



**VCA INFORMATION NOTICE  
ON  
EUROPEAN AND NATIONAL TYPE APPROVAL  
LEGISLATION**

**Issue date January 2012**

**This notice is published by VCA only to provide a guide to possible future Type Approval developments.  
Though 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.**

Queries on this information notice should be addressed to:

Legislation Manager  
Vehicle Certification Agency  
1 The Eastgate Centre  
Eastgate Road  
Bristol BS5 6XX

Website: [www.dft.gov.uk/vca](http://www.dft.gov.uk/vca)

## **EC NEWS**

### **Published EU Directives and Regulations**

#### **DIRECTIVE 2011/72/EU**



Directive 2000/25/EC provides for a flexibility scheme to allow tractor manufacturers to purchase, during a given stage, a limited number of engines that do not comply with emission limits applicable during that stage, but which are approved in accordance with the requirements of the stage immediately preceding the applicable one.

Amending directive 2011/72/EU amends 2000/25/EC to reflect the increased engine flexibility allowed for Stage IIIB.

During Stage III B, the number of tractors that are placed on the market and that enter into service should, in each engine category, not exceed 40 % of the number of tractors placed on the market by the tractor manufacturer in that engine category. The alternative option of allowing a fixed number of tractors to be placed on the market and to enter into service under the flexibility scheme is also amended.

### **DIRECTIVE 2011/87/EU**

Directive 2011/87/EU introduces a transitional period of 3 years for T2, T4.1 and C2 vehicles from meeting the requirements of Stage IIIB and IV emissions standards as it is technically not feasible for them to meet the new standards at present.

### **DIRECTIVE 2011/88/EU**

Directive 97/68/EC provides for a flexibility scheme to allow NRMM equipment manufacturers to purchase, during a given stage, a limited number of engines that do not comply with emission limits applicable during that stage, but which are approved in accordance with the requirements of the stage immediately preceding the applicable one.

Amending directive 2011/88/EU amends 97/68/EC to reflect the increased engine flexibility allowed for Stage IIIB.

During Stage III B, the number of engines that are placed on the market and that enter into service should, in each engine category, not exceed 37.5% of the number of engines placed on the market by that OEM for that power band. The alternative option of allowing a fixed number of tractors to be placed on the market and to enter into service under the flexibility scheme is also amended.

## **Draft Proposals**

### **Non road mobile machinery**

Early discussions are taking place on an amendment to 97/68EC to adapt it to technical progress. No draft available for viewing at present.

### **Tractors**

#### **New type approval framework for T vehicles.**

This amendment was reported in the September 2010 Information Notice. No further news as yet on publication.

A draft is available to view in VISTA / Legstat.



## **Motorcycles**

### **New type approval framework for L vehicles.**

This amendment was reported in the September 2010 Information Notice. The latest draft is being discussed at European Council and European Parliament level. Current timeframe for a plenary hearing at European Parliament is early to mid summer.

A draft is available to view in VISTA / Legstat.

## **Cars/Trucks/Buses/Trailers**

### **Small Series Schemes for M1 vehicles**

Reported in November 2009. No new information available as yet.

A draft is available to view in VISTA / Legstat.

### **Draft Commission Regulation on TPMS.**

Reported in July 2011. A draft is available to view in VISTA / Legstat.

### **Draft Regulation on gear shift indicators and fuel economy meters.**

Reported in July 2011. A draft is available to view in VISTA / Legstat.

### **Draft Commission Regulation on masses and dimensions (all vehicles).**

Reported in July 2011. A draft is available to view in VISTA / Legstat.

### **Draft Commission Decision to mandate UNECE Regulation 29.**

Reported in July 2011. A draft is available to view in VISTA / Legstat.

### **Draft Commission Regulation to mandate UNECE Reg on Lane Departure Warning Systems**

Reported in July 2011. A draft is available to view in VISTA / Legstat.

### **Draft Commission Regulation to mandate UNECE Reg on Advanced Emergency Braking System**

Reported in July 2011. A draft is available to view in VISTA / Legstat.



## UNECE NEWS

### **Published & Draft UNECE Regulations**

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

## **NATIONAL LEGISLATION**

The Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 are being amended to transpose Directive 2011/88/EC.

The Agricultural or Forestry Tractors (Emissions of Gaseous and Particulate Pollutants) Regulations 2002 are being amended to transpose Directive 2011/87/EC and 2011/72/EC.



## END OF SERIES PROVISIONS

These are available for all upcoming new Standards as outlined in the following table. The conditions for application follow.

