Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

The New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020.

(2) This regulation and regulations 19 to 24 come into force on the day after the day on which these Regulations are made.

(3) The remainder of these Regulations come into force on IP completion day.

(**a**) 2018 c. 16.

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation (EU) 2019/1242

2. Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC is amended in accordance with regulations 3 to 18.

Amendment of Article 1

3.—(1) Article 1 (subject matter and objective) is amended as follows.

(2) For the words from "In order to contribute" to "(EU) 2018/842" substitute "In order to contribute to the United Kingdom's target of achieving net-zero greenhouse gas emissions by 2050".

(3) Omit ", and to ensure the proper functioning of the internal market,".

(4) For "Union fleet" substitute "UK fleet".

Amendment of Article 2

4.—(1) Article 2 (scope) is amended as follows.

(2) In paragraph 2, for "Union", each time it occurs, substitute "United Kingdom".

(3) In paragraph 3—

(a) for "The Commission shall, by means of implementing acts," substitute "The Secretary of State may by regulations";

(b) omit the sentence beginning "Those implementing acts".

Amendment of Article 4

5.—(1) Article 4 (average specific CO_2 emissions of a manufacturer) is amended as follows.

(2) For the words from "Starting from 1 July 2020" to "determine" substitute "For the reporting period beginning with 1 July 2021, and for each subsequent reporting period, the Secretary of State must determine".

Amendment of Article 5

6.—(1) Article 5 (zero and low-emission heavy-duty vehicles) is amended as follows.

(2) In the first sentence of paragraph 1, for the words from "Starting from 1 July 2020" to "determine" substitute "For the reporting period beginning with 1 July 2021, and for each subsequent reporting period, the Secretary of State must determine".

Amendment of Article 6

7.—(1) Article 6 (specific CO_2 emissions targets of a manufacturer) is amended as follows.

(2) For "Commission" substitute "Secretary of State".

Amendment of Article 8

8.—(1) Article 8 (compliance with the specific CO_2 emissions targets) is amended as follows.

(2) In paragraph 1—

(a) for "Commission" substitute "Secretary of State";

(b) in point (a) for "4 250 EUR" substitute "£3,830"(**a**);

(c) in point (b) for "6 800 EUR" substitute "£6,130".

(3) In paragraph 3—

(a) for "The Commission shall, by means of implementing acts," substitute "The Secretary of State may by regulations";

(b) omit the second sentence.

(4) In paragraph 4, for "shall be considered as revenue for the general budget of the European Union" substitute "must be paid into the Consolidated Fund".

Amendment of Article 9

9.—(1) Article 9 (verification of the monitoring data) is amended as follows.

(2) In paragraph 1, for "Commission" substitute "Secretary of State".

(3) In paragraph 2, for "Commission shall" substitute "Secretary of State must".

(4) In paragraph 3—

(a) in the first sentence, for the words from "Commission" to "acts," substitute "Secretary of State may by regulations";

(b) omit the second sentence.

Amendment of Article 10

10.—(1) Article 10 (assessment of reference CO_2 emissions) is amended as follows.

(2) In the first subparagraph—

(a) for "Union" substitute "United Kingdom";

(b) for the words from "Commission" to "acts," substitute "Secretary of State may by regulations";

(3) Omit the second subparagraph.

Amendment of Article 11

11.—(1) Article 11 (publication of data and manufacturer performance) is amended as follows.

(2) In paragraph 1—

(a) for the words before point (a) substitute "By 30 April 2022 and in each subsequent year, the Secretary of State must publish a list indicating:";

(b) in point (a) for "2020" substitute "2021";

(c) in point (b) for "2020" substitute "2021";

(d) in point (d) for "2020" substitute "2021";

(e) in point (f)—

(i) for "2020" substitute "2021";

(ii) for "Union" substitute "United Kingdom".

(3) In paragraph 2—

(a) in the first subparagraph, in the words before point (a), for the words from "Commission" to "adjust" substitute "Secretary of State may be regulations adjust";

(b) in the second subparagraph—

(i) for "Commission shall" substitute "Secretary of State must";

(**a**) The exchange rate used for the figures in this paragraph was as at 29th May 2020 (one pound sterling was then equal to €1.11003).

(ii) for "shall apply" substitute "must apply";

(iii) for "delegated acts" substitute "regulations".

Amendment of Article 12

12.—(1) Article 12 (real-world CO_2 emissions and energy consumption) is amended as follows.

(2) For "Commission shall" in paragraphs 1 and 2, each time those words occur, and in the first subparagraph of paragraph 3, substitute "Secretary of State must".

(3) In paragraph 2, for "national authorities" substitute "other agencies of the Secretary of State".

(4) In the second subparagraph of paragraph 3—

(a) for the words from "Commission" to "and shall" substitute "Secretary of State must monitor and report annually on how the gap referred to in the first subparagraph evolves, and must";

(b) for "submit a legislative proposal to" substitute "may by regulations".

(5) In paragraph 4—

(a) in the first sentence, for the words from "Commission" to "acts," substitute "Secretary of State may determine by regulations";

(b) omit the second sentence.

Amendment of Article 13

13.—(1) Article 13 (verification of the CO_2 emissions of heavy-duty vehicles in-service) is amended as follows.

