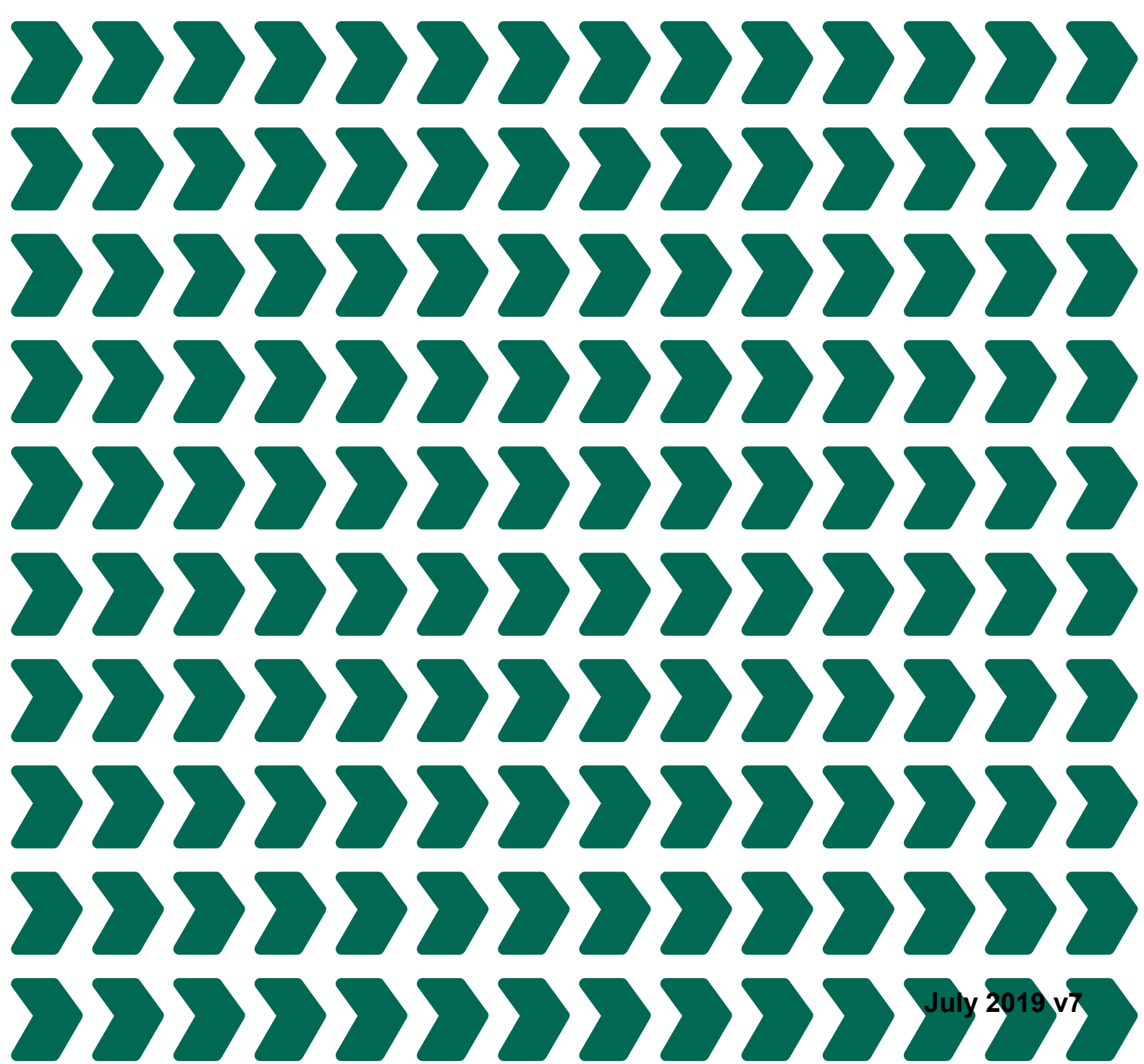




Department
for Transport

Issuing UK type approvals in a 'no deal' Brexit scenario

Moving Britain Ahead



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Foreword

Both the Government and Parliament have shown a clear preference against a no deal outcome. However, the Prime Minister has been clear that it is appropriate to prepare for a no deal scenario. The EU is ensuring it is prepared for a no-deal scenario. It would be irresponsible for the UK not to do the same. As part of these preparations the Government has published guidance to help businesses, citizens and consumers to prepare for all outcomes, including a no-deal scenario. This guidance can be found at:

