



FEM comments on the proposal for a Regulation complementing EU type approval legislation, regarding UK's withdrawal from the EU (COM(2018)397)

FEM, the European Materials Handling Federation, welcomes the Commission proposal for a Regulation complementing EU type approval legislation, regarding UK's withdrawal from the EU. A legislative solution is indeed needed to ensure a smooth transfer of UK-issued type approvals to corresponding approvals by EU-27 type approval authorities after the UK leaves the EU.

From a general point of view, since the date of the UK's withdrawal from the EU is fast approaching, we are concerned about the short time between the entry into force of this Regulation and the Brexit date (29 March 2019). The renewal of the UK-issued type approvals is expected to overburden the capacity of the other EU-27 type approval authorities. FEM therefore urges decision-makers to adopt this Regulation swiftly, so as to ensure a timely conversion of the UK-issued type approvals to the EU-27 ones and allow manufacturers and EU-27 type approval authorities to deal with the additional workload.

From a more specific point of view, the Regulation should specify the exact cases when a transfer of UK type approval to an EU-27 one is absolutely required. In the case of vehicles or separate technical units for which the type approval has become invalidated before the EU law ceased to apply in the UK (for instance, vehicles subject to exemptions or transition provisions), it is unnecessary for manufacturers to obtain new approvals.

One other important concern to address is the existing stock of compliant vehicles, systems, components and separate technical units which are already produced and marked with the UK type approval number. Re-labelling the already produced stock is impractical; therefore, the Regulation should allow the prior UK type approval markings affixed to these products at the time of their production to be recognised as equivalent to the new EU-27 approval number.

FEM supports the provisions which permit the acceptance of existing test reports issued by, an UK designated technical services, for the new Union type approval, as long as these tests are based on the original technical and performance requirements in place at the time the original approval was granted. This would help minimise some of the administrative burdens which would arise in the process of converting the UK type approval certificates to the EU-27 ones. It is however important to clarify in Article 5.3 that repetition of tests must only occur on the basis of justified grounds and evidence of the need to re-carry out those tests, provided by the Union approval authority requesting the re-testing.

In a nutshell, while fully supporting the Commission's initiative, we call on the legislators' support to take into account the suggested clarifications above and rapidly adopt this Regulation. Manufacturers need the legal guarantee that, after the UK has left the EU, there is continuity in production and placing on the market of products covered by the amended type approval legislation.