

*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.*

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DRAFT STATUTORY INSTRUMENTS

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**2019 No. 0000**

**EXITING THE EUROPEAN UNION  
ENVIRONMENTAL PROTECTION**

**The Heavy Duty Vehicles (Emissions and Fuel  
Consumption) (Amendment) (EU Exit) Regulations 2019**

*Made - - - -*

*Coming into force in accordance with regulation 2*

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(1).

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.

**Citation and commencement**

1. These Regulations may be cited as the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019.

2. These Regulations come into force on the later of exit day or the day after the day on which they are made.

**Amendment of Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles**

3. Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles is amended as follows.

**Amendment of Article 1**

4. In Article 1 (subject matter), for “Union” substitute “United Kingdom”.

## **Amendment of Article 2**

5. In Article 2 (scope), in the first paragraph, for “Member States” substitute “the Secretary of State”.

## **Amendment of Article 3**

6. In Article 3 (definitions), after the existing paragraph, insert—

“In this Regulation, “regulations” means regulations made in accordance with Article 11A.”

## **Amendment of Article 4**

7.—(1) Article 4 is amended as follows.

(2) In the heading, for “Member States” substitute “the Secretary of State”.

(3) In paragraph 1—

(a) in the first subparagraph—

(i) for “Member States” substitute “the Secretary of State”;

(ii) for “Union” substitute “United Kingdom, and report that data in accordance with Article 6”;

(b) omit the second subparagraph;

(c) in the third subparagraph, for “Union”, in both places it occurs, substitute “United Kingdom”.

(4) Omit paragraph 2.

## **Amendment of Article 5**

8.—(1) Article 5 (monitoring and reporting by manufacturers) is amended as follows.

(2) In paragraph 1—

(a) after the first subparagraph, insert—

“For the starting year 2019 set out in point 1 of Part B of Annex I, the period for manufacturers of heavy-duty vehicles monitoring the data specified in point 2 of Part B of Annex I for each new heavy-duty vehicle is the part of the calendar year beginning on the day on which the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) EU Exit) Regulations 2019 come into force and ending with 31 December 2019.”;

(b) in the second subparagraph—

(i) for “Commission” substitute “Secretary of State”;

(ii) for “Annex II” substitute “regulations”.

(3) After paragraph 2, insert—

“3. By 31 December 2019, manufacturers must notify the Secretary of State in accordance with regulations of the following information:

(a) the manufacturer name indicated in the certificate of conformity or individual approval certificate;

(b) the World Manufacturer Identifier code (WMI code) as defined in [Commission Regulation \(EU\) No 19/2011](#) of 11 January 2011 concerning type-approval requirements for the manufacturer’s statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing [Regulation \(EC\) No 661/2009](#) of the European Parliament and of the Council

concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor, to be used in the vehicle identification numbers of new heavy-duty vehicles to be placed on the market;

(c) the contact point responsible for reporting data to the Secretary of State.

New manufacturers entering the market must, without undue delay, notify the Secretary of State of the information referred to in points (a) to (c) in the first subparagraph in accordance with the reporting procedure set out in regulations.

4. By 28 February 2020, manufacturers must report the data specified in Part A of Annex I for each new heavy-duty vehicle registered for the first time in the United Kingdom in the period beginning on the day on which the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019 come into force and ending with 31 December 2019, to the Secretary of State in accordance with regulations.

By 28 February each year, beginning in 2021, manufacturers must report the data specified in Part A of Annex I for each new heavy-duty vehicle registered for the first time in the United Kingdom in the preceding calendar year, to the Secretary of State in accordance with regulations.”.

#### **Amendment of Article 6**

9.—(1) Article 6 (Central Register for data on heavy-duty vehicles) is amended as follows.

(2) In paragraph 1, in the first subparagraph—

(a) for “Commission” substitute “Secretary of State”;

(b) after “(‘the Register’)” insert “monitored and”.

(3) Omit paragraph 2.

#### **Insertion of new Article 6A**

10. After Article 6, insert—

##### *“Article 6A*

##### *Data Processing*

1. The Secretary of State must process the data monitored and reported in accordance with Articles 4 and 5(1), and must record the processed data in the Register.

2. The data relating to heavy-duty vehicles registered in the preceding calendar year and recorded in the Register must be made public by 31 October each year, starting from 2020, with the exception of the data entries specified in Article 6(1).

3. Where manufacturers identify errors in the data submitted to the Secretary of State, they must, without delay, notify those errors to the Secretary of State in accordance with the procedure set out in regulations.

4. The Secretary of State must verify the notified errors and, where appropriate, correct the data in the Register.”.

#### **Amendment of Article 7**

11.—(1) Article 7 (monitoring of the results of on-road verification tests) is amended as follows.

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

(3) For paragraph 2, substitute—

“2. Holders of the results of on-road tests performed within the framework of Regulation (EC) No 595/2009 must provide those results to the Secretary of State in accordance with regulations.

3. Regulations may, for the purposes of this Article, specify the data to be reported by the holders of on-road verification test data to the Secretary of State.”.

