

## **EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK**

**Decision of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community to add the following EU legislation to the Windsor Framework.**

### **Unnumbered EM**

Regulation (EU) 2025/14 of the European Parliament and of the Council of 19 December 2024 on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 (Text with EEA relevance)

Submitted by the Department for Transport

27 January 2026

### **SUMMARY**

1. The following explanatory memorandum relates to the above Regulation (the Non-Road Mobile Machinery type-approval framework), whereby the EU has adopted new rules on the approval and market surveillance of non-road mobile machinery intended for use on public roads.

### **SUBJECT MATTER**

2. On 8 January 2025 the EU adopted Regulation (EU) 2025/14 creating a new type approval regime for machinery intended for use on the road. This framework is based on existing type-approval regimes for road vehicles and tractors, e.g. Regulation (EU) 2018/858, and it will operate in much the same way. The products within its scope include combine harvesters, ride-on mowers, some street sweepers, and diggers.
3. The EU has notified the UK that articles 1-50 and 52-56 should apply under the Windsor Framework under the provisions in Article 13(4) of the Windsor Framework. Article 51 amends legislation already included in the Windsor Framework, concerning the market surveillance of non-road mobile machinery, and so already applies in Northern Ireland under Article 13(3) of the Windsor Framework.
4. Under the new type-approval regime, new types, or models, of machinery will need to be tested to demonstrate compliance with the relevant technical requirements for safety. This process will be overseen

by national approval authorities who will be responsible for issuing the approval certificates that will be required before a product can be placed on the market or registered for use on the road. The tests will cover items related to road safety such as lighting, braking and steering. There will be no change for existing used types or models, which will not be captured by these requirements.

5. Pollutant emissions are not covered in this Regulation. These are currently regulated separately under an existing type approval regime for engines intended for use in machinery, Regulation (EU) 2016/1628, and this will continue alongside the new Regulation.
6. The new regulatory framework will introduce a range of obligations on businesses involved in the manufacture and supply of machinery intended for use on the road, and their components. Obligations are also placed on Member States to implement and enforce the framework. These include steps to ensure a manufacturer's production remains in conformity with the original approved specification. This will be monitored by the national approval authority responsible for issuing the approval.
7. The Regulation represents a change from the current arrangements whereby the UK and EU Member States set their own requirements regarding the design and use of such machinery on the roads, and operate their own approval schemes should they wish to do so.
8. The framework itself does not set out the detailed technical requirements that will apply, but instead provides the EU Commission with powers to set these via subsequent delegated acts.

## **SCRUTINY HISTORY**

9. An explanatory memorandum was provided to the Parliamentary scrutiny committees in June 2023 and a letter in September 2023. A further explanatory memorandum was produced in January 2025 following the Regulation's formal publication in the Official Journal of the EU.

## **MINISTERIAL RESPONSIBILITY**

10. The Secretary of State for Transport is responsible for vehicle type-approval.

## **INTEREST OF THE DEVOLVED ADMINISTRATIONS.**

11. The topic of type approval for other products is a reserved matter. The

use of machinery on roads is reserved in GB and devolved in NI.

## LEGAL AND PROCEDURAL ISSUES

### 12. Legal Base

Article 114 of the Treaty of the Functioning of the European Union.

### 13. Voting Procedure

Ordinary legislative procedure (Co-decision).

### 14. Timetable for adoption and implementation

The Regulation was published in the Official Journal of the EU on 8 January 2025 and came into force on 28 January 2025. Type-approval became available on its entry into force and will become mandatory from 29 January 2028. However, type-approval can only take place once the delegated acts are in place. There is a two-year deadline from the date of entry into force of the Regulation for the Commission to adopt them.

## POLICY IMPLICATIONS

### Potential Impact of Articles 1-50, 52-56 of the Regulation on Northern Ireland

#### Overview of provisions

### 15. The requirements notified under Article 13(4) consist of the following:

- a. Articles 1-4 cover the subject matter, scope and definitions.
- b. Articles 5-17 place obligations on member states, manufacturers and other economic operators, and set out the technical subjects which will be assessed at the approval stage.
- c. Articles 18-27 set the process by which approvals will be granted, amended and invalidated, as well as how ongoing compliance will be ensured.
- d. Articles 28-29 set the requirements for product marking and documentation.
- e. Articles 30-31 set the process by which machinery fitted with new technologies, which are not in scope of current regulations, may be approved and existing regulations updated to take account of the new technologies in the future.
- f. Article 32 sets out a process for approving machinery produced in very low numbers, known as individual EU approval.
- g. Articles 33-36 are safeguarding clauses covering how non-compliance is to be addressed both at member state and Union level.
- h. Article 37 sets obligations regarding the provision of information to the

end user, such as the operator's manual.