<https://euexit.campaign.gov.uk/>

Separately, the Department for Transport published a technical notice relating to type-approval of vehicles and non-road mobile machinery which can be found at:

<https://www.gov.uk/guidance/vehicle-type-approval-if-theres-no-brexiteal>The following information augments the technical notice on the type approval of vehicles and non-road mobile machinery and is intended to set out proposals for the operation of a UK type approval scheme and measures aimed at ensuring the continuity of the supply of products into the UK market place.

Executive summary

- 1 Both the Government and Parliament have shown a clear preference against a no deal outcome. However, the Prime Minister has been clear that it is appropriate to prepare for a no deal scenario. The EU is ensuring it is prepared for a no-deal scenario. It would be irresponsible for the UK not to do the same.
- 2 As part of these preparations the Department for Exiting the European Union (DExEU) has published technical notices to help businesses, citizens and consumers to prepare for a no-deal scenario. This includes the notice “Vehicle type approval if there is no Brexit deal”; this notice covers type-approval of vehicles and non-road mobile machinery which can be found at:
- 3 <https://www.gov.uk/guidance/vehicle-type-approval-if-theres-no-brexit-deal> This document sets out further details for the implementation and operation of the UK type approval scheme that would be required in the event of a 'no deal' outcome to ensure the continuity of the supply products into the UK market place.
- 4 In the event of a ‘no deal’ scenario after the UK withdraws from the EU existing EU type approvals issued by EU-27 Type Approval Authorities (i.e. excluding valid e11 type approvals¹) will no longer be valid in UK for the purpose of registering vehicles for use on the road. Correspondingly EU type approvals issued in the UK will no longer be valid in the EU.
- 5 Products which do not generally require registration for use on the road in the UK, i.e. trailers, engines for non-road mobile machinery and components, may continue to be placed on the market on the basis of existing EU approvals, at least until further UK legislation is introduced.
- 6 Affected manufacturers will need to ensure that they have the correct type-approval for each market.
- 7 The UK is also a contracting party to the UN-ECE (United Nations Economic Commission for Europe), and recognises approvals to its standards for systems and components.
- 8 The UK will continue to recognise UN-ECE approvals for systems and components.
- 9 To enable the continued functioning of the UK market a new UK Type Approval Scheme has been put in place;
 - VCA will issue provisional UK type approvals to manufacturers on the basis of pre-existing valid EU type approval
 - UK provisional type approvals will have a validity of up to two years, during which time manufacturers will be expected to convert them into full UK type approvals

¹ National Small Series Type Approval (NSSTA) will also remain valid, holders of such approvals need take no action, the current UK IVA and MSVA schemes will also continue

- Manufacturers of new vehicles brought to the UK market will need to obtain a UK type approval before vehicles can be registered for use on the road, however, this may be based on a valid EU type approval

10 There are two stages of implementation;

- 1 Issue of provisional UK type approvals at the time of withdrawal and for new types introduced to the UK after withdrawal
- 2 Conversion of provisional UK type approvals to full UK type approvals and issue of UK approvals for new products brought into the UK post-exit.

