



Department of the
Environment
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Department for
Transport

EC WHOLE VEHICLE TYPE APPROVAL - NATIONAL APPROVAL SCHEMES, TECHNICAL REQUIREMENTS AND FEES

CONSULTATION DOCUMENT



TYPE APPROVAL
Is your business ready?

JUNE 2008

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1 FOREWORD

1. The aim of the Department for Transport and the Department of the Environment in Northern Ireland is to deliver transport that works for everyone. Our strategic objectives include improving the environmental performance of transport and strengthening the safety and security of transport. To help achieve this there are national regulations governing the construction of new motor vehicles and trailers. This consultation proposes new regulations to facilitate a harmonised European market for new vehicles and implement Directive 2007/46/EC on EC Whole Vehicle Type Approval (EC WVTA) for buses, trucks and trailers.

2 EXECUTIVE SUMMARY

2. This is a UK-wide public consultation being undertaken jointly by the Department for Transport (DfT) and the Department of the Environment in Northern Ireland (DoENI). It seeks your views on the proposed implementation of Directive 2007/46/EC on vehicle approval in the UK.
3. This is a harmonisation Directive with the objective of benefiting consumers and industry by creating a single market in new vehicles, whilst ensuring a minimum level of road safety and environmental protection.
4. This consultation will be of interest to you if you:
 - manufacture, build, convert, or import motor vehicles or trailers in the UK
 - build bodywork on a vehicle or trailer chassis
 - provide a technical service to the above
 - sell vehicles or trailers
 - are responsible for vehicle approval or certification
5. 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 RFD or Recast Framework Directive). The Directive will be implemented on 29th April 2009 and changes to UK domestic legislation will be necessary in order to comply with the new rules. The changes will allow vehicle approvals to be issued by the UK authorities and to allow UK enforcement agencies to take effective action against non-compliant manufacturers. Without the appropriate approvals it will not be possible to sell or register a new vehicle for use on the road.
6. From 29th April 2009 the new harmonised European standards will, over a 5 year period, be gradually extended to cover all passenger and commercial vehicles, including vans, trucks, minibuses, buses, coaches, trailers and various specialist vehicles like motorhomes and breakdown vehicles. This will remove trade barriers for manufacturers and ensure common road safety and environmental standards are provided throughout Europe to purchasers and operators of such vehicles.
7. In addition to the European approval scheme the Department for Transport and the Department of the Environment in Northern Ireland 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 as the European scheme, but provide a less onerous and more cost effective route to compliance for vehicles sold mainly in the UK market in low volumes.
8. The purpose of this consultation is to seek your comments on our proposals. In particular we are interested in your views on:
 - the proposed national approval schemes

- the technical requirements for the proposed national schemes
 - certain details of the draft Regulations
 - fee levels for each of the proposed approval routes, and
 - the draft Impact Assessment
9. The remainder of this document is structured to provide you with detailed information about the Directive and our proposals.
10. Chapter 4 - explains the background to the Directive
11. Chapter 5 - provides detailed information about the requirements of the Directive
12. Chapter 6 - explains the options considered and the proposed way forward
13. Chapter 7 - sets out the questions that we would like answered
14. Annex A contains the draft Regulations
15. Annex B sets out the proposed national technical requirements
16. Annex C contains the draft Impact Assessment.

3 HOW TO RESPOND

17. The consultation period will run from the 2nd June 2008 until 22 August 2008
Please ensure that your response reaches us by that date and is headed with
“**VEHICLE APPROVAL CONSULTATION RESPONSE**” to avoid any confusion.
18. If you would like further copies of this consultation document, it can be found at:
www.dft.gov.uk/typeapprovalconsultation or you can email your request for a
paper copy to ecwvtaconsult@dft.gsi.gov.uk.
19. Please send consultation responses to
- Mike Lowe
Vehicle Approval Consultation
Zone 2/03
Great Minster House
76 Marsham Street
London
SW1P 4DR
- Email: ecwvtaconsult@dft.gsi.gov.uk
20. When responding please state whether you are responding as an individual or
representing the views of an organisation. If responding on behalf of a larger
organisation please make it clear who the organisation represents, and where
applicable, how the views of members were assembled.
21. If you wish to discuss any matters or would like further clarification then please
make such requests in writing to the same address. We will endeavour to
respond within 14 days of receipt of your request but please be aware that the
deadline for full responses will not be extended beyond the date given.
22. A list of statutory organisations/stakeholders being consulted is included in this
consultation document. If you have any suggestions of others who may wish to
be involved in the consultation process please let us know.
23. This consultation has been produced in accordance with the principles of the
Government's "Code of Practice on Consultation" **ANNEX D**.
24. According to the requirements of the Freedom of Information Act (2000), all
information contained in your response to this consultation may be subject to
publication or disclosure. This may include personal information such as your
name and address. If you want your response or your name and address to
remain confidential, you should explain why confidentiality is necessary. Your
request will be granted only if it is consistent with Freedom of Information
obligations. An automatic confidentiality disclaimer generated by your e-mail
system will not be regarded as binding on the Department.

25. A summary of responses to this consultation will be published on our website after the consultation period has closed. Paper copies will be available on request. The Government will then announce its conclusions following the consultation.

26. If you do not wish to receive any future consultations on this subject or similar subjects, please let us know and we will amend our records accordingly.

4 BACKGROUND

27. The European Union (EU) has adopted the Recast Framework Directive (2007/46/EC, the "RFD") on the approval of motor vehicles and their trailers, systems, components and separate technical units and of parts intended for such vehicles. This will replace the existing Framework Directive (70/156/EEC). The most significant change is the extension of European Community Whole Vehicle Type Approval (ECWVTA) from passenger cars to what might be generally described as "commercial vehicles", in other words trucks, buses and trailers, as well as certain specialist vehicles. The requirement for approval covers the finished vehicle and thus includes bodywork.
28. From 29th April 2009 the new harmonised European standards will, over a 5 year period, be gradually extended to cover all passenger and commercial vehicles, including vans, trucks, minibuses, buses, coaches, trailers and various specialist vehicles. This will remove trade barriers for manufacturers and ensure common road safety and environmental standards throughout Europe for purchasers and operators of such vehicles.
29. This new Directive requires wholesale revision of current GB (Great Britain) and NI (Northern Ireland) vehicle approval schemes. The schemes will require manufacturers or importers of motor vehicles and their trailers to demonstrate they comply with road safety and environmental standards before being put on the road.

4.1 Current European Legislative Arrangements

30. The existing Framework Directive lays down the general process for the EC type approval of motor cars. The technical requirements, i.e. the specifications to which the different parts of the vehicle must be constructed, are detailed in "separate directives" which are listed in Annex IV to the FD, and cover such items as Noise, Brakes and Tyres. In some instances the separate directives do not refer to a particular part of the vehicle, but to something it does: for example, it may specify the tests to carry out to assess the effect of an impact against a pedestrian.
31. European type approval for the whole vehicle is currently mandatory only for new mass-produced cars. For cars produced in small series (less than 500 of a model per year) Member States are permitted to offer derogations from the full EC type approval. Such a scheme, known as Low Volume Type Approval (LVTA), is currently available in Great Britain.
32. For cars submitted as single vehicles, for Special Purpose Vehicles related to cars (e.g. motorhomes, ambulances), and for vehicles in other categories such as buses, goods vehicles (trucks) and trailers, as well as their related Special Purpose Vehicles, European type approval for the whole vehicle is not currently available and the nature of the vehicle approval process (if any) is left to national

discretion, although manufacture to the standards set by the separate Directives has to be accepted by national authorities even if alternative national standards exist.