- i. Articles 38-48 concern the designation, and the obligations, of technical services used by member state approval authorities to conduct testing to demonstrate compliance with the technical requirements.
- j. Articles 49-50 set out how the powers for the Commission to adopt delegated acts will be exercised. This will be assisted by the Agricultural Vehicles technical committee established under the existing type-approval framework for tractors and agricultural vehicles.
- k. Articles 52-56 set out the role of the Forum for the Exchange of Information on Enforcement (established by the existing type approval framework regulation for passenger and commercial vehicles); oblige member states to lay down effective penalties for infringements of the framework; place an obligation on the Commission to review the implementation of the framework; and set the entry into force date for the framework and associated transitional provisions.

16. The provisions notified to the UK by the EU under the Article 13(4) procedure set out the obligations and processes required to establish an effective type approval regime for the products in scope. These are generally construction and agricultural machinery intended to be used on the road, such as mobile cranes, combine harvesters and road sweepers. Businesses placing these goods on the market in Northern Ireland will require an EU type-approval certificate for each product type.

17. Type-approval is a pre-production approval regime. The obligations and processes set by the Regulation are similar to those in other type-approval frameworks, such as for passenger and commercial vehicles, Regulation (EU) 2018/858, which also apply under the Windsor Framework. In summary the Regulation:

- Places obligations on those involved in the design, testing, approval and market surveillance of products within its scope;
- Requires manufacturers to obtain approval prior to placing products on the market and ensure subsequent production remains compliant. They must also mark products with the approval number; and
- Requires Member States to prevent products without approval from being placed on the market or registered and stipulates the need for market surveillance to identify and rectify any subsequent non-compliance.

### **Potential impact of requirements**

18. With regard to technical safety, the Regulation sets out the technical subjects for which more detailed technical requirements for on-road safety will be set through delegated legislation, such as but not limited to:

braking; steering; field of vision; and lighting.

19. For each of the 24 technical subjects listed in the Regulation the European Commission's research determined that existing technical requirements in either the type-approval framework for agricultural vehicles (Regulation (EU) 167/2013) or the machinery regulation (Regulation (EU) 2023/1230) were of high or medium relevance to road-going non-road mobile machinery. These regulations already apply in Northern Ireland under the Windsor Framework.
20. With regard to documentation and traceability, standard EU regulatory compliance responsibilities relating to documentation will need to be met, including issuing a certificate of conformity for each approved machine. Moreover, every machine that has been granted EU type-approval must be fitted with a statutory plate containing specific, indelible information on an easily accessible and non-replaceable part of the machinery.
21. While the final template of required information will be set out in an implementing act, it is expected to include essential data, including, but not limited to, the type approval number, vehicle identification number, manufacturer contact details, as well as information relating to permissible masses. This is information that is readily available to manufacturers and therefore costs will be linked to fitting the plate and familiarisation with new requirements, which we do not assess will be substantial.
22. Manufacturers, importers and distributors will need to fulfil their responsibilities, depending on their responsibility within the supply chain, to ensure machinery complies with technical requirements. Where the manufacturer is from outside the EU it must appoint a representative in NI or the EU to fulfil regulatory compliance duties. Given the size of the European market it is expected that GB-based manufacturers will appoint an authorised representative in NI or the EU Single Market to ensure they continue to comply, if they do not already have one.
23. Given the size of the EU market we expect manufacturers to: adapt design specifications to the Regulation; comply with documentation and economic operator regulatory compliance responsibilities; and employ authorised representatives where necessary, if such representatives are not already present in Northern Ireland or the EU Single Market.
24. Following an in-depth assessment of trade and vehicle registration data, supplemented by engagement with industry stakeholders, the

Government's assessment is that the products in scope are highly likely to be traded on a pan-European basis. As such, manufacturers are likely to adopt the requirements of the type-approval framework to maintain such trade.

25. The Government's assessment of the movement of relevant goods from Great Britain to Northern Ireland, based on published Eurostat data, indicates that Northern Ireland's share of trade with the EU in products expected to be in scope of the Regulation is around £247 million and makes up 10% of the UK's total trade in these goods.<sup>12</sup> These figures indicate a substantial volume of UK-EU trade in this area. Maintaining dual access for Northern Ireland enables businesses in NI to move goods freely into the wider pan-European market.
26. As the obligations of the Regulation relate to the process by which approvals are granted, products are marked, and ongoing compliance is monitored, the Government does not expect the provisions of the framework to conflict with existing domestic regulations, which relate to the use and performance of machinery used on the road rather than its testing and approval.
27. The technical requirements against which the approvals will be made are yet to be set. However, the EU Commission's research into the existing and potential technical requirements identified existing international regulations and standards that could be used to set those technical requirements. The Government therefore expects the technical requirements to be closely aligned to existing standards and technical regulations. This reduces the risk of conflict with existing UK requirements. However, we will follow closely the development of the technical requirements to ensure there is a consistent UK-wide regulatory landscape for non-road mobile machinery.
28. The Regulation limits the mandatory application of full EU approval to those types that exceed 70 units per type per year in each Member State. As an alternative those types may be approved under the EU individual approval scheme or comply with relevant national law. This is expected to limit the impact on smaller manufacturers, and we expect