Implementation

- 11 The provisions for a UK Type Approval Scheme have been written into UK regulations under the powers set out in the European Union (Withdrawal) Act 2018 and will take effect if the UK leaves the EU without a deal. From this date manufacturers will require a UK Type Approval to register vehicles for use on the roads.
- 12 At the time of Brexit, the UK technical requirements will be aligned with all existing EU requirements through retained EU legislation. Hence, existing EU type approvals which are valid at the time of withdrawal may be used in the process to demonstrate compliance with the UK type approval scheme.
- 13 The implementation will be handled in two stages;
 - 1 Issue of provisional UK type approvals effective after withdrawal
 - 2 Conversion of provisional UK type approvals to full UK type approvals and issue of UK approvals for new products
- 14 To prepare for this, during the autumn of 2018, the Vehicle Certification Agency (VCA) started to engage with manufacturers to understand what EU approvals they hold (both UK - e11, and EU-27 - e?) for types that are available on the UK market, the EU market or both UK and EU markets.
- 15 The provisional UK type approvals required to maintain access to the UK market will be prepared by VCA upon request from manufacturers, in readiness for use in the event of a 'no deal' scenario when the UK leaves the EU.
- 16 To help understand the likely demand for these provisional UK type approvals, in the case of motor vehicles, data has been drawn from DVLA. These datasets will help determine which approvals are used in the UK.
- 17 It should be noted that UNECE type approvals are not affected, whether they have been issued in the UK or by another contracting party. Where required, the markings on products approved under the UNECE and EU approval schemes are different;
 - UNECE - characterised by having an upper case 'E' in a circle
NO ACTION REQUIRED
 - EU - characterised by having a lower case 'e' in a rectangle
ACTION MAY BE REQUIRED



Stage 1 – Issue of provisional UK type approvals

- 18 In their engagement with manufacturers VCA will ask manufacturers to indicate whether their e11 approvals are used in the UK market, EU market or both markets. This will help VCA with resource planning and record keeping.
- 19 Where EU type approvals have been issued by an EU Member State (MS) other than the UK, manufacturers will be asked to provide;
- a list of EU type approvals they use in the UK market
 - the corresponding (and current) EU Type Approval Certificates
 - current Conformity of Production (CoP) Statement(s) or ISO Certificate(s) & Control plans for their EU type approved products
- 20 For holders of EU type approvals issued in the UK by VCA (those beginning 'e11') manufacturers will need to decide whether to stay with VCA or transfer to another EU-27 authority, with the latter being recommended if they wish to continue to export to Europe. In the event that transferring e11 approvals is required, please be assured that VCA will do their best to support you through this process. If manufacturers want to know more about this they should send an enquiry to UKTA@vca.gov.uk. Manufacturers should do this at the earliest opportunity to ensure that they are prepared for all eventualities. Once a manufacturer has transferred their approval, they will need to submit the details of all approvals that they will be using to register vehicles in the UK. For e11 approvals used solely in the UK, manufacturers need take no action, as these will remain valid under UK law provided they are valid upon exit.
- 21 As the day of exit approaches, and after confirming the details with manufacturers (e.g. current extension numbers), VCA will then collate the EU type approval numbers and prepare to issue a corresponding provisional UK type approval number for each one ready for a no deal exit.

To assist traceability the UK approval number is expected to be based on the EU approval number. To differentiate between EU and UK approvals an alternative to the 'e' at the beginning of EU approval numbers will be used. For example, 'p' for provisional approval and 'u' or 'UK' for full approval.

Examples of potential approval number formats:

e1*2007/46*2349*00 → p1*2007/46*2349*00 → UK1*2007/46*2349*00

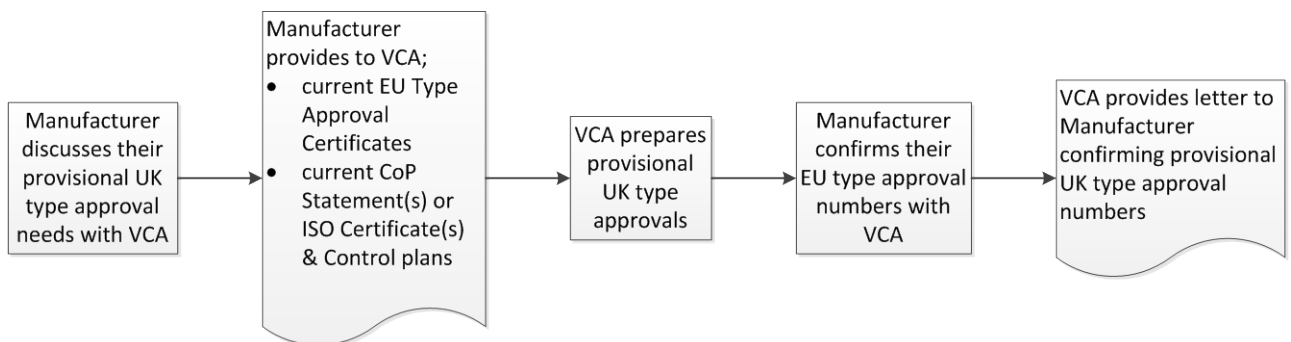
This example represents the progression of a whole vehicle type approval issued in Germany (e1...) through to a provisional UK type approval (p1...) and finally converted into a full UK type approval (UK1...).

- 22 In a no deal scenario, each manufacturer that has requested provisional UK type

approval will receive a communication on behalf of the Secretary of State (from VCA) which includes all their provisional UK type approval numbers.

- 23 The communication will be regarded as the type approval certificate and will inform the manufacturer of;
- provisional UK type approval number(s)
 - validity of at least two years
 - a requirement for the manufacturer to notify VCA of extensions to the underlying EU type approvals (so that the provisional UK type approvals can be managed appropriately in the later Stage 2)
 - within the two year validity period, all provisional UK type approvals must be converted in to full UK approvals
- 24 VCA retain the right to request further documentation or carry out a physical inspection in a case of doubt about the validity of an EU certificate
- 25 It is expected that the initial process of issuing provisional UK type approvals will be carried out at no charge to manufacturers.

Process Schematic Diagram



Motor Vehicles

- 26 For whole vehicle type approvals the UK type approval scheme will apply at the top level only. This means that it is not necessary to convert EU type approvals which exist for vehicle systems, separate technical units or components which form part of the whole vehicle type approval.
- 27 Where vehicles have an EU approval obtained using the multi-stage approval process, a UK type approval will only be mandated for the final stage of production, i.e. complete or completed vehicles. This means that an EU type approval to cover the base vehicle (whether incomplete or complete), or an intermediate stage need not be converted.
- 28 As data about EU type approvals in use for registration is available to DfT, VCA will engage with the manufacturers holding these approvals directly and collect lists of relevant EU type approval numbers. The data will be compared with that from DVLA for vehicles registered for use on the road to help establish the numbers of provisional UK type approvals required.

Non Road Mobile Machinery, Trailers and components

- 29 Provisional UK type approval will be optional during the 1st stage of the UK scheme. Manufacturers will be able to continue placing these products on the market after withdrawal on the basis of their existing, valid, EU approvals, or on the basis of appropriate UNECE approvals in the case of engines for non-road mobile machinery or vehicle components.

Stage 2 – Full UK type approvals and conversion of provisional UK type approvals

New UK Type Approval Scheme

- 30 After the UK has withdrawn from the EU, and in the event of no deal, further regulations will be made setting out the full UK type approval scheme which is expected to cover;
- Motor vehicles and their trailers
 - Agricultural and forestry tractors
 - Motorcycles and quadricycles
 - Non Road Mobile Machinery
 - Certain components or separate technical units of the foregoing
- 31 Under this scheme new products brought to market for the first time in the UK will need to comply with the UK type approval requirements in all respects before they can be placed on the market, sold or enter into service in the UK. Upon Exit, the technical requirements will be fully aligned with those in the EU.
- 32 We expect the legislation setting out the full details and implementing the second stage to be in place following consulting with stakeholders. Until this is in place, manufacturers bringing new model types to market will continue to be issued with provisional approvals following the procedures set out in stage 1 or, if appropriate for their needs, National Small Series or Individual (Single) Vehicle Approvals.