33. For motor vehicles, European type approval is enforced at the point of registration. The relevant registration authority, Driver and Vehicle Licensing Agency (DVLA) in GB and the Driver and Vehicle Agency (DVA) in Northern Ireland, will not permit a vehicle to be registered unless the applicant can produce the required approval certificate or relevant documentation.
34. For trailers, there is currently no registration system. There are no plans to introduce a formal registration system for trailers in the UK. Proposed arrangements for the checking of trailer approval documents are outlined in section 6.3 below.
35. In general the manufacturer of the vehicle will obtain approval. In the case of vehicles imported in small numbers from outside the EU (including personal imports), suitable documentation is rarely supplied with the vehicle. The applicant will therefore be required to submit the vehicle for an inspection and should make enquiries in advance as to the likely compliance with UK legal requirements before purchasing a vehicle abroad.
36. Motorcycles (including tricycles and lightweight low power 4 wheeled vehicles known as 'quadricycles'), agricultural tractors and non-road mobile machinery have separate EC Approval regimes under other Directives and are not the subject of this consultation.
37. Currently there are provisions for "end-of-series" vehicles, i.e. vehicles that were manufactured before a new regulatory requirement came into effect but were not sold or registered in time. Manufacturers are able to request permission from the Vehicle Certification Agency (VCA) to sell a limited number of vehicles for up to a year after the new requirements came into force. Slightly different rules apply to different categories of vehicle, in some cases only vehicles manufactured more than 3 months before a new requirement came into effect are eligible for exemption, whilst in other cases the number of vehicles is limited to a certain percentage of the previous year's production.

4.2 Current Domestic legislation

38. The following section details the approval legislation that is currently in operation within the UK, and the vehicles that are exempt from approval.

Implementation of EC Type Approval

39. The EC Type Approval Framework Directive 70/156/EC was implemented under the Motor Vehicles (EC Type-Approval) Regulations 1998 SI No. 2051 (as amended) and is applicable across the UK.

40. This permits ECWVTA to be issued for M₁ vehicles (cars) and requires that cars cannot be registered without a certificate of conformity. Cars produced in low volumes or as single vehicles are exempt from EC approval and instead subject to national approval.

National Approvals

41. There are several sets of Regulations setting up GB and NI national approval regimes, for cars and for goods vehicles:

Type Approval Regime	Legislation
Low-volume type approval for cars (500 vehicle limit per year)	<ul style="list-style-type: none"> Motor Vehicles (Type Approval) Great Britain Regulations 1984 (S.I. 1984/981) Motor Vehicles (Type Approval) Regulations (NI) 2007 (S.R. 2007 No 240)
National type approval for goods vehicles	<ul style="list-style-type: none"> Motor Vehicles (Type Approval for Goods Vehicles) (Great Britain) Regulations 1982 (S.I. 1982/1271) No equivalent in Northern Ireland.
Individual approval for cars and small goods vehicles (currently known as SVA / ESVA)	<ul style="list-style-type: none"> Motor Vehicles (Approval) Regulations 2001 (S.I. 2001/25). Motor Vehicles (Approval) Regulations (NI) 2001 (S.R. 2001 No 172)

Table 1 - Legislation for existing national approval regimes in GB and NI

Vehicles not subject to EC approval

42. N₁ goods vehicles are subject to national approval in both Great Britain and Northern Ireland. N₂ and N₃ goods vehicles are subject to national approval in Great Britain but are not subject to national approval in Northern Ireland.
43. Buses are not subject to mandatory EC or national approval, although buses that are intended for use as Public Service Vehicles (i.e. for carrying fare paying passengers) are covered by a form of approval. Requirements are set out in GB under the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 and in Northern Ireland under the Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (NI) 1995.
44. Trailers are not subject to any approval regime, or registration system. Larger trailers which carry goods are subject to annual roadworthiness testing in both GB and Northern Ireland.

45. Motorhomes and Ambulances are not subject to national approval. Other Special Purpose vehicles related to cars, such as Hearses and Wheelchair accessible vehicles, are subject to approval.
46. Various Special Purpose vehicles related to trucks, such as snow ploughs and certain break-down vehicles, are currently exempt from goods vehicles approval in GB. Likewise, trucks and trailers designed to carry over-length or over-weight inseparable loads (Abnormal Indivisible Loads - AIL) under the Road Vehicles (Authorisation of Special Types) (General) Order 2003 rules are not currently subject to approval.
47. The Road Vehicles (Construction and Use) Regulations 1986, the Motor Vehicles (Construction and Use) Regulations (NI) 1999, the Road Vehicles Lighting Regulations 1989 and the Road Vehicles Lighting Regulations (NI) 2000 (all as amended) include construction requirements (in addition to regulating the maintenance of the equipment and the use of the vehicle). These provide a standard to which vehicles not currently subject to an approval regime must comply. Similarly oversized vehicles and some other special types of vehicle must comply with the STGO and in NI with the Motor Vehicles (Authorisation of Special Types) Order (NI) 1997.

5 REQUIREMENTS OF THE RECAST FRAMEWORK DIRECTIVE

48. The RFD will take effect from 29th April 2009 and be phased in over a five year period. For each effective date, Article 26 of the Directive states that (subject to certain exemptions) 'Member States shall register, and permit the sale or entry into service of, vehicles only if they are accompanied by a valid certificate of conformity.'
49. A valid certificate of conformity is one issued by a manufacturer who holds an ECWVTA type approval or a National Small Series approval for that type of vehicle. Manufacturers are required to make adequate arrangements to ensure conformity of production with the approved type.
50. By 29th October 2014, after the phased introduction is complete, the type approval regime will apply to the majority of new cars, vans, trucks, buses, trailers and some specialist vehicles.
51. The RFD will not affect the current arrangements for type approval of motor cycles, tricycles, quadricycles and agricultural tractors.

5.1 European whole vehicle type approval

52. When granting EC WVTA type approval Member States must follow the technical requirements and administrative procedures laid down by Articles 8 to 12 and Annexes IV and XI of the RFD. Annex IV contains a list of the Directives for which approval must be obtained, before ECWVTA can be obtained. The Annexes in the version of the RFD as originally adopted are out of date but there is a Commission proposal for an amending Regulation to correct this. The amended version refers to 61 Directives although of course not all of them apply to all categories of vehicle. Examples of the subjects tested include Braking, Noise, Lighting, Exhaust emissions, Rear and Side under-run (for heavy vehicles) and Tyres. Approval to these Directives can be obtained from the UK approval authority, the Vehicle Certification Agency, (VCA) or the authorities of other EU Member States. Links to all the Directives can be found here on the EC website:

<http://ec.europa.eu/enterprise/automotive/directives/vehicles/index.htm>

The proposed Regulation amending the RFD Annexes is at:

http://ec.europa.eu/enterprise/automotive/pagesbackground/whole_vehicle/proposal_amending_annexes.pdf

53. To obtain approval, a sample vehicle (often a prototype) will be tested to the standards contained within the appropriate Directive, usually in the presence of independent witnesses. The vehicle tested would usually be the 'worst case' - meaning the version within a model range expected to perform most poorly in the

subject under test. VCA should be approached for advice if you require more details of type approval testing.