### **Amendment of Article 8**

12.—(1) Article 8 (data quality) is amended as follows.

(2) In paragraph 1—

- (a) omit “The competent authorities and”;
- (b) for “Articles 4 and 5” substitute “Article 5”;
- (c) for “Commission” substitute “Secretary of State”.

(3) In paragraph 2—

- (a) for “Commission” substitute “Secretary of State”;
- (b) for “its” substitute “his or her”;
- (c) for “Articles 4 and 5” substitute “Article 5”.

(4) In paragraph 3—

- (a) for “Commission” substitute “Secretary of State”;
- (b) for “its” substitute “his or her”;
- (c) for “it” substitute “the Secretary of State”.

(5) For paragraph 4, substitute—

“4. Regulations may specify the verification and correction measures referred to in paragraphs 2 and 3 of this Article.”.

### **Amendment of Article 9**

13.—(1) Article 9 (administrative fines) is amended as follows.

(2) In paragraph 1—

- (a) in the first subparagraph—
  - (i) for “Commission” substitute “Secretary of State”;
  - (ii) in point (a), for “it” substitute “the Secretary of State”;
- (b) in the second subparagraph, for “Commission” substitute “Secretary of State”;
- (c) in the third subparagraph—
  - (i) omit “shall be effective, proportional and dissuasive and”;
  - (ii) for “EUR 30 000” substitute “£26,000”.

(3) For paragraph 2, substitute—

“2. Regulations may make provision in relation to administrative fines.

Regulations made under this paragraph may, in particular:

- (a) make provision about the amount of an administrative fine;
- (b) provide for the payment of an administrative fine into the consolidated fund;

- (c) set out the procedure to be followed in imposing an administrative fine;
  - (d) set out the procedure for the collection and enforcement of an administrative fine;
  - (e) provide for a right of appeal against the imposition of a penalty.”
- (4) In paragraph 3—
- (a) for the opening words substitute “The Secretary of State, in making regulations under paragraph 2, must have regard to the following principles”;
  - (b) in point (a) omit “the procedure established by the Commission shall respect”;
  - (c) in point (b)—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) omit “be guided by the principles of effectiveness, proportionality and dissuasiveness,”;
    - (iii) for “taking” substitute “take”.
- (5) Omit paragraph 4.

#### **Amendment of Article 10**

14.—(1) Article 10 (report) is amended as follows.

(2) For paragraph 1 substitute:

“1. By 31 October every year, starting in 2021, the Secretary of State must publish an annual report with the Secretary of State’s analysis of the data monitored and reported in accordance with Articles 4 and 5 for the preceding calendar year.

By 31 October 2020, the Secretary of State must publish an annual report with the Secretary of State’s analysis of the data monitored and reported in accordance with Articles 4 and 5 for the period beginning on the day on which the Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) EU Exit) Regulations 2019 come into force and ending with 31 December 2019.”

(3) In paragraph 2, for “Union as well as that of each Member State” substitute “United Kingdom”.

(4) Omit paragraph 3.

#### **Amendment of Article 11**

15.—(1) Article 11 is amended as follows.

(2) In the heading, for “Annexes” substitute “Annex”.

(3) In paragraph 1—

(a) for the first subparagraph, substitute—

“Regulations may amend the Annex for the purposes of:”;

(b) omit point (d).

(4) Omit paragraph 2.

#### **Insertion of new Article 11A**

16. After Article 11, insert—

*“Article 11A*

*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 cases or descriptions of case, different circumstances or different purposes;
    - (ii) consequential, incidental, 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 12**

17. Omit Article 12 (committee procedure).

**Omission of Article 13**

18. Omit Article 13 (exercise of the delegation).

**Omission of Article 14**

19. Omit Article 14.

**Omission of text following Article 14**

20. In the text following Article 14, omit the words from “This Regulation” to “Member States”.

**Amendment of Annex I**

- 21.—(1) Annex I (rules on data to be monitored and reported) is amended as follows.
  - (2) In Part A—
    - (a) in the heading, for “MEMBER STATES” substitute “THE SECRETARY OF STATE”.
    - (b) in point (a), for “Member State territory” substitute “United Kingdom”.
  - (3) In Part C, in the text before the table, for “Commission” substitute “Secretary of State”.

**Omission of Annex II**

22. Omit Annex II.

Signed by authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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## 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, and paragraph 21(b) of Schedule 7 to, 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 sections 8(2)(a), (b), (c) and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations amend Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles (the “HDV Regulation”).

These Regulations amend requirements to monitor and report data on heavy-duty vehicles, including the transfer of responsibility for monitoring data to the Secretary of State, and other amendments as a consequence of leaving the EU. These Regulations impose a new duty on manufacturers to report data referred to in Part A of Annex I to the HDV Regulation, and provide that the Secretary of State may make regulations dealing with the procedure for imposing any administrative fine on manufacturers for irregularity or delay in reporting data under the HDV Regulation.

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](http://www.legislation.gov.uk).