
STATUTORY INSTRUMENTS

2022 No. 1273

The Road Vehicles and Non-Road Mobile
Machinery (Type-Approval) (Amendment and
Transitional Provisions) (EU Exit) Regulations 2022

PART 4

EU Regulations

CHAPTER 2

Other EU Regulations

Regulation (EC) No 595/2009

53.—(1) Regulation (EC) No 595/2009 is amended as follows.

(2) In Article 2 (scope), in the first subparagraph, for “Annex II of [Directive 2007/46/EC](#)” substitute “Article 4 of Regulation (EU) 2018/858”.

(3) In Article 3 (definitions)—

(a) in the first subparagraph, in points 1 and 10, for “point 25 of Article 3 of [Directive 2007/46/EC](#)”, substitute “point 20 of Article 3 of Regulation (EU) 2018/858”;

(b) in the second subparagraph—

- (i) for “The Commission may” substitute “the Secretary of State may by regulations”;
- (ii) omit the second sentence.

(4) In Article 4 (obligations of the manufacturers)—

(a) in paragraph 1, for “the Community” each time it occurs, substitute “Great Britain”;

(b) in paragraph 3—

- (i) for “The Commission shall” substitute “The Secretary of State must, by regulations,”;
- (ii) omit the second sentence.

(5) In Article 5(4) (requirements and tests)—

(a) for the opening words, substitute “The Secretary of State may make regulations to implement this Article, including regulations in relation to the following”;

(b) omit the second subparagraph.

(6) In Article 5b (specific requirements for Member States re the environmental performance of certain categories of vehicles)—

(a) in the heading, omit “for Member States”;

(b) in paragraph 1—

- (i) for “National authorities shall” substitute “The approval authority must”;

- (ii) for “EC” substitute “GB”;
 - (iii) omit “or national type-approval”;
 - (c) in paragraph 2, for “National authorities shall” substitute “The Secretary of State must”.
- (7) In Article 5c (measures for determining certain aspects of environmental performance of some categories of vehicles)—
- (a) in the first subparagraph, in the opening words, for the words from “2021, the Commission” to the end, substitute “2024, the Secretary of State must by regulations specify the following”;
 - (b) omit the second subparagraph.
- (8) In Article 8 (timetable for application of type-approval of vehicles and engines)—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “national authorities shall” substitute “the approval authority must”;
 - (bb) for “EC type-approval or national type approval” substitute “GB type-approval”;
 - (ii) in the second subparagraph, for “on the Community market” substitute “on the market in Great Britain”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph—
 - (aa) for “national authorities shall”, both times it occurs, substitute “the Secretary of State must”;
 - (bb) for “Article 26 of [Directive 2007/46/EC](#)” substitute “Article 48 of Regulation (EU) 2018/858”;
 - (ii) in the second subparagraph, for the words from “national authorities” to the end, substitute “the sale or use of new engines which do not comply with this Regulation and its implementing measures is prohibited”;
 - (c) in paragraph 3—
 - (i) for “national authorities” substitute “the Secretary of State”;
 - (ii) for “EC type-approval or national type approval” substitute “GB type-approval”.
- (9) In Article 9 (obligations of member States concerning type-approval of replacement parts)—
- (a) in the heading, omit “of Member States”;
 - (b) for “shall be prohibited” substitute “is prohibited”.
- (10) Omit Articles 10 (financial incentives) and 11 (penalties).
- (11) In Article 12 (redefinition of specifications)—
- (a) in paragraph 1—
 - (i) for “Commission shall” both times it occurs, substitute “Secretary of State must, by regulations”;
 - (ii) for “the Community” both times it occurs, substitute “Great Britain”;
 - (iii) omit the third subparagraph;
 - (b) omit paragraph 2;
 - (c) in paragraph 3—

- (i) in the first subparagraph, for “The Commission shall” substitute “The Secretary of State must”;
 - (ii) in the second subparagraph—
 - (aa) in the first sentence, for “they shall be adapted so as to adequately reflect”, substitute “the Secretary of State must by regulations adapt them so that they adequately reflect”;
 - (bb) omit the second sentence;
 - (d) omit paragraph 4.
- (12) For Article 13 (committee procedure) substitute—

*“Article 13
Regulations*

- 1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
 - 2. Such regulations may—
 - (a) make incidental, supplemental, consequential or transitional provision, and
 - (b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.
 - 3. Before making any Regulations under this Regulation the Secretary of State must consult with such representative organisations as the Secretary of State thinks fit.
 - 4. A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (13) Omit Articles 13a (committee procedure) and 14 (implementation).
- (14) After Article 18 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”