Guidance for Motorcycle, Scooter and Moped Retailers

New rules affecting motorcycles sold or registered after 1 January 2017

This note provides guidance to help motorcycle retailers, manufacturers, importers and dealers ensure that they do not sell or register non-compliant vehicles. The term motorcycles includes mopeds and scooters. Separate guidance notes cover new requirements for power-assisted bicycles, also known as e-bikes, electrically assisted pedal cycles (EAPC), twist-and-go, or pedelecs.

New European laws affect certain motorcycles sold or registered after 1 January 2017. If you import, manufacture or sell motorcycles then you need to be aware of the law, as selling a non-compliant motorcycle is an offence.

1. New standards from 1 January 2017

New Emissions (“Euro 4”) and Safety standards take effect from 1 January 2017 for some categories of motorcycle, tricycle and quadricycle: L3e, L4e, L5e and L7e. This happens a year later for L1e, L2e and L6e category mopeds, tricycles and light quadricycles. Importers, retailers and dealers should discuss with the vehicle’s manufacturer to ensure that they will be supplying vehicles in line with the new emissions and safety standards.

There are two exceptions to this rule:

A - Motorcycles approved under Motorcycle Single Vehicle Approval (MSVA), which is an inspection normally carried out by the Driver and Vehicle Services Agency (DVSA), formerly VOSA. For more information on how to apply, details of the fee and so on, see:

https://www.gov.uk/vehicle-approval/motorcycle-single-vehicle-approval

B - Motorcycles where the manufacturer or importer has obtained End of Series derogations from the Vehicle Certification Agency (VCA) to cover their vehicles which have European type approval, but do not comply with the new standards. End of series derogations will be available, in line with the “new EoS rules”: set out in Article 44 of EU Regulation 168/2013, further details are given below.

1.1. What are End of Series derogations?

This is a scheme that allows vehicles which are built in compliance with a particular standard to continue being sold after a new standard has taken effect. Any L3e, L4e, L5e or L7e vehicle manufactured before 1 January 2017, physically within the EU on 31 December 2016 and intended for sale or use in the UK, is potentially eligible for a derogation, which will allow that vehicle to be sold and enter into service until the Derogation expires, on 31 December 2018.

Under EU Regulation 168/2013, a quota applies. This is either 10% of the total number of vehicles of the relevant categories sold in the UK in the last 24 months by the importer or manufacturer applying for exemption; or 100 motorcycles per importer/manufacturer if that is higher. We are offering applicants an alternative option: to consider each “type” sold by that applicant separately, and offer 10% of last 24 months sales of each type where a derogation is required or 100 vehicles of that type. This option may be preferable to some applicants. (See worked example below).
The manufacturer or importer should apply to the VCA as soon as possible – depending on demand, by December 2016 the turn-around time within VCA may increase. Application forms can be obtained from VCA’s dedicated web page:


Completed applications (and any questions regards the scheme) may be sent to: LAW@vca.gov.uk

2. Q & A

Are the L3e, L4e, L5e or L7e motorcycles I sell compliant with Euro 4?

The EC Certificate of Conformity should state in section 46 that it is “Euro 4”, if unsure consult the manufacturer.

Where are the derogation rules set out?

The current rules are set out in EU Regulation 168/2013 Article 44. Subjects affected are listed in a timetable in Annex IV to that regulation.

What are the End of Series criteria under the new rules?

Derogations are available either on a “per market” or “per type” basis. With the former, a volume of up to 10% of sales in UK of motorcycles of the relevant categories in the previous 24 months, or with the latter, making a separate calculation split up by “type”. If the volume eligible is less than 100 in either case, an application can nevertheless be made for up to 100 motorcycles, either by market or by type. Sales in the preceding 24 months before the application will be taken into account, not necessarily calendar years.

**Example – by market:** With sales of L3 category motorcycles of 3,000 in 2015 and 5,000 in 2016, 10% is (300+500) 800 motorcycles.

**Example by type:** A manufacturer has two types, AA and BB, with sales as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>2015 sales</th>
<th>2016 sales</th>
<th>Total sales in last 2 years</th>
<th>Number eligible for derogation: the higher of 10% or 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>500</td>
<td>1000</td>
<td>1500</td>
<td>150</td>
</tr>
<tr>
<td>BB</td>
<td>200</td>
<td>400</td>
<td>600</td>
<td>100</td>
</tr>
</tbody>
</table>

The optimum criteria will depend on the applicant, their model mix and sales.

The applicant needs to specify which criteria they would like to use, by default VCA will apply the “per market” criteria. Clearly an applicant who opts for the “per type” criteria will have to submit more detailed data.

The vehicles must have been manufactured BEFORE the new legislation effective date. In the case of Euro 3 vehicles of categories L3e-L5e and L7e, this is 1 January 2017. For categories L1e, L2e and L6e, the date is one year later.

What is the last date to apply for derogation for vehicles built before 1 January 2017?

There is no deadline but applications should be made as soon as possible. Applications made after 1 December 2016 are not guaranteed a response by 1 January 2017 but will be processed as quickly as possible. A vehicle should not be registered until notification from VCA is received.

Applications made early can be corrected later as regards amending VIN numbers to account for vehicles subsequently sold early or delivered late.

I have a question about the End of series derogations process not answered above?
What about motorcycles to be registered in Northern Ireland?

The same advice applies (including End of Series issues) except that for MSVA, this will be carried out by the local Driver Vehicle Agency (DVA) rather than DVSA:
http://www.nidirect.gov.uk/the-motorcycle-single-vehicle-approval-msva-scheme

3. Glossary

European type approval

Most Motorcycles are type approved before they are sold and registered. Type approval is the process of a government appointed body (e.g. the UK government has appointed the Vehicle Certification Agency, VCA) certifying that a range of vehicles complies with relevant safety and environmental laws. It is normally obtained by the manufacturer, as only he can guarantee the conformity of every vehicle he produces. Once a vehicle range is type approved, a manufacturer issues an EC Certificate of Conformity (EC CoC) with each vehicle to declare that it complies with the approved specification.

Motorcycle Single Vehicle Approval (MSVA)

Motorcycles that have not been type approved by the manufacturer must undergo an SVA inspection before they can be registered, to ensure they meet relevant safety and environmental standards. DVSA carry out MSVA testing in Great Britain, with DVA responsible in Northern Ireland.

4. Exports and sales in other EU member states

Other member states operate End of Series derogations schemes, you will need to contact the vehicle or transport authority in those states, or a motorcycle trade association, for more information.

5. Useful links

MSVA from DVSA (GB) - https://www.gov.uk/vehicle-approval/motorcycle-single-vehicle-approval
MSVA from DVA (Northern Ireland) – http://www.nidirect.gov.uk/the-motorcycle-single-vehicle-approval-msva-scheme
Vehicle Certification Agency (VCA) - http://www.dft.gov.uk/vca/
Motor Cycle Industry Association (MCIA) – http://www.mcia.co.uk/
Society of Motor Manufacturers and Traders (SMMT) - http://www.smmt.co.uk/

The information in this document is a summary of the Department’s understanding of what the law requires. However, ultimately the interpretation of the law is a matter for the courts based on individual facts of any particular case. You are therefore advised to consult the relevant legislation and, if necessary, seek independent advice.

Department for Transport
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