



Vehicle
Certification
Agency

VCA Newsletter on European, UNECE and UK Type Approval Legislation

October 2018

This Newsletter is published by the VCA's Legislation Team as a guide to possible future Type Approval developments. Although every care is taken in its preparation, VCA cannot be held responsible for any errors or omissions. Interpretation of the law must remain the prerogative of the courts.

Includes Published and Proposed Legislation up to: **31 October 2018**

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EU News

Key Published EU Directives and Regulations

Agricultural Tractors

Regulation (EU) 2018/828

This regulation removes requirement imposed by Delegated Regulation (EU) 2015/68 to fit ABS by 1/1/20 on tractors with maximum design speed of between 40-60kmh. It also prohibits the fitment of hydraulic connections of the single-line type to new tractors after 31 December 2024.

Where energy storage devices are charged to a maximum operational pressure exceeding 15000 kPa the requirement for the low pressure in the hydraulic energy storage device not to exceed 11500 kPa is removed as long as prescribed braking performance is complied with.

Regulation (EU) 2018/829

This regulation mandates requirements of ISO 5721-2:2014 for tractors whose width exceeds 2.55 metres.

Side Retro Reflectors are also mandated for vehicles whose length exceeds 4.6 metres whereas previously it was only mandated for vehicles whose length exceeded 6 metres.

Side marker lamps are mandated for tractors and R3 and R4 trailers exceeding 4.6 metres in length.

Signalling panels and signalling foils. Previously only mandated for category S vehicles now cover all vehicles over 2.55 metres.

Modern agricultural and forestry vehicles are exposed to electromagnetic signals the frequency of which is up to 2 000 MHz. Annex XV to Delegated Regulation (EU) 2015/208 is amended to include the appropriate frequency ranges for testing and to be aligned with UNECE Regulation No 10.

Dimensions amended to allow width up to 3 metres if solely caused by tyres, rubber tracks or dual tyre configurations necessary for soil protection as long as width of vehicle permanent structure is limited to 2.55metres.

Introduces requirements on rear protective structures

Regulation (EU) 2018/830

This regulation amends the requirements for optional tractor type approval for track laying tractors. It also updates the version of the OECD Standard code (that can be used as an alternative to the EU test report requirement) to February 2017 Edition, allows for additional temperature of -18°C for cold weather performance of protective structures testing for track laying tractors, introduces performance requirements for foldable roll-over protection structures on narrow-track tractors to facilitate and encourage the raising of the roll-over protection structure when needed.

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Additional minor amendments have been made to the test method for the driver's seat and to the requirements on access to the driving position, on the minimum strength of control devices and on the burning rate of cab material.

Regulation (EU) 2018/985

This regulation repeals Regulation (EU) 2015/96, and aligns the requirements for environmental and propulsion unit performance with those in Regulation (EU) 2016/1628 on non road mobile machinery (NRMM), allowing approvals to the relevant UNECE regulations to be taken into account in terms of equivalence. It also lays down the requirements for noise pollution. Transitional provisions broadly in line with Regulation (EU) 1628 are detailed.

Non road Mobile Machinery

Regulation (EU) 2018/986

This regulation amends Regulation (EU) 2015/504 containing the administrative requirements for approval of agricultural tractors. This is required to align Regulation (EU) 2015/504 with Regulation (EU) 2017/656 on administrative requirements for NRMM, to take account of the impending Stage V emissions requirements.

For the purposes of refining the administrative requirements, additional minor amendments to Implementing Regulation (EU) 2015/504 are made to allow for the approval of electrical/electronic sub-assemblies as a component and to require more comprehensive information for the purposes of the type-approval of the transmission and the braking devices for towed vehicles.

Regulation (EU) 2018/987

This regulation reduces the required duration of accumulated service of in-service internal combustion engines installed in non-road mobile machinery for $56\text{kW} \leq P < 130\text{kW}$ monitoring of gaseous pollutant emissions for NRE-v-5 category.

Clarification on rounding etc and other minor editorial changes.

Regulation (EU) 2018/988

This Regulation corrects some mistakes which have crept into the templates which were laid down in Regulation (EU) 2017/656.

Cars/ Goods Vehicles/ Buses & Trailers

Regulation (EU) No 2018/932

Directive 98/70/EC defines the environmental specifications for market fuels. CEN standards for certain diesel blends have recently been published. They deviate from the specifications in 98/70/EC. This regulation requires the determination of power correction factor for fuels that don't comply with Directive 98/70/EC, by determining the torque deviation caused by the alternative fuel and using the deviation to calculate the power correction factor which should be stated in type approval documentation.

In addition on some N3 category vehicles equipped with an engine with higher power rating, it has been discovered that due to those limiting requirements, PEMS testing in accordance with the current provisions will result in void tests. The conditions for compliance with the urban window requirement are therefore amended, with the urban trip being enlarged at the expense of the motorway trip share and the maximum overall trip length extended.

Clarification is also added that for determination of emissions and conformity factors, when selecting valid windows for the work based method, if there are no valid windows in respect of nitrogen oxides (NOx) left in urban only operations after the 90 percentile rule has been applied the test will be void.