5.2 National type approval small series

54. Under Article 23 member states are permitted to introduce national small-series approval schemes. They may waive one or more provisions of one or more of the regulatory acts listed in Annex IV or Annex XI of the RFD, provided they lay down suitable alternative requirements.

5.3 Individual approval

55. Under Article 24 member states are permitted to introduce individual approval schemes. They may waive one or more provisions of one or more of the regulatory acts listed in Annex IV or Annex XI of the RFD, provided they impose suitable alternative requirements.

5.4 Scope, Exemptions and Derogations

56. The following vehicles are entirely outside the Directive's provisions:

- vehicles with a maximum design speed below 25 kph (approx. 15mph)
- tracked vehicles
- agricultural vehicles and trailers designed exclusively to be drawn by agricultural vehicles (these are subject to Directive 2003/37/EC)

57. The vehicles listed below are outside the mandatory scope of the Directive. These vehicles will still have to be registered with DVLA or DVA if they are to be used on the public road, as is required today, but proof of type approval will not be required. The Directive nevertheless offers manufacturers the **option** of applying for type approval or individual vehicle approval, if they wish. If they do apply, they must show that vehicles satisfy the relevant technical requirements of the Directive.

- Fire engines (including an airfield crash tender)
- Vehicles designed and constructed for use by the Armed services, the Police and Civil defence
- Vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities. (These would normally fall within the 'Works Truck' definition under current GB and NI Construction and Use regulations - examples include *Fork lift trucks*, *Dumper trucks*, *straddle carriers*)
- Mobile machinery (Some vehicles which fall within either 'Works Truck' or 'Engineering Plant' definition under current GB and NI Construction and Use regulations would fall in this category. It comprises vehicles which are not

considered a means of transport for either goods or passengers - examples include *road rollers, motor graders, wheeled dozers*)

- Vehicles designed exclusively for racing on roads
- Prototypes - vehicles which are used on the road under the responsibility of a manufacturer to perform a specific test programme.

5.5 End of Series

58. Article 26 of the RFD states that the number of such vehicles registered, sold or entered into service in the course of a single year shall not exceed the number of units shown in Part A of Annex XII. Member States have a choice as to which method of calculation to use.

59. Annex XII offers 2 methods. The maximum number of end-of-series vehicles may be restricted in one of the following ways:

- vehicles of any type the certificates of conformity for which have remained valid for at least 3 months after the date of issue (the “3-month rule”); or
- in the case of category M₁ up to 10% of the vehicles put into service in the UK during the previous year and, in the case of all other vehicles, up to 30% of those which are put into service in that year (or, if numbers are very small, up to 100 vehicles in each case)

60. The UK is proposing to adopt the “3-month rule” in the future for all vehicle categories. This means that to apply for an End of Series exemption, a vehicle would have to have been manufactured at least 3 months before the new regulatory requirement, from which the manufacturer is seeking an exemption, took effect.

5.6 Directive Timetable

61. The full timetable for the introduction of the Directive is given in Table 2 overleaf. The table details the dates when the directive becomes mandatory for each vehicle category. The Directive will be implemented over a five year period to allow industry, in particular those which are currently subject to little or no regulation, to prepare for the changes. The date when a vehicle comes within the scope of the Directive depends on its category, its stage of manufacture and whether it is a new or an existing “type”. For further details on new and existing types see section 6.2.5 below.

Categories concerned	Enforcement Dates		
	New types of vehicles - Optional	New types of vehicles Obligatory	Existing types of vehicles Obligatory
M ₁	N.A. (*)	29 April 2009	N.A. (*)
Special-purpose vehicles of category M ₁	29 April 2009	29 April 2011	29 April 2012
Incomplete and complete vehicles of category N ₁	29 April 2009	29 October 2010	29 October 2011
Completed vehicles of category N ₁	29 April 2009	29 October 2011	29 April 2013
Incomplete and complete vehicles of category N ₂ , N ₃	29 April 2009	29 October 2010	29 October 2012
Incomplete and complete vehicles of category O ₁ , O ₂ , O ₃ , O ₄	29 April 2009	29 October 2010	29 October 2012
Incomplete and complete vehicles of category, M ₂ , M ₃	29 April 2009	29 April 2009	29 October 2010
Special-purpose vehicles of category N ₁ , N ₂ , N ₃ , M ₂ , M ₃ , O ₁ , O ₂ , O ₃ , O ₄	29 April 2009	29 October 2012	29 October 2014
Completed vehicles of category N ₂ , N ₃	29 April 2009	29 October 2012	29 October 2014
Completed vehicles of category M ₂ , M ₃	29 April 2009	29 April 2010	29 October 2011
Completed vehicles of category O ₁ , O ₂ , O ₃ , O ₄	29 April 2009	29 October 2011	29 October 2013

Table 2 - RFD Timetable, Directive 2007/46/EC Annex XIX, dated 5 September 2007

(*) Not Applicable

6 PROPOSALS FOR IMPLEMENTING THE DIRECTIVE

6.1 The Approval Scheme Options

In considering how to implement the Directive, the Department for Transport and the Department of the Environment in Northern Ireland have looked at and evaluated two main options. A potential third option, to do nothing, was considered at an early stage but disregarded as being untenable. The ECWVTA Directive requirements are mandatory and must be implemented if the UK is to avoid infraction proceedings in the European Court; maintaining the status quo is therefore not an option.

- Option 1 Implement the ECWVTA scheme only i.e. accept and issue only European wide approvals
- Option 2 Implement the ECWVTA scheme together with national schemes for small series approval and individual approvals.

62. A summary of each option is given below.

OPTION 1: IMPLEMENT THE ECWVTA SCHEME ONLY

63. By implementing the ECWVTA scheme (including EC Small Series Type Approval) only, all businesses would have to comply with the RFD requirements even if their products are sold only in the UK and not in other EU member states.

64. Under the ECWVTA scheme:

- a prototype of the vehicle would have to be tested to destruction in some cases
- the prototype would be subject to stringent testing which could involve the booking of test facilities
- the production process would have to be inspected and demonstrate that it met the Conformity of Production (CoP) requirements of the RFD.

65. Only once the manufacturer had been awarded a type approval certificate could they then manufacture the vehicle, issue it with a certificate of conformity and sell it.

66. Feedback from industry and trade organisations indicates that this option would only be viable for large volume manufacturers that trade across Europe. For the small business who sells only within the UK, the costs of complying could be economically unsustainable and in some cases result in the business ceasing to trade.

OPTION 2: IMPLEMENT ECWVTA AND NATIONAL APPROVAL SCHEMES

67. The ECWVTA concept relies on vehicles being mass produced for the European market. Since not all vehicles manufactured in the UK are mass produced or intended for sale outside the UK, the Departments could take advantage of two provisions in the RFD and introduce national approval schemes that are more suited to UK requirements. However, the provisions do not remove the requirement for vehicles to obtain an approval before entering the market. Furthermore, any alternative requirements imposed nationally must “ensure a level of road safety equivalent to the greatest extent practicable” to the ECWVTA standards.

