fee to large manufacturers and a reduced one for small ones. There were requests for clarification of various elements of the fees.

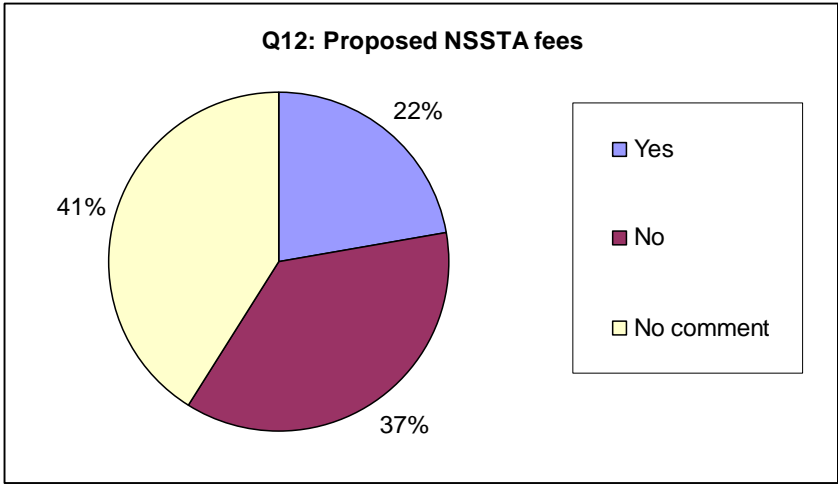


Figure 7 - Response to the proposed NSSTA fees

Department response

It is important to recognise that the proposed fees account for only a small part of the overall cost of developing vehicles to meet with the new regime. The fees outlined are a worst case, it is envisaged that a well organised homologation programme would result in a considerable reduction in the proposed fees. Also, for companies such as bodybuilders who only require approval for a small number of subject areas these fees would also reduce.

We believe these fees are a reasonable reflection of VCA costs in undertaking NSSTA inspections and will be implementing the proposed fee structure.

Q13: Do you agree with the proposed fees for Individual Vehicle Approval inspections?

Please add any additional comments you wish to make:

Figure 8 shows that 24 responses (25%) supported the proposed IVA fees, 36 responses (38%) opposed this proposal and 35 responses (37%) elected not to comment.

Many respondents opposed the level of IVA fees. They queried the fairness of the fees in terms of time taken and expertise involved. They noted that test centres for IVA need to be readily accessible around the country, and the lead time for appointments needs to be short; some converters have told us they already travel to alternative test sites to obtain a suitable appointment, thereby giving rise to

increased costs. Some respondents wanted to ensure that fees would be consistent for both UK & N Ireland.

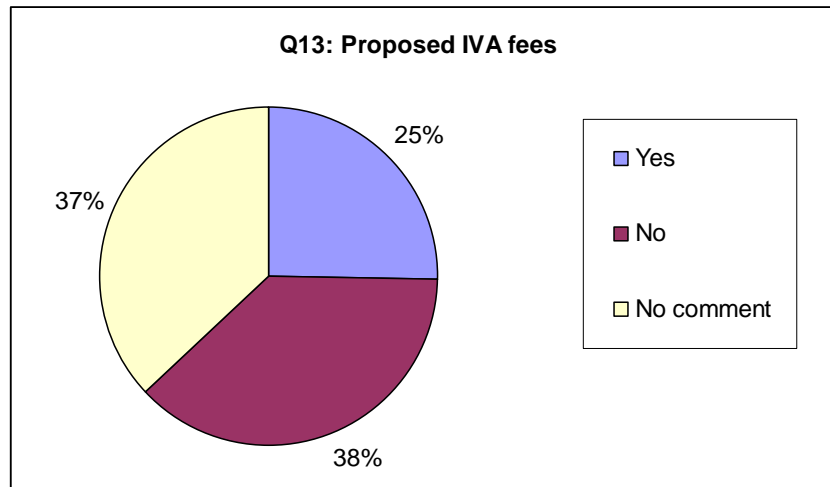


Figure 8 - Response to the proposed IVA fees

Department response

The fees are only a small element of the overall costs of approval, and reflect the anticipated time and resources needed by VOSA to inspect vehicles. It would not be acceptable for VOSA to make a loss on IVA testing or for other schemes to subsidise it. The fees are structured to minimise cross-subsidy between different vehicle types within the IVA scheme whilst minimising complexity.

Following the consultation and the revisions made to technical requirements, VOSA is updating its timing exercises to confirm inspection times and reduce where possible. This may result in small reductions to some of the IVA fees.

Your views on the Draft Impact Assessment

Q14: Do you have any views on the overall presentation of the draft impact assessment?

23 respondents expressed views on the question 14 of the Draft Impact Assessment (IA). A summary of their comments are:

- Many respondents expressed concern that their particular specialised field of vehicle construction or importation was not mentioned in the IA.
- Some respondents favoured NSSTA over IVA for UK sales but expressed concerns about the substantial cost burden from the NSSTA option and the administrative burden by IVA. They noted that IA does not detail the overall cost per approval only the administration cost.