Regulation (EU) 2018/858

This regulation replaces Directive 2007/46/EC which is repealed with effect from 1 September 2020. It applies to new types from 1 September 2020, although it can be applied from 5 July 2020.

Existing types can continue to use 2007/46/EC for the meantime.

The new regulation introduces market surveillance provisions, clarifies recall procedures and strengthens COP requirements. It also strengthens enforcement provisions by clearly delineating the roles and responsibility of economic operators in the supply chain and emphasising the roles and responsibilities of authorities and parties involved in the enforcement of the framework guaranteeing the independence of those authorities and parties, and preventing conflicts of interest;

Furthermore it lays down the conditions for granting extensions to approvals for existing types of vehicles and adds further clarity on the multi-stage type-approval process

EU wide IVA is introduced.

The regulation lays down tighter requirements for technical service designation.

There are a number of implementing measures which will be introduced by 5 July 2020 at the latest.

Draft EU Proposals

Car Truck and Bus

Average CO2 – Heavy Goods Vehicles

This proposal introduces changes to the VECTO simulation tool used to determine CO2 for heavy duty vehicles as well as introducing an on-road verification procedure. The use of the new VECTO tool will be available from 1 Feb 2019 and mandatory from May 2019, with new input fields mandatory from 1 July 2019.

General Safety – Update of UNECE Regulations

This proposal introduces the following amendments:

- updated references to the new series of amendments of UN Regulations Nos. 10, 16, 34, 39, 44, 48, 58, 67, 79, 94, 100, 107, 117, 119, 123, 125, and 128, to be applied on mandatory basis in the Union (Annex IV, GSR);
- references to UN Regulations No 139 (brake assist), No 140 (stability control) and No 141 (tyre pressure monitoring systems) are added to the list of mandatory requirements (Annex IV, GSR);
- a new point on Acoustic Vehicle Alerting System (AVAS), type-approved either in accordance with Regulation (EU) No 540/2014 or UN Regulation No 138 is added to the list of information for the purposes of EC type-approval and the information document (Annex I and Section A of Part I to Annex III to the FD);
- the requirements which apply for the purpose of EC type-approval of vehicles are complemented with a reference to UN Regulation No 0 on uniform provisions concerning International Whole Vehicle Type Approval (Annex IV, GSR, and Part II of Annex IV, FD);
- updated table with alternative requirements for the purpose of EC type-approval of vehicles (Part II of Annex IV to the FD).

General Safety Repeal

Proposal being developed for a new General Safety Regulation repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009. This should extend TPMS to all vehicles, introduce intelligent speed assistance, driver drowsiness attention monitoring / distraction systems, reversing detection, alcohol interlock installation, data recorders for cars / vans. Frontal protection systems, detection of road users in front / nearside and autonomous braking for M1 vehicles and N1 vehicles.

This could apply after 3 years following publication of the new Regulation.

Masses & Dimensions / Aerodynamic devices

A proposal for a regulation covering aerodynamic devices and equipment is being considered.

Heavy Duty Emissions Euro VI Step E

A proposal is being developed for a regulation to introduce cold-start and PN into the on-road PEMS procedure for heavy duty vehicles. This would also bring in new requirements for documentation of the manufacturers emissions strategy. Dates for application of Step E and the conformity factor for PN are due to be revealed shortly when a draft proposal is shared. Additional time is likely to be allowed for gas-fuelled vehicles to meet the Step E requirement due to suitable filter technologies not being commercially available.

UNECE News

Published

The link below takes you to the UNECE website with the latest Status of the 1958 agreement.

<https://www.unece.org/fileadmin/DAM/trans/main/wp29/wp29regs/2018/ECE-TRANS-WP.29-343-Rev.26-Nov.pdf>

Draft

As these are changing frequently for a full up to date list please subscribe to VISTA and Legstat

UK National Legislation

New Statutory Instruments

Statutory Instrument - 2018 No. 673 - The Road Vehicles (Defeat Devices, Fuel Economy and Type Approval) (Amendment) Regulations 2018

These Regulations amend both the Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 ("the 2001 Regulations") and the Road Vehicles (Approval)

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Regulations 2009 (“the 2009 Regulations”) in order to deal with amendments to the European Union legislation which they implement.

They also amend the 2009 Regulations, the Motorcycles (Type-Approval) Regulations 2018 (“the Motorcycles Regulations”) and the Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (“the AFV Regulations”) to introduce offence provisions in relation to the use of defeat systems / devices to cheat emissions testing.

The 2001 Regulations are amended to refer to Commission Regulation (EC) 2017/1151, in order to reflect the change of the basis of the test to be used for measuring fuel economy from the New European Drive Cycle (NEDC) to the Worldwide Harmonised Light vehicle Test Procedure (WLTP).

The regulations also amend the requirements for the IVA and National Small Series Type Approval (NSSTA) schemes in the 2009 regulations.