### EC Directives with an application date to all new registrations up to 31<sup>st</sup> December 2020

EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE  (For registration or entry-into- service)
REGULATION (EC) 715/2007	LIGHT DUTY EMISSIONS	Vehicles of Category N1 (Classes 2+3), N2 and 'social needs' vehicles not compliant with  Euro 5 emissions Euro 5 OBD	1/1/2012
REGULATION (EU) 407/2011	REG 100 MANDATORY COMPLIANCE  Mandatory compliance with UNECE Regulation 100 00 series of amendments	All Vehicles	1/1/2012
REGULATION (EC) 79/2009	HYDROGEN POWERED VEHICLES	Hydrogen propelled vehicles	24/2/2012
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS  Euro 5b emissions with Euro 5 OBD	M1G social needs  Euro 5a with Euro 5 OBD	1/9/2012
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION  Annex 1 Section 2 or 3 of 78/2009	M1 less than 2500kg and N1 less than 2500kg.	31/12/2012
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS  Euro 5b emissions with Euro 5 OBD	M, N1 Class I, II & III, N2, M1 specific social needs  Euro 5a emissions with Euro 5 OBD vehicles, Euro 6a emissions with Euro 6- OBD vehicles	1/1/2013
2005/49/EC(& Decision 2005/50/EC)	EMC:  Prohibition of 24GHz radar	Vehicles with short-range radar  (No radar = not affected)	1/7/2013



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE  (For registration or entry-into- service)
REGULATION (EU) 595/2009	HEAVY DUTY EMISSIONS	M and N Vehicles with reference mass of 2610 kg or over - compliance with Euro VI limits and EC Reg 595/2009/EC	31/12/2013
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS	M and N1 Class 1, II & III, N2, M1 specific social needs (excluding M1G)  Euro 5b emissions with Euro 5 OBD vehicles and Euro 6b emissions with Euro 6- OBD	1/1/2014
REGULATION (EU) 661/2009	VEHICLE SAFETY & TYRES	M2 and M3 to comply with Article 7 of 661/2009/EC  N and O vehicles to comply with Article 6 of 661/2009/EC  All categories of vehicles fitted with tyres that comply with Article 8, 9(1) and 9(4) of 661/2009/EC and meet Annex II Part A (wet grip requirements) and Part B Table 1 (rolling resistance req.) excluding C3 tyres  M1 manuals with ref mass not exceeding 2610 and other vehicles which have manual gear and approval under Article 2(2) of EC Reg 715/2007 to be equipped with gear shift indicators  All categories of vehicle to comply with Article 5 of 661/2009	1/1/2014



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE  (For registration or entry-into- service)
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL  Mandatory fitment	M1 and N1  M3 Class 3,  M3 <16 tonnes with pneumatic transmission  N2 excluding hydraulic, pneumatic and hydraulic energy transmission,  N3  O category	1/11/2014
REGULATION (EU) 407/2011	Mandatory compliance with UNECE Regulations	All	1/11/2014
REGULATION (EU) 407/2011	Mandatory compliance with UNECE Reg 13 Supp 3 to 11 series or UNECE Reg 13H Supp 9	N1	1/11/2014
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL  Mandatory fitment	M2  M3 Class II and B and Class III Hydraulic transmission  N2 Hydraulic transmission	11/7/2015
REGULATION (EU) 78/2009	PEDESTRIAN PROTECTION:  Annex 1 Section 4 of 78/2009	N1 new category vehicles	24/08/2015
REGULATION (EC) 715/2007	LIGHT EMISSIONS	Cats M & N1 Class 1, M1 specific social needs (excluding M1G)  Vehicles that don't comply with Euro 6b emissions with Euro 6 ODB	1/9/2015
REGULATION (EC) 661/2009	LANE DEPARTURE WARNING SYSTEM AND ADVANCED EMERGENCY BRAKING SYSTEM	M2, M3, N2, N3	1/11/2015