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<sup>1</sup> Based on Eurostat EU-UK(NI) trade data between Jan-Dec 2024 (as of January 2026). **Figures are indicative only** – trade data is reported by national authorities and compiled by Eurostat. This does not account for differences in the classification of goods or data capture methodology between exporter and importer countries which may impact data accuracy (i.e. methodological asymmetries). This is especially important for comparisons between NI and GB exports which are collected by different bodies post Brexit (Interstat vs customs declarations) and increase uncertainty in this comparison.

<sup>2</sup> December 2024 HMRC currency exchange average rates - GOV.UK

only larger manufacturers of high-volume production to have to obtain approval under this regulation. As a result, we do not expect smaller UK based manufacturers to be captured by full EU type-approval.

29. The Government therefore considers that inclusion of the Regulation in the Windsor Framework would not create a new regulatory border between Great Britain and Northern Ireland, as it would not lead to a material diversion in trade or materially impair the free flow of goods. The UK Government will agree to the inclusion of the Regulation at the Withdrawal Agreement Joint Committee on 2 February 2026.
30. This is supported by an assessment which found that all identified GB manufacturers of non-road mobile machinery are trading with the EU. This was confirmed by taking into account industry data, engagement with trade associations, and a review of all DVLA registration data for relevant vehicles falling into the category of non-road mobile machinery that are registered in the UK.
31. Moreover, industry engagement confirms that GB manufacturers intend to continue supply non-road mobile machinery to the EU and therefore will adapt specifications to meet EU rules, as this is a major market for them. Eurostat data indicates that GB exports of products likely to be in scope of the Regulation to the EU totalled around £2.221 billion and strongly indicates that manufacturers will continue to serve the EU market, and therefore manufacture goods to meet specifications applicable in Northern Ireland.<sup>3</sup>
32. The new rules are due to enter into force in January 2028, one year after the January 2027 deadline by which date detailed technical specifications must be adopted by the Commission through delegated acts and made available to manufacturers. Trade associations have indicated that this is sufficient time to adapt to the new technical requirements being introduced, and we expect the European Commission to take into account the current requirements in NI. In addition, we expect the EU's requirements to make use of existing international regulations for road-going machinery as part of this process, reducing the likelihood of conflict with current domestic requirements in the UK.

### **UK Government policy**

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<sup>3</sup> Based on Eurostat EU-UK(NI) trade data between Jan-Dec 2024 (as of January 2026). **Figures are indicative only** – trade data is reported by national authorities and compiled by Eurostat. This does not account for differences in the classification of goods or data capture methodology between exporter and importer countries which may impact data accuracy (i.e. methodological asymmetries).

33. The current UK requirements for the safe use of machinery on the road are set in domestic legislation; principally through the Road Vehicles (Construction and Use) Regulations 1986 and the Road Vehicles Lighting Regulations 1989. As the policy for such vehicles is devolved in Northern Ireland the legislation is also devolved, but the requirements are the same in both Great Britain and Northern Ireland.
34. Other vehicles used on the road are already regulated through the type-approval approach and the EU regulations for them are included in the Windsor Framework. The Government has committed to protecting the UK internal market and has acted to address and prevent divergence.
35. To that end, we have amended GB technical requirements and made an explicit presumption of alignment with EU requirements for passenger and commercial vehicles. Furthermore, we recently published a Call for Evidence on how those vehicles in Great Britain are marked with both GB and EU approval numbers to enable their free movement across the UK.
36. Similarly, in line with the Government's presumption of alignment with EU vehicle regulations, it will follow this principle in respect of non-road mobile machinery. This will have the added effect of avoiding barriers between GB and NI and delivering on the Government's manifesto commitment to protect the internal market. As part of this commitment, we will continue to engage with industry throughout the remainder of the year, before consulting on how best to achieve these objectives once further technical details are published.

## **CONSULTATION**

37. The machinery industry was consulted by the EU Commission during the development of this Regulation, and an impact assessment was prepared by the Commission.

## **FINANCIAL IMPLICATIONS**

38. There are no financial implications for the UK.

**MINISTERIAL NAME AND SIGNATURE**



**Keir Mather**

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