6.2 The Proposed Way Forward

68. The Departments have carefully considered the options and are proposing to implement Option 2. This will allow industry the widest choice of whether to obtain ECWVTA, where large sales across Europe are foreseen, or to obtain national approval where sales are primarily in the UK, in lower numbers. In addition Option 2 will:

- ensure high levels of road safety and environmental protection for vehicles by maintaining the performance requirements as they are specified in the new European scheme, whilst
- minimising the burdens to industry with schemes that are administratively less onerous than the European schemes

69. The national schemes will be UK-wide (replacing the current different approval regimes in Great Britain and Northern Ireland, where these exist). The Departments propose to introduce two national schemes: National Small Series Type Approval (NSSTA) (to be administered by the Vehicle Certification Agency, VCA) and Individual Vehicle Approval (IVA) (to be administered by the Vehicle Operator Services Agency, VOSA). The approval requirements in each scheme will differ depending on vehicle category.

70. Further detail is set out in the draft Regulations at **ANNEX A**.

6.2.1 National Small Series Type Approval

71. National Small Series Type Approval is based on the concept of ‘type’ approval and adheres to the same principles of ECWVTA and EC Small Series Type Approval. The key differences between the national and European schemes are that:

- some of the technical requirements and verification procedures for NSSTA will be reduced compared with the European requirements
- the Conformity of Production (CoP) requirements are appropriate and proportionate to the scale of operation.

72. Both measures should reduce the costs of approval compared to full European approval.
73. The NSSTA Technical Requirements are based on the provisions set out in the 61 separate Directives, with derogations where justified. The proposed NSSTA technical requirements are set out in **ANNEX B**, by category. There are three separate documents, one for M₁ (car) NSSTA, one for N₁ (light truck) NSSTA and one covering NSSTA for all other categories. Please read them thoroughly. If you have any questions please contact the Vehicle Certification Agency (VCA) at www.vca.gov.uk since they will be issuing NSSTA in the UK, or use the email or postal addresses given for consultation replies.
74. Under NSSTA the manufacturer is limited as to the number of vehicles of a given type that can be manufactured in one year. We propose to adhere to the maximum limits as set out in the Directive and listed below.

Vehicle category	Vehicle Description	Weight	Limits
M ₁	No more than 8 seats in addition to the driver's seat	n/a	75
M ₂	More than 8 seats in addition to the driver's seat	5t or less	250
M ₃	More than 8 seats in addition to the driver's seat	Over 5t	250
N ₁	Light trucks and vans	3.5t or less	500
N ₂	Mid size vans and trucks	Over 3.5t and not more than 12t	250
N ₃	Heavy trucks	Over 12t	250
O ₁	Very light trailers	0.75t or less	500
O ₂	Light trailers	Over 0.75t and not more than 3.5t	500
O ₃	Medium trailers	Over 3.5t and not more than 10t	250
O ₄	Heavy trailers	Over 10t	250

Table 3 - National Small Series Type Approval Limits

75. Inspections can in some cases be carried out at the manufacturer's premises, where the appropriate facilities exist. Once the design is approved, individual vehicles will not need to be tested and the manufacturer can issue a Certificate of Conformity (CoC). The CoCs must be numbered and the manufacturer must not issue more than the number noted in the table above per type per year for sale in the UK. The form of the CoC for NSSTA is set out in Schedule 6 of the Regulations and will be based on the European CoC for ECWVTA.

76. UK NSSTA will be issued by the VCA. There is no absolute requirement for Member States to accept the national approvals of another Member State, although they may only refuse to accept them if the technical standards are not comparable to their own. If a manufacturer wishes to sell his vehicle with national type approval in another Member State he will need to apply to the local approval authority for recognition of his approval, which if gained will allow him to issue a further numbered set of CoCs, up to the numerical limit applied in that Member State. The receiving approval authority will have 60 days within which to agree or reject the application and must specify the reasons - based on incompatibility with UK standards - for rejecting the application. There is a similar procedure for when the owner of the vehicle with national type approval wishes to take up residence in another Member State and take their vehicle with them.

6.2.2 Individual Vehicle Approval

77. Individual Vehicle Approval (IVA) is the other national scheme. It is designed for manufacturers making unique vehicles, or very low numbers of vehicles, and importers of single vehicles (who will usually be private individuals). The IVA scheme involves a physical inspection of each vehicle to check that it complies with the Technical Requirements. Depending on the category of vehicle submitted, up to 38 examination areas may be assessed for compliance, although many involve only a simple check.

78. For M₁ and N₁ category vehicles, two tiers are proposed. Basic IVA (**BIVA**) which equates to the current Single Vehicle Approval (SVA) scheme and **IVA** which equates to the current Enhanced SVA scheme (ESVA). For all other vehicle categories only the standard IVA is available.

79. The IVA technical requirements are based on the provisions set out in the 61 separate Directives, and contain derogations where justified. The proposed IVA technical requirements are set out in **ANNEX B**. There are three separate documents, one for M₁/N₁ BIVA, one for M₁/N₁ IVA, and one covering IVA for all other categories (which also covers NSSTA for those categories). Please read them thoroughly.

80. For Individual Vehicle Approval (IVA), the inspection manuals which define the examinations to be performed to determine compliance are being developed by the Vehicle and Operators Services Agency (VOSA). Copies of the draft inspection manuals will be available from the VOSA website shortly:

<http://www.vosa.gov.uk/vosacorp/publications/consultationsandresearch/consultationpapers/consultationpapers.htm>

81. The technical requirements largely consist of references to various paragraphs in EC Directives. For the Inspection manuals, the relevant text has been extracted, and converted into language that is easier to follow. If you still have questions, please use the email or postal addresses given for consultation replies.

82. As well as an inspection, compliance can also be demonstrated in advance by supplying documentary evidence of a satisfactory approval or test report for some items. BIVA will allow inspection for all subjects. However with IVA, for certain subjects such as braking and emissions, only directive compliance can be accepted as an inspection for these subjects will not be possible. This may necessitate production of a test report from VCA or an accredited Technical Service. A list of accredited Technical Services will be published on the VOSA website www.transportoffice.co.uk in due course or can be obtained by contacting the VCA.

83. Individual Vehicle Approval will be administered by:

- Vehicle and Operator Services Agency (VOSA) in Great Britain and vehicle examinations will be carried out at a selection of their network of test facilities located throughout Great Britain. Some of these will be co-located with the existing passenger car SVA inspection centres. VOSA inspectors may carry out examinations at private sector inspection facilities, providing certain criteria are met
- Driver and Vehicle Agency (DVA) in Northern Ireland and vehicle examinations will be carried out at selected inspection facilities in Northern Ireland.

6.2.3 Special Issues

84. The introduction of the Directive presents a number of challenges when looking at the implementation of the national schemes. Two significant issues are identified in the following paragraphs together with our proposals.

SCHOOL BUSES

85. New European standards for buses which are now being mandated require that buses are constructed with slightly more legroom and seat width than our existing national standards. There is an exemption available for School Buses. Bus operators have advised us that their costs will increase if they are forced to operate buses with more legroom and thus a lower passenger capacity, and have argued that the extra seat space is not needed for carrying school children

86. One solution would be to introduce a national specification for school buses, permitting a more compact seating space and thus an extra row of seats within a given size of bus. We feel that there would need to be restrictions to prevent these buses being used on routes open to the general public, however restricting these buses to only carry school children might mean that they lie idle during the middle of the day and thus limit demand for them to an uneconomic level.

87. We propose to offer a School Bus specification in the national approval schemes, with reduced leg room and seat width, and invite comments as to whether this is

desirable. We also propose to impose restrictions on the number of passengers above a certain age, (for example no more than 10 persons aged over 16 to be carried), to prevent such vehicles being used on scheduled services, and invite comments on the most suitable restriction to be contained in regulations.