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE  (For registration or entry-into- service)
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL  Mandatory fitment	M3 Class II and III pneumatic control and hydraulic energy transmission  N2 pneumatic control and hydraulic energy transmission	11/7/2016
REGULATION (EC) 715/2007	LIGHT EMISSIONS	Category N1 Class II & III, N2  Vehicles that don't comply with Euro 6b emissions with Euro 6 ODB	1/9/2016
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with tyres that comply with Annex II Part C Table 1 (tyre rolling noise requirements) and Annex II Part B Table I (tyre rolling resistance requirements) including C3 class tyres	1/11/2016
2006/40/EC	AIR CONDITIONING SYSTEMS: Prohibition on using systems with gas with a global warming potential (GWP) greater than 150	M1 & N1 (Class 1), or STU	1/1/2017
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION: Annex 1 Section 3 of 78/2009	M1 max mass <2500kg  N1 max mass <2500Kg	24/2/2018
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with C1 and C2 tyres that comply with Annex II Part B Table 2 rolling resistance limits	1/11/2018
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION: Annex 1 Section 3 of 78/2009	M1 max mass >2500kg N1 max mass >2500kg	24/8/2019
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with C3 tyres that comply with Annex II Part B Table 2 rolling resistance limits	1/11/2020



We will be organising end-of-series exercises according to the rules below:

### **For ECWVTA vehicles**

If you have stocks of vehicles still unsold which will not comply with the requirements of the Directive listed, then we can allow a further period of 12 months from the specified 'must comply' date during which the vehicle can enter into service (18 months in the case of a 'multi-stage' vehicle, for instance one which is built by one company and completed by another). To encourage an early move to the newer standard, this allowance can only be given for vehicles covered by an EC certificate of conformity which remains valid for three months or more before the date specified in the Directive. As an example, if a Directive specifies that a vehicle must comply by 1/1/2011, we can allow derogation **ONLY** for vehicles which have a COC issued before 1/10/2010. A vehicle manufactured on or after 1/10/2010 that does not comply with the new standard must be registered before 1/1/2011.

New Small Series National Type Approval (SSNTA) and EC Small Series Type Approval (ECSSTA) schemes fall under the RFD and therefore the 3 month rule will apply to them as well.

### **For Car National type approval (Low-volume approved category M1 vehicles (cars) exempted from the requirements of ECWVTA)**

You may apply for an extra 12 months in which to register vehicles that do not comply with any new standard as shown on the calendar above. Derogation will be for up to 10% of the total number of the manufacturer's vehicles registered during the previous 12 months of the into-force date of the new standard. Vehicles must be manufactured before the into force date of the new standard. Where 10% would be less than 50, 50 vehicles may be derogated.

### **For Goods Vehicle National type approval - All subjects except Emissions**

You may apply for an extra 12 months in which to register vehicles that do not comply with any new standard as shown on the calendar above.

Derogation will be for up to 10% (for vehicles propelled by petrol or diesel engines having a permissible maximum mass of at least 400kg and maximum speed equal to or exceeding 50 km/h) or 30% (for vehicles propelled by a diesel engine with a design speed exceeding 25 km/h, excluding M<sub>1</sub> category vehicles with total mass less than 3,5 tonnes) of the total numbers of vehicles registered by the manufacturer during the 12 months previous to the into-force date of the new standard. The vehicles must be manufactured before the date when the new requirements come in. Where 10% or 30% respectively would be less than 100, 100 vehicles may be derogated. Derogated vehicles must be manufactured before the into force date of the new standard.

N1 Vehicles only – As an alternative N1 vehicles can be derogated under the 3 month as long as they meet all the criteria in Schedule 1C, Part IIA of the Goods Vehicles Regs.

Late entry into Service Vehicle As long as the vehicle is manufactured more than 2 years before the new requirements come in, was in EC territory before the new requirements come in and no EC Certificate of Conformity existed for the vehicle, but either a type approval certificate (TAC) or MAC (Ministers approval certificate) existed, then it can be derogated as a late entry into service vehicle.



## Emissions – All Vehicles

Applications for derogation from the requirements of Regulation (EC) 715/2007 and Regulation (EC) 595/2009 will be assessed on the three month rule as detailed under the ECWVTA section above, in line with Regulation 61C of the Road Vehicles (Construction and Use) Regulations 1986, as amended.

### For Tractors

Derogation will be for up to 10% of the total numbers of tractors put into service by the manufacturer during the 24 months previous to the into-force date of the new standard. Derogated vehicles must be manufactured before the into force date of the new standard.

Where 10% would be less than 20, 20 tractors may be derogated.

## ADDITIONAL IMPORTANT INFORMATION

### Note 1

No amendment to the approval of a type of vehicle shall be required if the new requirements are from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

Hence the approval of a type of vehicle that does not need to be amended, under the terms of Article 14.4 of the RFD, remains valid. Inherently, therefore, CoCs for that type of vehicle should be considered valid and the manufacturer need not take advantage of the end-of-series provisions in Article 27.1.

If the end-of-series provisions are not utilized then no submission to VCA is required.

