

D R A F T S T A T U T O R Y I N S T R U M E N T S

2021 No. 0000

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

ENVIRONMENTAL PROTECTION

**The Road Vehicle Carbon Dioxide Emission Performance
Standards (Cars and Vans) (Amendment) (EU Exit) Regulations
2021**

Made - - - - *2021*
Coming into force - - *1st September 2021*

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

A draft of this instrument was laid before Parliament in accordance with paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018(b), and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 1st September 2021.

Amendment of Regulation (EU) No 2019/631

2.—(1) Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ 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(c), is amended as follows.

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- (a) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53(1) and (2) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020.
- (b) Paragraph 8F of Schedule 7 was inserted by paragraphs 51 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.
- (c) EUR 2019/631, amended by S.I. 2020/1418.

- (2) In Article 1 (subject matter and objectives)—
- (a) in paragraph 2—
 - (i) in both places that it occurs, for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”;
 - (ii) for “in Great Britain” substitute “in the United Kingdom”;
 - (b) in paragraphs 4 and 5, in each place that it occurs, for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”.
- (3) In Article 2 (scope)—
- (a) in paragraphs 1, 2, 4 and 5, in each place that it occurs, for “Great Britain” substitute “the United Kingdom”;
 - (b) after paragraph 5, insert—
 - “(6) This Regulation does not apply to any vehicle which is—
 - (a) registered in Northern Ireland between the period starting on 1st January 2021 and ending on 31st August 2021; and
 - (b) not registered in Great Britain within three months of being registered in Northern Ireland.”.
- (4) In Article 3(1) (definitions), in point (k), for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”.
- (5) In Article 7(1) (motoring and reporting of average emissions), in both places that it occurs, for “Great Britain” substitute “the United Kingdom”.
- (6) In Article 8 (excess emissions premium)—
- (a) in paragraph 4, after point (b) insert—
 - “(c) in Northern Ireland is recoverable as if it were payable under an order of the county court in Northern Ireland.”;
 - (b) in paragraph 5—
 - (i) the words from “in relation to England and Wales” to the end become point (a);
 - (ii) after point (a) insert—
 - “(b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgements Enforcement (Northern Ireland) Order 1981^(a) (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.”.
- (7) In Article 9 (publication of performance of manufacturers)—
- (a) in paragraph 1, in points (d) to (f), for “Great Britain” substitute “the United Kingdom”;
 - (b) in paragraph 3, in point (a), for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”.
- (8) In Article 10 (derogations for certain manufacturers)—
- (a) in paragraph 1, in the opening words and in point (b), for “Great Britain” substitute “the United Kingdom”;
 - (b) in paragraph 4, in the first sub-paragraph, for “Great Britain” substitute “the United Kingdom”.
- (9) In Article 15(3) (review and report) for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”.
- (10) In Annex 1—
- (a) in Part A (specific emissions targets for passenger cars), in point 6, in each place that it occurs, for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”;

(a) S.I. 1981/226 (N.I. 6).

- (b) in Part B (specific emissions targets for light commercial vehicles), in point 6, in each place that it occurs, for “Great Britain fleet-wide” substitute “United Kingdom fleet-wide”.

(11) In Part A of Annex 2 (collection of data on new passenger cars etc.), in the opening words of point 1, for “Great Britain” substitute “the United Kingdom”.

(12) In Annex 3—

- (a) in Part A (collection of data on new light commercial vehicles etc.), in the opening words of point 1.1, for “Great Britain” substitute “the United Kingdom”;
- (b) in Part B (methodology for determining CO₂ monitoring information for new light commercial vehicles), in point 1, for “Great Britain” substitute “the United Kingdom”.

Amendment of Commission Delegated Regulation (EU) No 114/2013

3.—(1) Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles(**a**) is amended as follows.

(2) In Annex 1, in point 2—

- (a) in the text preceding the table—
 - (i) in the first place that it occurs, for “Great Britain” substitute “United Kingdom”;
 - (ii) in the second place that it occurs, for “Great Britain” substitute “the United Kingdom”;
- (b) in the table, for “Great Britain” substitute “United Kingdom”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend retained EU legislation relating to CO₂ emissions performance targets for passenger cars and light commercial vehicles (vans).

On 18th December 2020, Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles (OJ L 111, 25.4.2019, p. 13-53) ceased to fall within scope of Annex 2 to the Protocol on Ireland/Northern Ireland of the EU withdrawal agreement. Consequently, that Regulation, together with the legislation implementing it, ceased to have effect in Northern Ireland.

(a) EUR 2013/114, amended by S.I. 2019/550. Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union’s integrated approach to reduce CO₂ emissions from light-duty vehicles (“Regulation (EU) No 510/2011”) (OJ L 145, 31.5.2011, p. 1-18) was repealed by Regulation (EU) 2019/631. Article 18 of Regulation (EU) 2019/631 provides that references to Regulation (EU) No 510/2011 are to be construed as references to Regulation (EU) 2019/631 and to be read in accordance with the correlation table in Annex 5.

Regulation 2 of these Regulations amends Regulation (EU) 2019/631 as retained in UK law (EUR 2019/631) to extend its application to vehicles registered in Northern Ireland.

Regulation 3 makes minor consequential amendments to Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles, as retained in UK law (EUR 2013/114).

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is available alongside this instrument on the UK legislation website, www.legislation.gov.uk.

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