CERTIFICATION OF INITIAL FITNESS

88. Currently buses that are used for carrying paying passengers (known as Public Service Vehicle, PSV) in Great Britain are required to undergo inspection and certification before they are first used. A COIF certificate is issued. Under the new regime, it is the intention to remove the requirement to obtain a COIF certificate for vehicles which have a valid approval, whether it be an EC, NSSTA or IVA approval. However requirements relating to the equipment which must be carried on a PSV and requirements as to the use of such vehicles will remain.

6.2.4 Impact on Existing Schemes

89. The introduction of the RFD and the national schemes will result in a number of UK regulations being repealed by the end of the phase-in period. The following table indicates which current approval regimes will be replaced:

Current approval regime	New regime	Date of change
<u>UK regimes</u>		
M ₁ ECWVTA ¹	Same	N/a
<u>GB regimes</u>		
M ₁ LVTA ²	NSSTA ³	29.4.09
M ₁ SVA ⁴ , Enhanced SVA	Basic IVA ⁵ , IVA	29.4.09
M ₂ , M ₃ COIF ⁶ (single vehicle)	IVA,	29.4.09 - 29.10.14†
M ₂ , M ₃ (vehicle type)	NSSTA, ECWVTA	29.4.09 - 29.10.14†
N ₁ GVNTA ⁷	NSSTA, ECWVTA	29.10.10 - 29.4.13†
N ₁ SVA, ESVA ⁸	Basic IVA, IVA	29.10.10 - 29.4.13†
N ₂ , N ₃ GVNTA	NSSTA, ECWVTA	29.10.10 - 29.4.14†
N ₂ , N ₃ GVNTA (single vehicle)	IVA,	29.10.10 - 29.4.14†
<u>Northern Ireland regimes</u>		
M ₁ LVTA	NSSTA	29.4.09
M ₁ SVA, ESVA	IVA, Basic IVA	29.4.09
N ₁ SVA, ESVA	IVA, Basic IVA	29.10.10 - 29.4.13†

Table 4 - Replacement of current regulations

† Date depends on type of vehicle and number of stages of manufacture

¹ European Community Type Approval (ECWVTA)

² Low Volume Type Approval (LVTA)

³ National Small Series Type Approval (NSSTA)

⁴ Single Vehicle Approval (SVA)

⁵ Individual Vehicle Approval (IVA)

⁶ Certificate of Initial Fitness (COIF)

⁷ Goods Vehicle National Type Approval (GVNTA)

⁸ Enhanced Single Vehicle Approval (ESVA)

6.2.5 Treatment of Existing Types / New Types

90. The RFD will apply to **new** and **existing types of vehicle** (whether or not covered by a national scheme at present) with effect from the appropriate dates in the relevant columns of Table 2 above.
91. For vehicles which are currently covered by a national scheme it is relatively simple to identify a new type since it is one for which no approval already exists under the existing national schemes. In GB, this applies to M₁ vehicles (excluding Motorhomes and Ambulances) and incomplete vehicles in category N. In NI, it applies to the same M₁ vehicles only.
92. For all other vehicles which are not currently subject to mandatory approval in GB or NI, manufacturers have not been required to declare their vehicle "types". Therefore DVLA in GB and DVA in NI would not be able to identify a "new type" to which the new approvals regime might apply. Whether a vehicle is a new or existing type therefore is to a large extent a matter for the manufacturer to determine. "Vehicle types" are described in Annex II of the directive (and see the Glossary) but they are very broad categories for the most part, e.g. a single deck bus is a different type from a double decker bus.
93. Except in the few cases where it is clear from the type descriptions in the Directive that a vehicle is a new type, a manufacturer may exercise a degree of judgement, but a manufacturer producing several different types of vehicle will find it advantageous to stagger applications for type approval so as to avoid the situation where several applications in respect of existing types are made late in the day risking a logjam in the system. The two Departments would welcome such an approach but would like to know of any comments or questions that consultees may have.

6.2.6 Special Purpose Vehicles

94. An M₁ Special Purpose Vehicle is defined under Directive as an M₁ vehicle intended to perform a function which requires special body arrangements and/or equipment. Under the new RFD, Wheelchair Accessible Vehicles will be classified as M₁ Special Purpose Vehicle.
95. Today in the UK approval is mandatory for armoured car, wheelchair accessible vehicle, and hearse, and it will continue to be mandatory under the new regime
96. Currently approval is not mandatory for motor caravans and ambulances, but it will be mandatory from 29 April 2012.
97. Special Purpose vehicles in categories other than M₁ are vehicles intended to perform a function which requires special body arrangements and/or equipment. Examples include Snow Ploughs and Break-down vehicles. These vehicles can take advantage of certain specified relaxations (set out in Annex XI of the RFD) if it can be demonstrated (to the satisfaction of the approval authority), that the vehicle, due to the special function, cannot meet all the requirements.

6.3 Trailers

98. The Directive requires Member States to ensure that only suitably approved vehicles are allowed into service. Trailers are currently not licensed, registered or subject to entry into service checks in the UK, so complying with the Directive requires changes from the present position. The Department for Transport has undertaken a review of the options for meeting the Directive's obligations, which included extensive consultations with interested parties, such as trailer manufacturers, suppliers, owners and operators.

99. The review could not identify a single "best solution" that could be applied without imposing some costs, with options ranging from a minimal increase in stringency to a full 'belt-and-braces' registration and number plate approach. Therefore the Department for Transport and the Department of the Environment in Northern Ireland are proposing a scheme that achieves the Directive's requirements in a reasonable and practical way while adding the minimum extra burden to industry, suppliers, users and government.

100. The basic principles of the proposed scheme are:

- trailers not subject to annual testing with VOSA or DVA (known as "small trailers" in the draft SI) will have a point of sale control. The retailer will only be able to sell new trailers accompanied by an associated approval certificate issued by the manufacturer. In addition the retailer will be required to maintain a record of the sale (probably including basic purchaser details, trailer data, compliance certificate number, etc). The record can be held using whatever system is preferred and may be outsourced to a third party. The retailer would not be required to issue any recordable document to the owner other than usual commercial transaction papers.
- trailers subject to annual testing with VOSA or DVA ('large trailers' in the draft SI) the manufacturer or retailer of these will be required to provide a copy of the approval certificate to VOSA in Swansea, following which VOSA will confirm acceptance

In general, trailers subject to annual test are either:

- i. articulated and used to carry goods
- ii. trailers of any weight designed to carry goods, or
- iii. goods trailers meeting both of the following conditions:
 - In O₃, O₄ category (over 3500kg gross weight) and
 - Unladen weight over 1020kg

101. Enforcement of the point of sale record-keeping requirement, for small trailers not subject to annual test, would be carried out by VCA. For large trailers subject to annual test, VOSA in GB and DVA in Northern Ireland will carry out random roadside checks. In GB the issue of a Plating Certificate will be linked to this process.

6.4 The Technical Requirements

102. The technical requirements for EC type approval are described above in section 5.1. If you have questions about EC type approval please contact the Vehicle Certification Agency (VCA) at www.vca.gov.uk
103. The national (NSSTA and IVA) technical requirements are described above in section 6.2.1 and 6.2.2. They are based on the RFD technical requirements and are set out in **ANNEX B**, by category. Please read them thoroughly.
104. For Individual Vehicle Approval (IVA), the inspection manuals which define the tests to be performed to determine compliance are being developed by VOSA. Copies of the draft inspection manuals will be available from the VOSA website shortly:
- <http://www.vosa.gov.uk/vosacorp/publications/consultationsandresearch/consultationpapers/consultationpapers.htm>
105. The technical requirements largely consist of references to various paragraphs in EC Directives. For the IVA Inspection manuals, the relevant text has been extracted, and converted into language that is easier to follow.
106. For National Small-Series type approval, there are no plans to produce inspection manuals. If you have detailed technical questions on the requirements please contact the VCA.