### Note 2

#### Multistage build

The UK has opted for the 3 month rule on vehicles approved under 2007/46/EC. For multi stage build, either the first stage manufacturer or the second stage manufacturer could apply for derogation, but the applicant must meet the requirements which amongst other things include the requirement to have a EC COC issued more than 3 months before it loses its validity due to the introduction of new legislation.

If the first stage manufacturer applies for the derogation, the second stage manufacturer can rely on that derogation, as long as no changes are made to the vehicle that affect the validity of the derogation. So for emissions where the first stage manufacturer applies for the derogation, the second stage manufacturer mustn't make any changes to the vehicle that affect the emissions approval. As long as the first stage manufacturer issues an incomplete COC or identifies vehicles which he will be passing to a second stage manufacturer, then the end of series derogation will be for a period of 18 months.

## HOW TO APPLY

You should apply stating the technical or economic reasons for the application. Applications should be submitted as soon as is practical preferably 1 month before a new standard comes in for applications under the 3 month rule.

You need to submit a list of the vehicles affected, arranged (where necessary) in model order. Specify the VIN number and the approval number and the date of production. For applications



under the % rules please provide a short statement with the number of vehicles registered in the previous 12 months. This list should be in Excel. You should specify the Directive from which you are seeking derogation.

A pro-forma application form follows on the next page :-



## Derogation Application from Directive / EC Reg No .....

### Part A

1. Make (Trade name of manufacturer):	
2. Vehicle type:	
3. Name and address of manufacturer:	
4. Address of assembly plant:	

### For converters only

1. Make (Trade name of converters):	
2. Vehicle type:	
3. Name and address of converter:	
4. Address of assembly plant:	



## Part B

Please state the economic and/or technical reasons on which this application is based:

--

## Part C

Please provide a separate excel spreadsheet (not pdf's) with the following details:

Make	Model	Type Approval No. (If relevant)	VIN No's.	Date of Production of Base Vehicle	Date of Completion of Conversion (If relevant)

## Part D

The total number of vehicles applied for in Part C above is:	
The total number of vehicles of this kind sold in the previous 12 month period is:  (only required for percentage based end of series allowances)	



## Part E

The particulars set out in Part C to this notice in relation to each vehicle listed in that part are accurate. The vehicles listed are intended for use in the United Kingdom.

Dated	
Signature	
Name	
On behalf of	



## NRMM & TRACTOR SELL OFF & FLEXIBILITY SCHEME

To view legislative drafts please click on the link below.

[http://ec.europa.eu/enterprise/sectors/automotive/documents/proposals/index\\_en.htm#h2-2](http://ec.europa.eu/enterprise/sectors/automotive/documents/proposals/index_en.htm#h2-2)

VCA does not have any further information about the legislative proposal to increase the flexibility allowance from 20% to 50%.

### 2 YEAR SELL OFF PROVISION

There are two separate and distinct derogations in the tractor emissions Directive and NRMM emissions Directive. The first of these is the optional 2-year sell-off period, which allows Member States to postpone the Stage I & II entry into service dates by 2 years for engines manufactured before these dates. UK chose to allow this delay. It is worth noting that Directive 2005/13/EC introducing Stages IIIA, B & IV makes this delay mandatory for these Stages rather than leaving it to Member States to choose whether or not to allow it.

VCA does not need to keep any record of engines entering into service under these 2-year delay allowances, so no lists will need to be submitted by manufacturers in respect of this.

### FLEXIBILITY SCHEME

The second and slightly more complex form of derogation is the flexibility scheme. Broadly speaking this scheme allows tractor and NRMM manufacturers (hereafter referred to as OEM's) to procure a limited number of engines that meet only the previous Stage of emissions limits and then sell tractors/NRMM fitted with these engines. The intent of this scheme is to allow OEM's to delay the redesign of niche products e.g. vineyard tractors. We are obliged to include the flexibility provisions in our transposition of the Directives. Requirements for the flexibility scheme are set out in Annex IV of Directive 2000/25/EC, as amended by Directive 2005/13/EC, and Annex XIII of 97/68/EC and these do require record keeping by the type approval authority. Further explanation of the flexibility scheme is set out below.

An OEM must submit an application to an approval authority, in the period between two emission stages, to permit engines to join the flexibility scheme. These engines would comply with the previous emission values, closest to the latest one. Applications must declare the number of engines for inclusion for placement on the market, which the tractor manufacturer must decide using one of two options:

The number of an OEM's products placed on the flexibility scheme should not exceed 20% of their annual sales by engine category as defined by power output. An Annex listing engine categories is attached. Such numbers are calculated as the average of the latest 5 years sales on the EU market. An OEM may have marketed products in the EU for less than 5 years. If so, the average will be calculated based on the period it has done so in the EU.