(2) In paragraph 4—

(a) in the first subparagraph—

(i) in the first sentence, for the words from "Commission" to "acts," substitute "Secretary of State may by regulations prescribe";

(ii) omit the second sentence;

(b) omit the second subparagraph.

Amendment of Article 14

14.—(1) Article 14 (amendments to Annexes I and II) is amended as follows.

(2) In paragraph 1 for "Commission is empowered to adopt delegated acts in accordance with Article 17 to" substitute "Secretary of State may by regulations".

(3) In paragraph 2 for "Commission shall" substitute "Secretary of State may".

(4) In paragraph 3—

(a) in the first sentence, for the words from "Commission" to "acts," substitute "Secretary of State may by regulations";

(b) omit the second sentence.

Amendment of Article 15

15.—(1) Article 15 (review and report) is amended as follows.

(2) In paragraph 1—

(a) for the words from "Commission" to "Council" substitute "Secretary of State must lay before Parliament a report";

(b) for the words from "European Union" to the end of the sentence, substitute "United Kingdom's target of achieving net-zero green-house gas emissions by 2050".

(3) In paragraph 2, in point (e) omit "as well as the geographical situation of Member States".

(4) In paragraph 4—

(a) in the first sentence—

(i) for "Commission shall" substitute "Secretary of State must";

(ii) for "all affected Member States" substitute "the United Kingdom";

(b) for the second sentence substitute—

"The Secretary of State may by regulations make provision to that effect by 31 December 2027.".

(5) In paragraph 5—

(a) in the first sentence—

(i) for "Commission shall" substitute "Secretary of State must";

(ii) for "Union", both times it occurs, substitute "United Kingdom";

(b) for the second sentence substitute—

"The Secretary of State must lay a report containing that evaluation before Parliament and may by regulations make provision for follow-up measures.".

Substitution of Article 16

16. For Article 16 (including the heading) substitute—

"*Article 16*

Regulations

1. Any power to make regulations under this Regulation—

(a) is exercisable by the Secretary of State by statutory instrument; and

(b) includes power to make:

(i) different provision for different purposes;

(ii) consequential, supplementary, transitional or transitory provision or savings.

2. A statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.".

Omission of Article 17

17. Omit article 17 (exercise of the delegation).

Omission of Article 21

18. Omit Article 21 (entry into force).

PART 3

Amendment of the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019

Amendment of the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019

19. The Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019(**a**) are amended in accordance with regulations 20 to 24.

Substitution of regulation 6

20. For regulation 6 (amendment of Article 3) substitute—

"**6.** For Article 3 (definitions) substitute—

"For the purposes of this Regulation—

(a) the definitions set out in Regulation (EU) 2018/858 of the European Parliament and of the Council, in Regulation (EC) No 595/2009 of the European Parliament and of the Council and in Regulation (EU) 2019/1242 of the European Parliament and of the Council apply;

(b) "regulations" means regulations made in accordance with Article 11A.".".

Substitution of regulation 7

21. For regulation 7 (amendment of Article 4) substitute—

"**7.** For Article 4 (including the heading) substitute—

"*Article 4*

Monitoring and reporting in respect of Part A of Annex 1

1. From 1 January 2021, the Secretary of State must monitor the data specified in Part A of Annex 1 relating to new heavy-duty vehicles registered for the first time in the United Kingdom.

2. By 30 September each year, starting in 2021, manufacturers must report to the Secretary of State those data of the previous reporting period of 1 July to 30 June.

3. Data relating to new heavy-duty vehicles that were registered previously outside the United Kingdom shall not be monitored and reported, unless that registration was made less than three months before registration in the United Kingdom.".".

Substitution of regulation 8

22. For regulation 8 (amendment of Article 5) substitute—

"**8.** For Article 5 (including the heading) substitute—

"*Article 5*

Monitoring and reporting in respect of Part B of Annex 1

1. From the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles must monitor the data specified in point 2 of Part B of Annex 1, for each new heavy-duty vehicle.

(**a**) S.I. 2019/846.

By 30 September each year, starting in 2021, manufacturers must report to the Secretary of State the data specified in point 2 of Part B of Annex 1, for each new heavy-duty vehicle with a date of simulation falling within the preceding reporting period of 1 July to 30 June.

The date of simulation must be the date reported in accordance with data entry 71 in point 2 of Part B of Annex 1.

2. Each manufacturer must appoint a contact point for the purpose of reporting data in accordance with this Regulation.".".

Amendment of regulation 10

23.—(1) Regulation 10 (insertion of Article 6A) is amended as follows.

(2) In the new Article 6A (data processing)—

(a) in paragraph 2, for "31 October each year, starting from 2020" substitute "30 April each year, starting from 2022";

(b) in paragraph 3, omit "in accordance with the procedure set out in regulations".

Amendment of regulation 14

24.—(1) Regulation 14 (amendment of Article 10 (report) is amended as follows.

(2) In paragraph (2), for the substituted paragraph 1 substitute—

"1. By 30 April every year, starting in 2022, the Secretary of State must publish an annual report with the Secretary of State's analysis of the data transmitted to it by manufacturers for the preceding reporting period.".

Name
Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations amend Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 which sets emission performance standards for new heavy-duty vehicles. They also amend the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/846) to the extent that those regulations are affected by amendments made to Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO_2 emissions from, and fuel consumption of, new heavy-duty vehicles by Article 19 of Regulation (EU) 2019/1242.

A de minimis impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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