

Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (recast) (Text with EEA relevance)

## <sup>F1</sup>Article 8

### Excess emissions premium

1 In respect of each calendar year, the <sup>F2</sup>Secretary of State] shall impose an excess emissions premium on a manufacturer or pool manager, as appropriate, where a manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target.

2 The excess emissions premium under paragraph 1 shall be calculated using the following formula:

(Excess emissions × <sup>F3</sup>£86] × number of newly registered vehicles.

For the purposes of this Article, the following definitions shall apply:

‘excess emissions’ means the positive number of grams per kilometre by which a manufacturer's average specific emissions of CO<sub>2</sub>, taking into account CO<sub>2</sub> emissions reductions due to innovative technologies approved in accordance with Article 11, exceeded its specific emissions target in the calendar year or part thereof to which the obligation under Article 4 applies, rounded to the nearest three decimal places, and ‘number of newly registered vehicles’ means the number of <sup>F4</sup>new NI passenger cars or new NI light commercial vehicles] counted separately of which it is the manufacturer and which were registered in that period according to the phase-in criteria as set out in Article 4(3).

<sup>F53</sup> Where the Secretary of State decides to impose an excess emissions premium under paragraph 1, the Secretary of State must serve a notice of civil penalty on the manufacturer or, in the case of a pool, the pool manager.

A notice of civil penalty must:

- a be in writing;
- b be dated;
- c set out the reasons for which the excess emissions premium is imposed;
- d set out the amount of the excess emissions premium and how it has been calculated;
- e set out how to pay the excess emissions premium;
- f require payment before the end of a period of 28 days beginning with the date of the notice;
- g include an explanation of the steps the manufacturer or, in the case of a pool, the pool manager, must take if they wish to object to the excess emissions premium, including the manner and form in which any notice of objection must be served; and
- h include an explanation of the steps the Secretary of State may take to recover any unpaid excess emissions premium.

4 The amount of any excess emissions premium payable under this Article—

- a in England and Wales is recoverable as if it were payable under an order of the county court in England and Wales;

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*Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)*

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- b in Scotland may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland;
- [<sup>F6</sup>c in Northern Ireland is recoverable as if it were payable under an order of the county court in Northern Ireland.]
- 5 Where action is taken under this Article for the recovery of any excess emissions premium, the amount payable is,
- [<sup>F7</sup>a in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc.) as if it were a judgment entered in the county court;
- [<sup>F8</sup>b in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgements Enforcement (Northern Ireland) Order 1981 (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.]
- 6 Any excess emissions premium received by the Secretary of State must be paid into the Consolidated Fund.]]

#### Textual Amendments

- F1** Art. 8 revoked (E.W.S.) (3.1.2024) by [The Vehicle Emissions Trading Schemes Order 2023](#) (S.I. 2023/1394), arts. 1(b), **110(1)** (with arts. 116, 117)
- F2** Words in Art. 8(1) substituted (31.12.2020) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1418), regs. 1(3), **3(10)(a)**
- F3** Sum in Art. 8(2) substituted (31.12.2020) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1418), regs. 1(3), **3(10)(b)**
- F4** Words in Art. 8(2) substituted (3.1.2024) by [The Vehicle Emissions Trading Schemes Order 2023](#) (S.I. 2023/1394), arts. 1(b), **110(7)** (with art. 117)
- F5** Art. 8(3)-(6) substituted for Art. 8(3)(4) (31.12.2020) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1418), regs. 1(3), **3(10)(c)**
- F6** Art. 8(4)(c) inserted (1.9.2021) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2021](#) (S.I. 2021/898), regs. 1(2), **2(6)(a)**
- F7** Words in Art. 8(5) renumbered as Art. 8(5)(a) (1.9.2021) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2021](#) (S.I. 2021/898), regs. 1(2), **2(6)(b)(i)**
- F8** Art. 8(5)(b) inserted (1.9.2021) by [The Road Vehicle Carbon Dioxide Emission Performance Standards \(Cars and Vans\) \(Amendment\) \(EU Exit\) Regulations 2021](#) (S.I. 2021/898), regs. 1(2), **2(6)(b)(ii)**

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