



Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

Regulation (EU) 2025/14 on the Approval and Market
Surveillance of Non-road Mobile Machinery
Circulating on Public Roads and amending Regulation
(EU) 2019/1020: Department for Infrastructure

16 January 2025

NORTHERN IRELAND ASSEMBLY

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Regulation (EU) 2025/14 on the Approval and Market Surveillance of Non-road Mobile Machinery Circulating on Public Roads and amending Regulation (EU) 2019/1020: Department for Infrastructure

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Members present for all or part of the proceedings:

Mr Philip McGuigan (Chairperson)
Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Jonathan Buckley
Mr Declan Kearney
Ms Kate Nicholl
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Mr Adrian Borland Department for Infrastructure

The Chairperson (Mr McGuigan): We have Adrian Borland before us, head of vehicle policy branch at the Department for Infrastructure. Over to you, Adrian.

Mr Adrian Borland (Department for Infrastructure): Thank you, Chair. The main purpose of regulation (EU) 2025/14 is to create a new type approval framework in the EU for road-going, self-propelled machinery that is similar to the current EU type approval frameworks for cars, tractors and motorcycles. Non-road mobile machinery is a broad category that covers mobile machines that are regularly used in construction, agriculture, gardening and municipal material handling sectors. Occasionally, some of that machinery will need to circulate on public roads, mostly to move from one working place to another. We are talking here about mobile machinery such as combine harvesters, diggers, excavators, forklift trucks and ride-on mowing machines.

The Committee will be aware that the existing vehicular EU type approval framework regulations apply here since they are listed in annex 2 to the protocol. Regulation (EU) 2025/14 is, however, not listed and does not fall within the scope of the protocol, with one exception, as the Chair has pointed out. Accordingly, only article 51 qualifies as amending legislation under the protocol and is covered by this Democratic Scrutiny Committee (DSC) notification.

The amendment being made by article 51 is to update annex 1 of the market surveillance regulation (EU) 2019/1020, which falls within the scope of the protocol. It references regulation (EU) 2025/14 in the list of regulations that are covered by it. This aligning of regulation 2025/14 to annex 1 of the market surveillance regulation is a standard administrative amendment carried out by the EU when new market-related regulations such as this are adopted, in order to bring them into the scope of the EU's market surveillance framework. At this stage, however, the amendment can have no practical

effect within the EU, since there are no technical requirements yet for manufacturers to comply with. Those will be put in place over the next couple of years in related EU delegated acts.

In addition, in terms of DSC scrutiny, the amendment will have no practical effect here, because regulation (EU) 2025/14 itself does not apply here, since it is not currently covered under the protocol. In terms of impact, it therefore does not appear that the application of article 51 of this replacement EU act could have a significant impact specific to everyday life of communities in Northern Ireland in a way that is able to persist. Should the EU in future make a formal request through the article 13(4) protocol process to have regulation (EU) 2025/14 included under the protocol, and if that request was progressed, it appears that the DSC would have the opportunity at that point to consider the impact of introducing this new type approval framework.

I am happy to take any questions.

The Chairperson (Mr McGuigan): Grand job, Adrian. That is pretty self-explanatory.

Mr Buckley: Thank you, Adrian. This article is part of a potential overall regulation, so the policy intent follows. Does the Department have a view on the original regulation?

Mr Borland: The one that has just been adopted?

Mr Buckley: No, the overarching regulation for new type approvals.

Mr Borland: It is a new area, so there has not been a previous one. We will be in discussion with the Department for Transport (DfT) on its implications, because obviously it does not apply here at the moment, but we will have to take a view on it. The interesting thing about it is that the regulation of this type of machinery that might go on the roads is currently devolved, so it is covered under construction and use and lighting regulations, here and in GB. It is reserved in GB, within the jurisdictions there.

It would be a big change, and we would have to discuss it. We are planning meetings with the industry association bodies and so on to see what implication it might have.

Mr Buckley: It is a fair point. We have considerable concern about the substance of the overall regulation beyond the part that is being notified today. One of the earlier explanatory memorandums (EMs) notes:

"The devolved administrations were consulted during the development ... they expressed concern about the potential impact of this proposal in terms of possible disruption to the supply of machinery between GB and Northern Ireland."

There is also other correspondence. A brand new type approval system for off-road machinery that is mandatory for placing machinery on the market for Northern Ireland but not for GB would threaten supply. It covers, for example, combine harvesters, diggers, mowers and probably others that I have not been able to identify. I know the significance of the agriculture contracting community here, and I know the construction sector. A lot of their sourcing of those is through GB channels. Is there any assessment from the Department of the level of GB/NI trade with regard to those specific —?

Mr Borland: There is not too much at the minute. We will have a chat with the associations to see what they think. It will change the foundation of how those types of machinery may be approved. At the minute, it is construction and use, and the onus is on the manufacturer to comply with construction, use and lighting. If that changes, they will have to comply with type approval regulations. We cannot really do too much analysis at the minute because we do not know what those regulations will look like yet in terms of their technical aspects, but there is the potential for divergence and supply chain disruption.

Mr Buckley: The EU has not notified the UK that it intends to add the substantive parts of the regulation to the Windsor framework. However, in the event that that happened, and, therefore, this subsequent article in relation to market surveillance was in place, what practical impact would that have on the ability of consumers and businesses in Northern Ireland to access machinery from GB?

Mr Borland: In the UK, market surveillance is carried out by the Driver and Vehicle Standards Agency. It comes over, and basically the Driver and Vehicle Agency facilitates it in its operations. It

would potentially change the foundation of how they are procured. It might restrict availability, because you could buy them only if they were type approved.

Mr Buckley: So, if the regulation for the new type approval were in place, under market surveillance, any piece of machinery under the framework that was entering Northern Ireland from GB that did not conform with that new type would not be permitted to be on sale in Northern Ireland.

Mr Borland: Potentially. I think that the Committee is aware that, up to now, DfT has been keen to mirror EU regulations in the new type approval schemes that it has in place, so I would have thought that, in that event, it, and we, would be trying to reduce, if not avoid, any divergence, but again, until we know the detail, it is hard to say what is going to be required.

Mr Buckley: Thank you, Adrian, for your answers.

Mr Brooks: I understand that, at this stage, you have not been able to undertake detailed analysis in a formal way, but are you aware of any concerns from businesses, manufacturers and so on about the implications for them?

Mr Borland: Not yet. As I said, DfT is in the process — it is including us — of setting up meetings with the bodies to find that out. I know from the EU's impact analysis stuff that it seems to be saying that the industry would welcome this, because it would mean that there would be standardised manufacturing requirements, as opposed to every member country's having its own.

Mr Brooks: Of course, they would not have the problems with having to meet two different systems. It is probably more specific to Northern Ireland in that regard.

Mr Borland: Yes. I will read that with interest, but not —.

Mr Brooks: It is understandable, but it is a different situation for them, I guess. Thank you very much for your answer.

The Chairperson (Mr McGuigan): OK. Adrian, thank you.

Mr Borland: Thank you.