6.5 Proposed Fees Levels

107. The government agencies VCA, VOSA and DVA will be charging fees for their approval and inspection services. These fees will normally form a small part of the overall cost of obtaining approval, compared to the test and development work needed. Nevertheless if you are involved in the manufacture, conversion, completion or sale of vehicles or trailers, you will need to know the level of fees to help you determine which approval route to take.
108. The proposed fees will cover the costs of delivering approval services by VCA, VOSA and DVA. An Order under Section 102 of the Finance (No. 2) Act 1987 to clarify the functions and matters to be taken into account by the Secretary of State in determining the fees will be the subject of a separate consultation.

TYPE APPROVAL FEES

109. VCA will provide type approval services in GB and on behalf of the Department of the Environment in Northern Ireland. Fees are charged at an appropriate rate according to the approval service request and broadly cover four areas:

- An application and planning fee
- Examination fees
- Administration fee
- Certification fee
- Conformity of Production (CoP) fee

110. The whole vehicle type approval service described here is a thorough check to ensure that all relevant system and component approvals are present and correct. Up to around 50 of these are required. (See section 5.2 above). The cost of obtaining these approvals is not described below - this is a separate cost and will vary, depending on the time taken for approval testing. However, some items bought off the shelf such as lamps will already be approved. VCA will be able to provide further information tailored to your particular circumstances, if required.

111. It is important to note that the examination fee represents the cost to examine a vehicle in respect of all the subjects that apply to that particular vehicle type. In many cases the examination fee will be reduced as a full examination may not be required. For example, in the case where a vehicle is type approved at the final stage of a multi stage build process, only the items which the final stage manufacturer was responsible for may need to be examined. In practice, this may require a straightforward assessment of existing type approval documentation plus a physical examination only for the remaining items.

112. The following fee schedule is proposed for **EC Whole Vehicle Type Approval**.

Category M₁, M₂, N₁	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	315
Examination of a vehicle	2000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	440
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Category M₃, N₂, N₃	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	315
Examination of a vehicle	2000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	850
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Category O₁, O₂, O₃, O₄	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	315
Examination of a vehicle	1000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	330
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Table 7 - Proposed ECWVTA Inspection Fees

113. The following fee schedule is proposed for **National Small Series Type Approval**.

Category M₁, M₂, N₁	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	290
Examination of a vehicle	2000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	440
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Category M₃, N₂ and N₃	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	290
Examination of a vehicle	2000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	850
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Category O₁, O₂, O₃ and O₄	
<i>Description of examination or part of examination</i>	<i>Amount of fee (£)</i>
Receipt of application and planning of the examination process	290
Examination of a vehicle	1000
Compilation and administrative checking of documentation in relation to:	
each type of vehicle	330
for each variant	
(i) where less than 5 versions are involved	55
(ii) where 5 or more versions are involved	100
Certification fee	75
Conformity of Production Clearance	1785

Table 8 - Proposed NSSTA Inspection Fees

114. The proposed fee levels take account of the following considerations and assumptions:

- (i) All fees assume that the vehicle is single stage and complete. It is anticipated that for subsequent stage manufacturers the fees would reduce dependant on the subjects involved at that stage.
- (ii) The fee for receipt of application and planning of the examination (also referred to as the “Application Fee”) is standard across all vehicle categories for ECWVTA and is reduced for NSSTA as the certificates issued for National Approvals are not required to be sent to the approval authorities of other EU member states. The national type approval certificate can be sent to the approval authorities of other Member States if requested by the manufacturer and in such circumstances a fee covering the difference between the NSSTA and ECWVTA Application fees will be applicable.
- (iii) The examination fee covers a whole vehicle inspection for ECWVTA and NSSTA. It is based on an anticipated examination (and an element of subsequent reporting) of 2 days for all vehicles of category M and N, and 1 day for all category O vehicles. The anticipated vehicle inspection may be increased or decreased depending on the complexity of the vehicle demands. For subsequent stage manufacturers (e.g. bodybuilders) it is expected that this fee would be reduced according to the number of

subjects for which type approval is being sought.

- (iv) The compilation and administration fee (also known as the "Administration fee") is derived from the current ECWVTA fees schedule (SI No 2006 No. 1638 The Motor Vehicles (Type Approval and Approval Marks)(Fees) (Amendment) Regulations 2006) and scaled according to the vehicle category and number of variants and versions. Scaling is based on the outcome of process tests which indicate the possibility of a significant increase in complexity from M₁ category vehicles to vehicles in some other categories. The indications derived from the process tests have suggested this could result in an 8-fold increase in the time taken to compile and administer the ECWVTA application.
- (v) CoP clearance is granted after a successful initial verification visit (if not already ISO accredited) and assessment of Quality systems and Control Plans. The CoP status will be reviewed 12 months after the initial visit with at least 50% being subject to a surveillance visit. For manufacturers with an ISO accredited system, surveillance is the responsibility of their ISO certification body. A CoP verification visit is based on a nominal 2 days and this may be increased or decreased if considered necessary, but subject to the readiness of the manufacturer and scope of the operation involved in the assessment.

INDIVIDUAL VEHICLE APPROVAL FEES

- 115. VOSA will undertake IVA inspections of motor vehicles and trailers at a number of sites around Great Britain, using a combination of its own sites and suitable sites operated by third parties. DVA will undertake IVA inspections of motor vehicles and trailers at selected inspection facilities in Northern Ireland. Both agencies will charge the same fees for IVA inspections.
- 116. The proposed IVA inspection fees are detailed in the Table 9 - Proposed IVA Inspection Fees, below. In addition to the main inspection fees detailed below, VOSA and DVA will charge other Fees as detailed in Table 10, on a similar basis to current practice on the car and light truck SVA scheme.

Vehicle Category	Amount of fee (£)
N ₁ / M ₁ (Production vehicle)	280
M ₁ / N ₁ (Kit Car *)	540
M ₂	370
M ₃ 2 Axle Bus and Coach	420
M ₃ 3 Axle Bus and Coach	465
N ₂	230
N ₃	
O ₁	105
O ₂	
O ₃	150
O ₄	

Table 9 - Proposed IVA Inspection Fees

* **Kit car** means a vehicle subject to Basic IVA (BIVA) in one of the following categories/codes: Amateur-built (A), Rebuilt (S) or Vehicle using parts of a registered vehicle (C). The higher fee is to take account of the typical length of inspection needed for these vehicle categories (i.e., just under twice the time for “normal” production vehicles).

<i>Type of Fee</i>	<i>Amount of fee (£)</i>
Mutual Recognition	100
Supplement for inspection at non-VOSA site	12
Supplement for re-inspection at non-VOSA site, after failure	7
Out of hours supplement	95
Out of hours supplement - (re-inspection)	25
Cancellation with less than 3 days notice	100
Replacement Certificate	25
Re-inspection after failure	*

Table 10 - Proposed Fees for matters related to IVA

*We are considering whether there should be flexibility to reduce the fees for certain re-inspection items.