Directives 2011/72/EU and 2011/88/EU amend this percentage to 40% (for tractors) and 37.5% (for NRMM). However until the transposition of these directives is complete VCA cannot apply the revised allowances.

Alternatively, the OEM may request that his engine suppliers place on the market a fixed number of engines, in each category as follows:

ENGINE CATEGORY	NUMBER OF ENGINES
19-37Kw	200
37-75Kw	150
75-130Kw	100
130-560kw	50

The revised allowances for tractors are:-

ENGINE CATEGORY	NUMBER OF ENGINES
19-37Kw	200
37-75Kw	175
75-130Kw	250
130-560kw	125

The revised allowances for NRMM are:-

ENGINE CATEGORY	NUMBER OF ENGINES
37-56kW	200
56 -75Kw	175
75-130Kw	250
130-560kw	125

But please note we can't apply the new allowances until transposition of the Directives is complete.

## **OTHER INFORMATION TO BE SUPPLIED BY THE OEM TO THE APPROVAL AUTHORITY (VCA)**

### **Labels**

The OEM's application to an approval authority must provide an application form obtainable by emailing [flexibility@vca.gov.uk](mailto:flexibility@vca.gov.uk), a brochure for the equipment, the type approval documentation for the engines and a sample of the following labels,

Labels to be stuck to each tractor placed on the market under the flexibility scheme. Such labels would state, "MACHINE NO...OF..... WITH TYPE APPROVAL NO..."

A sample of the supplementary label to be affixed on the engine should bear the words, "engine placed on the market under the flexibility scheme". This label would normally come from the engine manufacturer and may incorporate other engine information as well.



For Tractor flexibility the OEM must inform the approval authorities of each Member State that they have been granted use of the flexibility scheme. This is no longer required for NRMM flexibility.

For Tractor flexibility the OEM must submit a report every six months to the approval authorities of each Member State on their products and engines placed on the market under the flexibility scheme. This report would provide details of engine and machine serial numbers and the Member States where they have been entered into service. These procedures shall continue as long as a flexibility scheme is still in progress. This is no longer required for the NRMM flexibility scheme although information should be provided on request from approval authorities.

<i>Power Output (P) in kW</i>	<i>Production date</i>	<i>Date of initial entry into service</i>	<i>Category</i>	<i>Emissions Stage</i>
130 ≤P ≤560	On or before 30.12.2005	31.12.2007 to 30.12.2012	H	IIIA
	31.12.2005 to 30.12.2010	31.12.2005 to 30.12.2012	H	IIIA
	On or before 30.12.2010	31.12.2012 to 30.12.2015	L	IIIB
	31.12.2010 to 30.12.2013	31.12.2010 to 30.12.2015	L	IIIB
	On or before 30.12.2013	31.12.2015 onwards	Q	IV
	31.12.2013 onwards	31.12.2013 onwards	Q	IV
75 ≤P <130	On or before 30.12.2006	31.12.2008 to 30.12.2013	I	IIIA
	31.12.2006 to 30.12.2011	31.12.2006 to 30.12.2013	I	IIIA
	On or before 30.12.2011	31.12.2013 to 29.09.2016	M	IIIB
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	M	IIIB
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
56≤P <75	On or before 30.12.2003	31.12.2005 to 30.12.2009	G	II
	31.12.2003 to 30.12.2007	31.12.2003 to 30.12.2009	G	II
	On or before 30.12.2007	31.12.2009 to 30.12.2013	J	IIIA
	31.12.2007 to 30.12.2011	31.12.2007 to 30.12.2013	J	IIIA
	On or before 30.12.2011	31.12.2013 to 29.09.2016	N	IIIB
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	N	IIIB
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
37 ≤P <56	On or before 30.12.2007	31.12.2009 to 30.12.2014	J	IIIA
	31.12.2007 to 30.12.2012	31.12.2007 to 30.12.2014	J	IIIA
	On or before 30.12.2012	31.12.2014 onwards	P	IIIB



	31.12.2012 onwards	31.12.2012 onwards	P	IIIB
19 ≤P <37	On or before 30.12.2006	31.12.2008 onwards	K	IIIA
	31.12.2006 onwards	30.12.2006 onwards	K	IIIA
18 ≤P <19	31.12.2001 onwards	31.12.2001 onwards	D	II