

Guide on impact of Brexit with respect to type-approvals in the agricultural machinery industry

21 March 2019

In 2016 the UK decided to leave the EU. Since the triggering of Article 50 in March 2017 negotiations have taken place on the withdrawal agreement, but at the moment it is uncertain if there will be a withdrawal agreement or if the UK will leave the EU without an withdrawal agreement (hard Brexit). Depending on the developments several scenarios are possible. With this document CEMA (European association of the agricultural machinery industry) will try to give a short overview of the consequences with respect to type-approval in case of a hard Brexit (a Brexit where there is no withdrawal agreement) on either 29 March 2019 or any later UK withdrawal date where the EU legislation ceases to apply in the UK. It needs to be noted that the situation is changing constantly and it is advised to do research based on the situation at that moment. Many more scenarios are possible, but as CEMA we focus in this document on the hard Brexit scenario only.

1. Placing products on the EU market after the UK withdrawal date

If the withdrawal agreement is not accepted and no other solution is found, a hard Brexit might occur on 29 March 2019 or a later withdrawal date. In this case the UK will no longer be a member of the EU and will be considered a non-EU third country. This has the following consequences for vehicles and components with respect to placing them on the EU market after the UK withdrawal date:

i. Vehicles:

No vehicles with EU type-approvals issued by UK authorities will be allowed to be placed on the EU27 market (EU without the UK) after the UK withdrawal date. Consequently, for all vehicles with an EU type-approval issued by an UK type-approval authority the type-approval will need to be converted to an EU27 type-approval before that date using Regulation (EU) 2019/26. The placing on the market of vehicles containing components or separate technical units that received only an UK-issued EU type-approval is permitted if those components or separate technical units were placed on the EU market no later than the UK withdrawal date (see section iii).

Additionally, vehicles containing Stage IV transition engines > 130 kW or < 56 kW, or containing flexibility or narrow track tractors with Stage IIIB engines, covered by UK-issued EU type-approval, may also continue to be placed on the market after Brexit (see section ii). For other UK-issued EU type-approved components or separate technical units the manufacturer of those parts must obtain a new EU-27 type-approval and then an extension to the EU27 whole vehicle type-approval needs to be requested to include those components or separate technical units.

ii. Engines and other components:

All engines that have a valid UK-issued EU type-approval at the UK withdrawal date need to request an EU27 type-approval to be allowed to be placed on the EU market. Engines which EU type-approvals became invalid before the UK withdrawal date don't need to convert their type-approvals as stated in article 7 of Regulation 2019/26. Roughly, for agricultural tractors Stage V engines and Stage IV engines between 56kW and 130kW are considered valid and require a conversion. All other engines used in tractors are considered invalid. For a detailed description the guidance document prepared together with other European industry associations can be consulted, which can be found [here](#).

Other components: Other components than engines will need to have a type-approval from an EU27 member state to be placed on the EU market after the UK withdrawal date. I.e. no components with UK-issued type-approvals may be placed on the EU market after that date.

Overall, an overview of the engines and vehicles that require a new or extended EU27 type-approval to be placed on the EU market after the UK withdrawal date can be found below:

| Tractor | Installed engine ¹ | New EU27 type-approval necessary for engine placing on market after the UK withdrawal date | New EU27 type-approval necessary for tractor placing on market after the UK withdrawal date |
|----------------------------|--|--|---|
| UK type-approved tractor | UK type-approved engine with a type-approval that is valid on the UK withdrawal date | Yes | Yes |
| | UK type-approved engine with a type-approval that is invalid on the UK withdrawal date | No | Yes |
| | EU27 type-approved engine | No | Yes |
| EU27 type-approved tractor | UK type-approved engine with a type-approval that is valid on the UK withdrawal date | Yes | Possible extension required ² |
| | UK type-approved engine with a type-approval that is invalid on the UK withdrawal date | No | No |
| | EU27 type-approved engine | No | No |

¹ To identify which engine type-approvals are valid and which are invalid the above mentioned guidance document can be consulted.

² An extension of the tractor type-approval is necessary if the engine installed has an UK-issued type-approval and is placed on the market with a valid type-approval after the UK withdrawal date. The engine type-approval needs to be converted to an EU27 type-approval and in that case the extension of the tractor type-approval needs to include a reference to the converted component type-approval

iii. Products already placed on the EU market

Vehicles and components with UK-issued type-approvals that are placed on the EU market before the UK withdrawal date can move freely within the EU single market. More information on the definition of placing products on the EU markets can be found in [this European Commission's guide](#).

For engines and other components with valid EU type-approvals issued by an UK authority, which are placed on the EU market before the UK withdrawal date and will be installed in a tractor that will be placed on the market after that date, an EU27 type-approval marking is not necessary, as long as an EU27 type-approval conversion is obtained for that type of engine. A detailed explanation can be found in the guidance document mentioned above that is prepared together with the other European manufacturing associations.

If the manufacturer of a vehicle decides to request a conversion from an UK issued EU type-approval to an EU27 type-approval, the manufacturer needs to ask an EU27 type-approval authority to take over the UK type-approval authority obligations for all vehicles and components it manufactured itself and are placed on the market after 1 January 2008. If this is not done, no conversion of the UK-issued type-approval should be granted.

2. Placing products on the UK market

The requirements to place products on the UK market will also change in case of a hard Brexit. In case of a hard Brexit, the UK is no longer a member of the EU. This has the following consequences for vehicles and components with respect to placing them on the UK market:

i. Vehicles:

All tractors with an EU27-issued whole vehicle type-approval will require a provisional UK whole vehicle type-approval to be placed on the UK market after the UK withdrawal date³. It will initially not be necessary for the components of these tractors to have a UK type-approval and any EU type-approval will be accepted. This provision is probably only applicable until 29 March 2021. After that date new type-approval legislation will become applicable that is still being developed. No new markings are required for this provisional type-approval and the Certificate of Conformity remains valid. Guidance on how to apply for this UK provisional whole vehicle type-approval and the latest news can be found [here](#).

ii. Non-road mobile machinery, engines and other components:

UK provisional approval will initially be only optional for trailers, engines for NRMM and components and placing these on the UK market on the basis of a valid EU approval is allowed until 29 March 2021.

³ UK-issued type-approvals for which a conversion to an EU27 type-approval is requested become invalid when the new EU27 type-approval is requested. Therefore, the provisional UK type-approval needs to be requested as well for these vehicles.

Disclaimer

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