6.6 Post Registration Conversion

117. During our extensive consultations with vehicle manufacturers and trade associations, certain organisations have argued repeatedly that some companies convert vehicles *after* registration, thus escaping the full approval regime, and that this may increase following introduction of the new Directive. For example, there may be an incentive for manufacturers to avoid government approval and modify a vehicle after registration, perhaps converting it from a van into a minibus. By this method they avoid meeting the tougher standards and the testing approval, although at the same time we have no evidence that such conversions are unsafe or made to inadequate standards.

118. We are not currently aware that the existing provisions (see below) create any road safety or environmental protection issues but would be interested in hearing your views on this subject. We would be grateful if you could complete the questions in Part 7, giving evidence to support your views where possible.

THE CURRENT SITUATION

119. At present, type approval applies up to the point of registration, and the draft Regulations do not deal with matters subsequent to that. Once a vehicle is registered, current national in-use regulations apply, which differ slightly in GB and NI. Conversions or modifications to a vehicle must be performed in a manner which is not likely to cause danger and some changes must already be notified to the authorities, as below:

Passenger cars and light trucks under 3500kg GVW

120. There is a legal requirement to notify DVLA and DVA of significant changes to a registered vehicle, particularly if the changes affect any criteria listed on the V5C registration certificate, such as number of seats. The applicant must be satisfied the vehicle will continue to comply with all applicable laws. Small changes to a vehicle such as changes to wheels and tyres are not required to be notified. If the changes to the vehicle are radical, the converter must apply for SVA (IVA in the future). More information on radically altering a vehicle is available at:

http://www.direct.gov.uk/en/Motoring/BuyingAndSellingAVehicle/RegisteringAVehicle/DG_4022486

Heavy Trucks above 3500kg GVW, and Public Service Vehicles (Minibuses, Buses and Coaches used for carrying paying passengers)

121. There is a legal requirement to notify VOSA of any changes to the vehicle that affect the weight or passenger carrying capacity, or affect the safety of the vehicle. This is known in GB as the Notifiable Alterations scheme and applicants must use VTG10 or VTP5 forms obtainable from VOSA test stations.

THE FUTURE

122. The Departments will monitor the situation as it develops. If evidence emerges that conversions are being carried out after the vehicle has been registered that have a detrimental effect on safety or the environment, we would propose exploring the following options:

- Where a vehicle is modified such that it changes category, to require evidence of compliance with the requirements applicable to the new category of vehicle.
- MOT testers to record any significant changes to vehicles on the MOT database so that DVLA / DVA can subsequently follow up any issues with the registered keeper of the vehicle.
- Regarding conversions of panel vans to minibuses, to modify the existing seat belt installation check in the MOT test so that any vehicle presented with new

seat belt installations would be required to undergo an enhanced* inspection before it could pass the test. This would specifically address a concern which has been expressed to the DfT.

6.7 Enforcement

123. European law requires the United Kingdom, like all Member States, to provide for sanctions which are effective, proportionate and dissuasive. In particular the RFD requires proper sanctions to be imposed for a breach of the prohibition on permitting the entry into service (or the continuance in service) of vehicles, parts or equipment posing a risk to safety.

124. In order therefore to ensure that safety is not jeopardised and that technical requirements are properly complied with throughout the duration of production new offences have been created of:

1. contravening a requirement to carry out conformity of production checks,
2. selling without authorization a part or equipment designated by European law as capable of posing a risk to the correct functioning of other systems (at present, no parts are designated),
3. failing to inform the authorities of the need to recall vehicles on safety grounds.

In addition the maximum penalty for falsifying test results or making false or reckless statements to an approval authority has been increased to an unlimited fine. This will apply only to Crown Court prosecutions however and minor transgressions will be liable to be punished less severely.

6.8 Draft Impact Assessment

125. The draft Impact Assessment (IA) **ANNEX C** sets out our initial assessment of the impact that the introduction of each of the options will have on your business. The underlying cost assumptions in the IA reflect information gathered from a range of sources including vehicle manufacturers and trade associations. We would welcome your views on this initial analysis in particular the analysis of costs and benefits, giving supporting evidence wherever possible.

126. At the end of this consultation exercise, and based on the responses we receive, we will produce a full Impact Assessment which will form part of the package to be put before Parliament alongside the new regulations.

* An enhanced MOT inspection would require evidence of type approval for seat belt anchorages added in the conversion

7 CONSULTATION QUESTIONS

This response sheet is in eight sections - we would like to know:-

- 1 who you are;
- 2 your views on the approval schemes being proposed;
- 3 your views on the proposed technical requirements for the approval schemes;
- 4 your views on the proposed approach for trailers;
- 5 your views on the subject of Post Registration Conversion
- 6 your views on the proposed inspections fees for the approval schemes;
- 7 your views on the draft Impact Assessment, including the costs and benefits; and
- 8 any additional information you may wish to provide

7.1 Information about you

Name

Address

Postcode

Email

Company Name or
Organisation
(if applicable)

Please tick one box from the list below that best describes you /your company or organisation.

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Small to Medium Enterprise (up to 50 employees) |
| <input type="checkbox"/> | Large Company |
| <input type="checkbox"/> | Representative Organisation/ Trade Association |
| <input type="checkbox"/> | Trade Union |
| <input type="checkbox"/> | Interest Group |
| <input type="checkbox"/> | Local Government |
| <input type="checkbox"/> | Central Government |
| <input type="checkbox"/> | Police |
| <input type="checkbox"/> | Member of the public |
| <input type="checkbox"/> | Other (please describe): |

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

If you would like your response or personal details to be treated **confidentially** please explain why:

7.2 Your views on the proposed approval schemes

127. The most important question to answer is "should we implement national approval schemes, to assist the producers of bespoke or low volume vehicles?" Under question 1 you are invited to comment.

QUESTION 1

Do you agree with our proposal to introduce National approval schemes in addition to the EC Whole Vehicle Type Approval Scheme (Option 2)? Yes ☐ No ☐

Please add any additional comments you wish to make:

128. In the past **Great Britain** and **Northern Ireland** have had different national approval schemes, we propose to introduce national approval schemes which are common to both territories, to simplify matters. This means identical requirements will be applied to new vehicles across the UK. Under question 2 you are invited to comment.

QUESTION 2

Do you agree with the decision to opt for UK-wide national schemes, identical in Great Britain and Northern Ireland? Yes ☐ No ☐

Please add any additional comments you wish to make:

7.3 Your views on the proposed technical requirements

129. The **Technical requirements** (safety and environmental standards to which each vehicle must be tested) are set out in **ANNEX B**, and vary depending on vehicle category. You need to examine these closely, taking advice from experts if needed. In general they are based on European Directives, with some derogations or changes. Question 3 seeks your views on the requirements for NSSTA whilst Question 4 does likewise for IVA.

QUESTION 3

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? Yes ☐ No ☐

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

QUESTION 4

Do you have any comments on the technical requirements in Annex B for any vehicle category under the proposed Individual Vehicle Approval (IVA) scheme? Yes ☐ No ☐

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

130. We have picked out two subjects for special comment.

131. There is a provision under the Directive to offer exemptions in national approval schemes for **School buses**, to permit more compact 3 plus 2 seating and a reduced minimum dimension for 'seat pitch' (leg room), thus allowing more passengers on board than the 'Bus Directive' (2001/85/EC) would otherwise permit. We propose taking advantage of this provision, but plan to restrict the use of such vehicles, to prevent abuse. Question 5 invites comments on whether our proposals are desirable.

