

PUBLISHED REPLACEMENT EU ACT ASSESSMENT OF IMPACT

DSC REF: DSC/23/2024

Published Replacement EU Act

Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) No 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act).

[Regulation - 2024/2847 - EN - EUR-Lex](#)

This Regulation 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](#)

Summary of the Act

Regulation (EU) 2024/2847 aims to set the boundary conditions for the development of secure products with digital elements by ensuring that hardware and software products are placed on the market with fewer vulnerabilities and that manufacturers take security seriously throughout a product's lifecycle. It also aims to create conditions allowing users to take cybersecurity into account when selecting and using products with digital elements, for example by improving transparency with regard to the support period for products with digital elements made available on the market.

Only Articles 66 and 68 of Regulation 2024/2847 qualify as amending/replacing legislation and are therefore covered by this DSC notification.

Accordingly, Regulation (EU) 2024/2847 is directly relevant to DfI only in terms of its amendment of Regulation (EU) 168/2013. The relevant amendment being made by Article 68 of Regulation (EU) 2024/2847 is to insert the entry "protection of vehicle against cyberattacks" into table C of Annex II to Regulation (EU) No 168/2013.

Annex II provides an "Exhaustive list of requirements for the purposes of EU vehicle type-approval" and Table C provides a list of "Vehicle construction and general type-approval requirements". The effect of the amendment is therefore to ensure that in scope vehicles and systems, components and separate technical units intended for such vehicles are protected against cyberattacks – as per Article 18 of that EU Regulation.

The technical requirements that will apply in practice will be established in due course in the implementing legislation of Regulation (EU) 168/2013. There is therefore nothing yet for manufacturers to comply with in terms of protection against cyber attacks.

Article 66 of Regulation (EU) 2024/2847 has an association to the Article 68 amendment since that is a typical amendment to the market surveillance framework, Regulation (EU) 2019/1020, which is done when a new EU Regulation is made. The amendment adds Regulation (EU) 2024/2847 to the list of regulations that have their own market surveillance obligations. This is an administrative amendment to update the legislation, it doesn't have any practical effect itself.

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 Regulation (EU) No 168/2013 as it relates to vehicle type approval.

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 there is no expected impact from the amendment of Regulation (EU) 168/2013 since the type-approval requirements for in scope vehicles in GB and NI are aligned and no divergence will take place. The GB scheme issues approvals on the basis of valid EU approvals.

It does not therefore appear likely that the application of the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

UK Government Explanatory Memorandum

An Explanatory Memorandum (EM) was completed by the Department for Science Innovation and Technology (DSIT) in December 2022 when the now adopted Regulation was at the proposal stage. At that point vehicle type approval was not included and we attached the EM at Appendix 1 for your information only.

We understand that DSIT are currently considering the adopted Regulation and a revised EM is likely in due course with input from DfT. It is though unlikely to be available for the Committee's consideration on 28 November.

Analysis by the European Commission on its Impact Assessment

The Commission has not prepared impact assessments for this proposal as it relates to vehicle type approval.

Departmental Engagement

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