New UK Type Approval Applications

- 33 Our expectation is that, if a product complies with EU type approval regulations, it will be able to meet the UK requirements. However, an EU type approval will not be directly valid in the UK, so manufacturers will need to obtain a valid UK type approval for their products.
- 34 Manufacturers can gain a UK Type Approval by demonstrating compliance with the UK requirements in the following ways;
- With an EU type approval certificate (valid in the EU at the time of application) and UK CoP Clearance (see below)

- With a series of UNECE type approvals, test reports or type approvals issued by VCA which demonstrate compliance with the UK requirements and UK CoP Clearance
- 35 UK CoP Clearance will be a pre-requisite of full UK approval; approvals will not be issued without it.
- 36 Where applications are not supported by an EC Type Approval number (which is valid in the EU at the time of application) VCA will require evidence of compliance with all relevant UNECE type approvals and EU regulations. Where the relevant type approvals are not available additional testing will be required.
- 37 To obtain full UK type approval we expect it will be necessary for manufacturers based outside of the UK to have a representative with a legal personality established in the UK.
- 38 Manufacturers will be permitted to continue using EU markings (including VIN plate) and CoC's for a transitional period, before switching to UK markings. When manufacturers switch to using the UK markings they should inform the VCA CoP department and provide appropriate samples of the markings.

Conversion of Provisional UK Type Approval and UK Conformity of Production Compliance

- 39 Once the legislation for stage 2 is in place, VCA will be able to convert provisional UK type approvals issued under stage 1 into full UK type approvals. Provisional approvals must be converted within 2 years of issue or they will cease to be valid. This will be done at the request of the manufacturer.
- 40 Manufacturers may choose to make the conversion to UK type approvals at any time during the two years of validity of their provisional approval, once legislation is in place. However, during this time they will need to keep their provisional UK type approvals up to date and aligned with their corresponding EU type approval.
- 41 There will be an administrative charge for updates to provisional UK type approvals in accordance with current statutory fees.
- 42 The conversion process will require the additional step of VCA confirming that the measures put in place by a manufacturer to ensure CoP are satisfactory and in compliance with UK requirements. This is known as UK CoP Clearance.
- ### UK CoP Clearance
- 43 UK CoP Clearance can be gained at any time independently of, or in parallel with, the conversion process from provisional to full UK approval. However, CoP Clearance is a pre-requisite of full UK approval, so provisional UK type approvals cannot be converted until CoP Clearance has been obtained.
- 44 The UK CoP Clearance process will require an assessment by VCA.
- 45 Assessments will be based on documentation reviews and / or audits conducted at manufacturing sites and the method will take risk factors into account.
- 46 There will be a charge for these CoP assessments in accordance with current statutory fees.
- 47 According to the information provided regarding CoP at Stage 1 VCA will engage

with manufacturers to determine the optimal timing of CoP assessments.

- 48 Following a successful assessment and payment of appropriate fees VCA will issue a Conformity of Production Compliance Statement.

Converting Provisional UK Type Approval Into Full UK Type Approval

- 49 Manufacturers will need to apply to VCA for full UK type approval and provide;
- provisional UK type approval number
 - corresponding (valid) EU Type Approval Certificate
 - UK Type Approval Information Document
 - UK CoP Clearance Documentation
- 50 VCA retain the right to request further documentation or carry out a physical inspection in a case of doubt about the validity of an EU type approval certificate.
- 51 Following a successful outcome of the application and payment of appropriate fees VCA will issue a UK Type Approval Certificate
- 52 To obtain full UK type approval we expect it will be necessary for manufacturers based outside of the UK to have a representative with a legal personality established in the UK. During transitional period after leaving the EU this requirement may be waived where the full UK approval is based on a conversion from a provisional UK approval.

Interim Period

- 53 For an interim period manufacturers may continue using EU markings, (including VIN plates) and CoCs, e.g. for provisional UK approvals issued on or after Brexit.
- 54 The legislation for the 2nd stage will set a date from which statutory markings must reflect the UK approval number and UK-specific Certificates of Conformity (CoC) are issued for vehicles. We currently believe a date 2 years from withdrawal would be appropriate however a final decision has not been made.