QUESTION 5

Do you agree with the proposal to introduce a national specification for **school buses**, and the proposal to prohibit their use on scheduled services? Please give a reasoned justification for your views, including any data that supports your arguments.

Yes ☐ No ☐

Your comments:

132. There is a facility for manufacturers to apply for permission to sell unsold vehicle stocks which do not meet the latest standards, known as the '**End of Series**' derogation. Our proposal is to adopt the '3 month rule' contained in the Directive. Question 6 requests your views on this proposal.

QUESTION 6

Do you agree with the proposal to operate only the "3-month" rule for **End of Series** vehicles of all categories? Yes ☐ No ☐

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):

7.4 Your views on the proposed approach for trailers

133. **Trailers** are being subject to approval for the first time. At the same time, the regime for **entry into service** of trailers needs to change, to enable enforcement of the requirement for type approval for new trailers. We are not proposing to require registration of trailers.

134. The proposal is for retailers of **small trailers** to check the approval certificate and keep records, when selling a trailer. Question 7 requests your views on this. For **large trailers** (subject to annual testing) the proposal is that VOSA modify their existing scheme and require sight of an approval certificate before a large trailer can be used on the road. Question 8 requests your views on this.

QUESTION 7

Do you agree with our proposal for checking the approval certificate for small trailers (trailer that do not have an annual test). The proposal is that retailers check the approval certificate when selling a trailer, and keep records of this. Yes ☐ No ☐

Please add any additional comments you wish to make:

QUESTION 8

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. Yes ☐ No ☐

Please add any additional comments you wish to make:

7.5 Your views on Post Registration Conversion

135. Many vehicles are **modified after registration**, ranging from the addition of alloy wheels to the removal or addition of seats. On heavy vehicles more extensive modifications like addition of an axle are common. There are already regulations on this topic. Question 9 asks whether there is an issue with safety today, question 10 asks which specific areas are most problematic and question 11 asks whether we should impose more stringent requirements on vehicle owners and operators to declare modifications to vehicles.

QUESTION 9

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. Yes ☐ No ☐

Please add any additional comments you wish to make:

QUESTION 10

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. Yes ☐ No ☐

Please add any additional comments you wish to make:

QUESTION 11

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.

Yes ☐ No ☐

Please add any additional comments you wish to make:

7.6 Your views on the proposed inspection fees

136. The proposed **fees** for the **national approval schemes** (NSSTA, IVA) are set out in section 6.5, paragraphs 107-116. It is important to note that these fees will only be a small part of the overall cost of developing vehicles to meet with the new regime. Questions 12-13 invite your views on the fees.

QUESTION 12

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

Yes ☐

No ☐

Please add any additional comments you wish to make:

QUESTION 13

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

Yes ☐

No ☐

Please add any additional comments you wish to make:

7.7 Your views on the Draft Impact Assessment

137. Our draft **Impact Assessment** is attached at Annex C. Questions 14-16 invite your views on this document and whether you can supply further information.

QUESTION 14

Do you have any views on the overall presentation of the draft impact assessment? Yes ☐ No ☐

Please add any additional comments you wish to make:

QUESTION 15

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? Yes ☐ No ☐

Please add any additional comments you wish to make:

QUESTION 16

Do you have any views about the potential impacts on businesses of implementing the requirements in the Directive / national schemes. In particular, whether the administrative burden as estimated in Section 10 of the Impact Assessment is a reasonable reflection of the administrative costs incurred by industry in applying for type approval?

Yes ☐ No ☐

Please add any additional comments you wish to make:

7.8 Any Other Information

QUESTION 17

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

8 WHAT WILL HAPPEN NEXT?

138. A summary of responses, including the next steps will be published following the close of consultation at the following www.dft.gov.uk/consultations/closed
139. Paper copies will be available on request.

9 QUESTION AND ANSWER BRIEF

140. Below is a list of frequently asked questions about these proposals. If you still have questions after you have read this section please contact us at the address in the consultation letter.

141. Further background information can be found at www.dft.gov.uk/typeapproval

Q 1: What is The Type Approval System?

142. "Type approval" is a means of establishing the compliance of vehicle types with safety and environmental requirements. It is applied at the pre-production stage to ensure appropriate safety and environmental standards are met before the vehicle type (model) is launched on the market. Individual component and system type approvals cover most aspects of vehicle design & construction. As its name implies, "whole vehicle type approval" establishes that a particular type of vehicle in its final form meets all requirements.

143. Under the type approval system, one or more specimens is/are tested thoroughly. In the UK, this is undertaken by the VCA. Where the product passes the type approval tests and the conformity of production arrangements also pass scrutiny, then components or vehicles conforming to the type-approved may be manufactured and sold without further testing. This is a rigorous procedure with potentially significant up-front costs for individual companies for each type of component or vehicle manufactured.

Q 2: Who will be affected by ECWVTA?

144. Manufacturers and converters (including chassis builders and those who build on a chassis) of vehicles - including buses, coaches, trucks, vans, trailers and other special purpose vehicles will be affected by ECWVTA.

Q 3: Why does it matter?

145. The introduction of ECWVTA for commercial vehicles is very important. Once it is UK law you will not be able to, sell or register a vehicle covered by the Directive without it having a type approval certificate. **No approval, no registration, no sale!**

146. At an operational level you may have to make significant changes to your business to be able to comply with the new directive. For example manufacturers may have to change their products to meet new test requirements, or ensure that their staff have the correct training and skills to adapt to the new arrangements. Given that changes such as these take time, it makes sense to start preparing now.

Q 4: What are the business benefits of ECWVTA?

There are two principle benefits of ECWVTA:

1. All vehicles are manufactured to the same high standards of safety and performance thus ensuring they are both safe to use on the road and respectful of environmental considerations.
2. ECWVTA will reduce barriers to trade by creating a level playing field for those companies who wish to sell their vehicles in Europe. Currently EU member states have different approval schemes. Thus a manufacturer has to get the vehicle inspected and tested in each country they wish to sell in. This is a complex, time-consuming and costly process for UK businesses. Under the new Directive, if your vehicle has ECWVTA, you will be free to sell it anywhere across the EU.

Q 5: Have DfT and DoENI consulted the industry about this Directive?

147. DfT and DoENI are required to consult on all new legislation.
148. To date DfT and DoENI have been liaising with key stakeholders across the industry to gauge and monitor their views on ECWVTA. An online survey has also been carried out and the results of which will be announced in due course.
149. In the autumn of 2007 in partnership with key stakeholders, DfT staged 12 seminars attracting over 350 people (some 280 organisations) from across the United Kingdom and further a field. Bodybuilders made up the majority of the audience, with suppliers, dealers, van, truck, trailer, bus and coach makers also in attendance. The events were held with the assistance of DAF, Iveco, Optare, Citroen, Renault Trucks and Volvo Truck and Bus.

10 List of Annexes

ANNEX A - DRAFT REGULATIONS

ANNEX B - PROPOSED NATIONAL TECHNICAL REQUIREMENTS

ANNEX C - DRAFT IMPACT ASSESSMENT

ANNEX D - CODE OF PRACTICE ON CONSULTATION

ANNEX E - SOURCES FOR COPIES OF EUROPEAN LEGISLATION RELATING
TO EUROPEAN WHOLE VEHICLE TYPE APPROVAL

ANNEX F - GLOSSARY

ANNEX G - LIST OF CONSULTEES