

# PUBLISHED REPLACEMENT EU ACT INITIAL ASSESSMENT OF IMPACT

**DSC REF: DSC 16/2024**

## **Published Replacement EU Act**

Regulation (EU) 2024/2838 of the European Parliament and of the Council of 23 October 2024 amending Regulations (EU) No 1379/2013, (EU) No 167/2013 and (EU) No 168/2013 as regards certain reporting requirements.

[Regulation \(EU\) 2024/2038 - OJ L, 2024/2838, 7.11.2024](#)

This Regulation amends Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, Protocol Annex 2, Heading 9. Motor vehicles, including agricultural and forestry tractors. [Regulation - 167/2013 - EN - EUR-Lex](#)

This Regulation also amends Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. Protocol Annex 2, Heading 9. Motor vehicles, including agricultural and forestry tractors. [Regulation - 168/2013 - EN - EUR-Lex](#)

In addition, this Regulation amends Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000. Protocol Annex 2, Heading 46. Fisheries and aquaculture. [Regulation \(EU\) No 1379/2013 – EN – EUR-Lex](#). **DEARA will provide briefing on this aspect.**

## **Summary of the Act**

This Regulation deletes Articles 74 and 75 of Regulation (EU) No 167/2013 and Articles 78 and 80 of Regulation (EU) No 168/2013 thus removing the requirement to submit reports to the Commission on the annual number of individual vehicle approvals made under each Regulation and any deviations from the approval criteria specified. The Commission is then obligated to report to the European Parliament.

The deletion of these reporting requirements follows a Commission study in 2022 covering these reporting requirements that concluded that the type-approval procedures relating to these two EU Regulations were satisfactory and that the reporting obligations in place should no longer apply.

## **Department(s) Responsible**

Type approval is a reserved matter. The Secretary of State for Transport has primary responsibility for type approval. The associated department is the Department for Transport (DfT).

The Infrastructure Minister and his Department for Infrastructure has an interest in the amendment of Regulations (EU) No 167/2013 and (EU) No 168/2013 as they relate to vehicle type approval.

It is presumed that the DEARA Minister and his Department will have an interest in the amendment of Regulations (EU) No 1379/2013.

## **Initial Assessment of Impact**

As this is a fully reserved matter, and the responsibility of UK Government, DfT has provided their initial assessment.

DfT have advised that as these are reporting requirements on Member States and the Commission, their removal would have no practical effect on Northern Ireland. There are no implications for the Windsor Framework.

## **UK Government Explanatory Memorandum**

An Explanatory Memorandum (EM) was completed by DfT in January 2024 in relation to what was then the proposal relating to this now adopted Regulation – attached as Appendix 1. It includes some background to the EU Regulations being amended.

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. The proposal will remove the reporting requirements in Article 74 and 75.

Regulation (EU) 168/2013 is the type-approval framework for two or three wheeled vehicles and quadricycles, it sets out the rules on the approval and market surveillance of them. The proposal will remove the reporting requirements in Articles 78 and 80.

That EM advised that under the GB agricultural and forestry vehicles and motorcycles schemes in place, provisional GB approvals are issued to products with valid EU approvals. As such, the same technical requirements apply across the UK.

In relation to the removal of the reporting requirements to be actioned by the proposed EU Regulation, the EM concludes that: “As these are reporting requirements on Member States and the Commission, their removal would have no practical effect on Northern Ireland and officials advise that there are no implications for the Windsor Framework”.

DfT have advised that following the adoption of Regulation (EU) 2024/2838 they are preparing a revised version of their Explanatory Memorandum. They have though indicated that its contents will essentially be the same.

### **Analysis by the European Commission on its Impact Assessment**

The Commission has not prepared impact assessments for this proposal.

### **Departmental Engagement**

DfI have had no engagement with DfT officials on this matter prior to the request for DSC briefing.