- Respondents noted that specific industry views have not been listed in the public consultation and that such stakeholder views were not considered in depth in the findings of the Impact Assessment. However these views were not supported by evidence to substantiate the point made.
- Some respondents agreed with the general terms of the impact assessment of costs to small trailer manufacturers. But expressed concern about the impact on the very small light trailer manufacturers making bespoke units

Department response

The IA is a high-level document and analysing particular specialised sectors is not possible. We are making modifications to the national schemes which will reduce the costs of compliance – see Questions 3 and 4. There was no evidence that the basic assumptions and costs used in the Impact Assessment were invalid.

Q15: Do you have any views about the costs or benefits of each of the options proposed as detailed in the impact assessment or on any of the underlying assumptions made?

26 respondents expressed views on this question. Many of the responses to question 15 repeated the responses in question 14. A summary of these are:

- Some respondents expressed concern that the impact on SMEs has not been fully quantified. They suggested this will lead to a reduction in available converters (smaller companies may cease trading due to additional financial pressures), reduction in choice and market competition, with a downturn in innovation. Little evidence was provided to support these statements.
- Respondents noted that neither the capital cost of additional vehicles that would be required if the capacity to carry wheelchairs in minibuses was reduced nor the greenhouse effect of all the extra journeys have been factored into the impact assessment.
- Respondents expressed support that the spirit of the IA is correct in recommending option 2 throughout - to protect small businesses.

Department response

We appreciate that cost is an issue and we are addressing it with changes to the national schemes. The Directive provides only limited opportunity to reduce the burdens on manufacturers from the technical requirements. Our proposals seek to exploit fully this flexibility and this is reflected in the IVA and NSSTA schemes. These will allow companies to continue to build small volumes of vehicles without

the additional costs of ECWVTA compliance. It maintains choice and competition in the market place and will particularly assist smaller businesses.

Q16: Do you have any views about the potential impacts on businesses of implementing the requirements in the Directive / national schemes?

43 respondents expressed views on question 16. A summary of the responses is as follows:

- Some respondents welcomed the proposed schemes, noting that other Member States have had more rigorous approval schemes for a number of years.
- There were concerns from companies that the proposed schemes will add to the burden of bureaucracy for the converters as well as their costs and may have a detrimental effect on many of the SMEs in the UK.
- Whilst full support is given for Whole Vehicle Type Approval, coupled with national approval schemes including National Small Series Type Approval and Individual Vehicle Approval, some respondents are concerned about the potential of the larger manufacturers to drive the industry towards standard vehicles.

Department response

Regarding question 16, we believe that we have provided industry with a range of 'routes to market', allowing choice and flexibility. We recognise that requiring minimum technical standards and quality management regimes may be an additional burden for any company not producing compliant products.

As mentioned under Questions 3 and 4, we are making adjustments to the national schemes in line with comments received during the consultation. Many of these should reduce the cost of compliance.

Any other information

Q17: If you have any other general comments that you would like to make concerning this consultation, please give them here

A total of fifty-three (53) respondents provided general comments. Most of these comments are a repeat of previous comments under other questions and have been addressed under those headings. Some respondents were also seeking clarification on certain aspects of the consultation.

Many respondents welcomed national approval schemes. Some groups expressed an interest in engaging further with DfT in the implementation of the Directive.

Wheelchair Accessible Vehicle (WAV) manufacturers requested more time to meet the requirements of the new regime, in line with a table in the Directive which allows until April 2012 for manufacturers of certain types of car designed for special purposes to comply.

One association requested clarification on whether vehicles complying with the new regime would still need to apply to VOSA for a Certificate of Initial Fitness (COIF) to operate as a Public Service Vehicle in Great Britain.

Several official importers of cars requested the continuation of a scheme which allows enhancements to be made to cars with ECWVTA before they are registered.

Department response

We confirm that the current scheme permitting enhancements to cars with ECWVTA will continue in a slightly revised form.

We confirm that legislation is being drafted to eliminate the need for vehicles approved as buses under the new regime to apply for a COIF certificate to operate in Great Britain. The target date for this to take effect is 29 April 2009.

Regarding the request from the WAV manufacturers for more time before the new regime takes effect, we have decided to grant this request and apply the new requirements from 29 April 2012, in the meantime the existing national approval regimes will continue for certain special purpose cars (including WAVs and hearses).

Summary of results

The consultation results indicate that industry is broadly content with the substance of our proposals. A number of respondents requested that we reduce the cost of compliance with the national approval schemes (National Small series Type Approval – NSSTA, and Individual Vehicle Approval - IVA) and suggested modifications that would have the effect of reducing their costs. We have assessed these requests carefully and granted the majority of them, whilst ensuring a level of road safety and environmental protection which is equivalent to the greatest extent practicable to the level provided for in the relevant Directives.

Regarding End of series, the majority favoured the “3 month rule”, which allows vehicles manufactured more than 3 months before the mandatory registrations date for a new requirement, to be registered at any point up to 12 months after such a mandatory registrations date. We will offer this on all vehicle categories and we also intend to provide industry with clear information on the complex End of Series rules.

There was good support for our proposals on trailer entry into service and we will proceed with these as planned.

Regarding school buses and post-registration conversions, responses were more mixed. We are proceeding to offer derogations to allow school buses to have a higher passenger capacity than regular buses, but regarding the other aspects of these proposals we will monitor the situation after implementation before taking any further actions.

Next steps

Next steps are to revise the draft regulations on the lines set out in this document, and then make the regulations, which is expected by April 2009. One or two pieces of existing legislation will be amended and ultimately repealed, as a consequence of introducing the new regime.