Cessation of Validity of Type Approvals

EU Directive/Regulation	Description	Vehicle categories affected	Application date	Eligible vehicles*
Regulation No 167/2013	2003/37 approvals no longer valid	Tractors	31/12/2017	10% of registrations from 2 years prior to 'Application Date' or 20 vehicles of each type.
168/2013	Euro 4 and 2002/24 approvals no longer valid	Motorcycles (L1e, L2e, L6e)	01/01/2018	10% of registrations from 2 years prior to 'Application Date' or 100 motorcycles
Regulation (EU) 78/2009 Item 58	Pedestrian protection: Annex 1 Section 3 of 78/2009	M1 max mass <2500kg N1 max mass <2500Kg	24/02/2018	CoC date no later than 23/12/2017
Regulation (EU) 459/2012	Mandates Euro 6c emissions limits and Euro 6-2 OBD standard	M, N1 Class I	01/09/2018	EoS availability not yet confirmed
Regulation (EU) 661/2009 Item 46A	Tyres	M, N and O vehicles fitted with C1 and C2 tyres that comply with Annex II Part B Table 2 rolling resistance limits	01/11/2018	CoC date no later than 31/07/2018
Regulation (EU) 347/2012 Item 65	Requires the mandatory fitment of advanced emergency braking systems (AEBS) meeting the "level 2" requirements.	M2, M3, N2, N3 with exceptions (as set out in Regulation (EU) 347/2012 Article 1 Scope)	01/11/2018	CoC date no later than 31/07/2018
Article 13(3) Regulation (EU) 2018/985	Emissions	Tractors – 0kW to 56kW 130kW and above Transition engine exemption can be used and doesn't need to be applied for.	01/01/2019	End of series not yet confirmed
Article 35(a) of Regulation 1322/2014	Multi-subject Construction requirements	Tractors	01/01/2019	COc date no later than 31/12/2018
Article 40a Regulation 2015/208	Multi subject Dimensions, EMC, Lighting, rear protective	Tractors	01/07/2019	COc date no later than 30/06/2019

EU Directive/Regulation	Description	Vehicle categories affected	Application date	Eligible vehicles*
	structures			
Regulation (EU) 78/2009 Item 58	Pedestrian protection: Annex 1 Section 3 of 78/2009	M1 max mass >2500kg N1 max mass >2500kg	24/08/2019	CoC date no later than 23/05/2019
Regulation (EU) 136/2014	Mandates Euro 6c emissions limits and Euro 6-2 OBD standard	N1 Class II, III, N2	01/09/2019	EoS availability not yet confirmed
Regulation (EU) 2016/646	Mandates Euro 6d-TEMP emissions limits and Euro 6-2 OBD standard	M, N1 Class I	01/09/2019	EoS availability not yet confirmed
Regulation (EU) 2016/1718	New requirement on the power threshold	M3, N3, & M1, M2, N1, N2 where Reference Mass >2,610kg	01/09/2019	EoS availability not yet confirmed
Article 13(3) Regulation (EU) 2018/985	Emissions	Tractors 56kW - 130kW Transition engine exemption can be used and doesn't need to be applied for.	01/01/2020	End of series not yet confirmed
Regulation 118-02	Burning behaviour	M2, M3	26/07/2020	CoC date no later than 24/04/2020
Regulation (EU) 2016/646	Mandates Euro 6d-TEMP emissions limits and Euro 6-2 OBD standard	N1 Class II	01/09/2020	EoS availability not yet confirmed
Regulation (EU) 2016/646	Mandates Euro 6d-TEMP emissions limits and Euro 6-2 OBD standard	N1 Class III, N2	01/09/2020	EoS availability not yet confirmed
Regulation (EU) 661/2009 Item 46A	Tyres	M, N and O vehicles fitted with C3 tyres that comply with Annex II Part B Table 2 rolling resistance limits	01/11/2020	CoC date no later than 31/07/2020
Article 17 Regulation (EU) 2015/68	Braking Single line type Hydraulic Connections	Tractors	01/01/2025	CoC date no later than 31/12/2024

End of Series Derogations

What is End of Series Derogation?

When standards are changing and new legislation is coming into force, the EC may permit Type Approval Authorities such as the VCA to allow manufacturers to place on the market, offer for sale, register and/or enter into service certain vehicles that do not comply with the incoming standards.

This is so that manufacturers facing economic or technical difficulties in complying with the incoming standards have extra time to sell off any stocks made to the previous standards. The granting of such permission is primarily a decision by the EC in terms of their transitional legislative requirements, then it is at the discretion of each Type Approval Authority as to whether they will grant allowances in terms of their geographic area of concern (e.g. VCA covers derogations for the UK).

Who can apply?

The type approval holder can apply for End of Series Derogation.

If you are not a manufacturer and need to apply for End of Series for a small number of vehicles, you may consider the Individual Vehicle Approval (IVA) route.

More information about IVA can be found in the gov.uk site: <https://www.gov.uk/vehicle-approval/individual-vehicle-approval>.

How can you apply?

To apply for End of Series Derogation, you need to submit:

- A completed VCA End of Series application form
- A completed VCA Vehicle Details List Template

Templates for both documents are available to download from the VCA's End of Series website: <http://www.dft.gov.uk/vca/legislation/end-of-series-derogation-applications.asp>.

Once completed, please email both completed documents to the VCA's Legislation Team for processing: law@vca.gov.uk.