

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
WINDSOR FRAMEWORK**

**REGULATION (EU) 2024/2838 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL amending Regulation (EU) No 167/2013, Regulation (EU) No
168/2013 and Regulation (EU) No 1379/2013 of the European Parliament and
of the Council as regards certain reporting requirements**

Submitted by Department for Transport,

20 November 2024

SUBJECT MATTER

1. This explanatory memorandum sets out the implications of the EU's regulation to amend Regulation (EU) 167/2013, and Regulation (EU) 168/2013 and Regulation (EU) 1379/2013. These regulations concern vehicle standards and fishery and aquaculture policy as well. I am submitting this explanatory memorandum as the responsible minister in the lead department. Officials from the Department for the Environment, Food and Rural Affairs have contributed to this explanatory memorandum.
2. In brief, the Regulation removes four reporting requirements (detailed at paragraphs 3-6), which are being removed as they are now obsolete. Accordingly, this regulation has no practical impact in Northern Ireland.
3. Regulation (EU) 167/2013 is the type-approval framework for agricultural and forestry vehicles, it sets the rules on the approval and market surveillance of them. Articles 74 and 75 respectively require Member States to (a) inform the Commission about how they have applied the type approval by 31 December 2019, and (b) The Commission to submit report by 31 December 2020 on individual approvals issued by member states. This Regulation will remove the requirements in Article 74 and 75 as they are now obsolete.
4. Regulation (EU) 168/2013 is the type-approval framework for two- or three-wheel vehicles and quadricycles, it sets the rules on the approval and market surveillance of them.
5. Article 78 therein obliges Member States to report to the Commission by 31 December 2020 on the application of the type-approval procedures laid down in the Regulation. The Commission is then required to report to the European Parliament and Council by 31st December 2021 on the basis of the information received from Member States. Article 80 obliges the Commission to report to the European Parliament and Council by 31st December 2021 on the number of individual approvals issued by Member States since 1 January 2016. The

Regulation will remove the requirements in Articles 78 and 80 as they too are obsolete.

6. Regulation (EU) 1379/2013 concerns the common organisation of the markets in fishery and aquaculture products. The Regulation will remove the reporting obligation in relation to the marketing of fish below a given degree of freshness for human consumption.

SCRUTINY HISTORY

7. The Department for Transport submitted an explanatory memorandum in relation to this Regulation on 18 January 2024, when it was a proposal.

MINISTERIAL RESPONSIBILITY

8. The Secretary of State for Transport is responsible for Regulation (EU) 167/2013 and Regulation (EU) 168/2013. The Secretary of State for the Environment, Food and Rural Affairs is responsible for Regulation (EU) 1379/2013.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. The topic of type approval is a reserved matter. The topic of fisheries and agriculture is a reserved matter.

LEGAL AND PROCEDURAL ISSUES

i. Legal base

10. The legal base of the Regulation is Articles 43(2) and 114 of the Treaty on the Functioning of the European Union.

ii. Voting procedure

11. Voting will be via qualified majority.

iii. Timetable for adoption and implementation

12. The Regulation enters into force from 27 November 2024. There are no transitional provisions so the amendments will take effect immediately, noting that the amendments in question do not affect policy.

POLICY AND LEGAL IMPLICATIONS

13. To facilitate dual access to both the UK Internal Market and the EU Single Market, Northern Ireland (NI) continues to apply certain EU rules relating to vehicle type approval under the terms of the Windsor Framework. This includes Regulation (EU) 1379/2013, Regulation (EU) 167/2013 and Regulation (EU)

168/2013, which this Regulation amends.

14. With respect to regulations 1379/2013, the Regulation in question will amend Article 47 'Rules establishing common marketing standards' which does not apply in NI, and this change will have no effect in NI accordingly.
15. Amendments to Regulation (EU) 167/2013 and Regulation (EU) 168/2013 relate to the removal of reporting requirements on Member States and the Commission that are now obsolete as the deadlines for them have expired; their removal would therefore also have no practical effect in Northern Ireland.

CONSULTATION

16. No consultations or impact assessments have been undertaken by the Government for this Regulation given its negligible impact.

FINANCIAL IMPLICATIONS

17. There are no financial implications for the UK.

MINISTERIAL NAME AND SIGNATURE

A handwritten signature in dark ink, appearing to read 'L. Greenwood', followed by a horizontal line.

Lilian Greenwood MP
Parliamentary Under Secretary of State
Department for Transport

