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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Vehicle Emissions Trading Schemes Order 2023**

**Part 4**

**Information**

**Information: participants in the Trading Schemes**

**73.**—(1) Subject to paragraph (4), for each scheme year, the administrator must gather and record—

- (a) the information specified in [Part 1](#) of [Schedule 7](#), in relation to each car and each ZE SPV of category M1 which is registered during that scheme year;
- (b) the information specified in [Part 2](#) of [Schedule 7](#), in relation to each van, each ZE SPV of category N1, and each ZE SPV of category N2 which is within the description in paragraph (c) of the definition of “van” in [article 3\(1\)](#), which is registered during that scheme year; and
- (c) the information specified in [Part 3](#) of [Schedule 7](#), in relation to the base vehicle of a completed van which is registered during that scheme year.

(2) The information specified in [paragraph 1](#) or [6](#) of [Schedule 7](#) is to be taken from the certificate of conformity, or the individual vehicle approval certificate, of the car, the van or the ZE SPV, as the case may be.

(3) Subject to paragraph (4), for each scheme year, a participant in the Trading Schemes must, in relation to each car, van, ZE SPV or base vehicle of which it is the manufacturer and which is registered during the scheme year—

- (a) ensure that the information in [Part 1](#), [2](#) or [3](#) of [Schedule 7](#), as the case may be, is available to the administrator through the process of type-approval and registration of vehicles; and
- (b) to the extent that the information is not so available, provide the information to the administrator—
  - (i) on or before 31st August of the year following each scheme year; or
  - (ii) where the information is that specified in [paragraph 2](#) or [7](#) of [Schedule 7](#), within the period of time specified in a request made by the administrator for the provision of that information.

(4) The obligations in [paragraphs \(1\)](#) and [\(3\)](#) do not apply to the extent that the administrator—

- (a) is satisfied that the information referred to in those paragraphs is not available in relation to a particular vehicle; and
- (b) notifies the participant in the Trading Schemes concerned of that fact in writing.

(5) A CRTS participant or VRTS participant must provide to the administrator, on or before 31st August of the year following a scheme year—

- (a) the number of ZE cars, ZE vans and ZE SPVs of which the participant is the manufacturer and which were registered during the scheme year which are to be used exclusively by a

- car club for the provision of a car club service for a period of 18 months from the date they are registered, along with the vehicle identification numbers of the vehicles and the name by which the operator of the car club is known;
- (b) evidence that condition C of the zero-emission conditions (warranty) is met in relation to the ZE cars, ZE vans and ZE SPVs of which the participant is the manufacturer and which were registered during the scheme year;
  - (c) the number of ZE SPVs of which the participant is the manufacturer and which were registered during the scheme year, except for ZE wheelchair accessible SPVs, and a breakdown of that number by vehicle category for the purposes of Article 4 of Regulation (EU) 2018/858;
  - (d) the number of ZE wheelchair accessible SPVs of which the participant is the manufacturer and which were registered during the scheme year; and
  - (e) a copy of the audit certificate referred to in [article 75\(3\)](#).
- (6) Subject to [paragraph \(7\)](#), a participant in the Trading Schemes must notify the administrator on or before the date which is two months after the date on which this Order comes into force of—
- (a) the name, address and other contact details of the person to whom any notification or correspondence about the Trading Schemes should be sent;
  - (b) the name which the participant, or which each manufacturer which is a member of a pool participant in the Trading Schemes, indicates or intends to indicate on the certificate of conformity or the individual vehicle approval certificate for the cars, vans or ZE SPVs of which it is the manufacturer; and
  - (c) the world manufacturer identifier of the vehicle identification number which the participant, or which each manufacturer which is a member of a pool participant in the Trading Schemes, indicates, or intends to indicate, on the certificate of conformity or the individual vehicle approval certificate for the cars, vans or ZE SPVs of which it is the manufacturer.
- (7) A participant which becomes a participant in the Trading Schemes after the date mentioned in [paragraph \(6\)](#) must provide the administrator with the information mentioned in that paragraph without delay after becoming a participant.
- (8) A participant in the Trading Schemes must notify any changes to the information mentioned in [paragraph \(6\)](#) to the administrator without delay.
- (9) The administrator must notify each manufacturer which is a participant in the Trading Schemes, or which is a member of a pool participant in the Trading Schemes, of its account number in the registry before the start of the trading window which follows the first scheme year for which that manufacturer becomes a participant in the Trading Schemes or a member of a pool participant in the Trading Schemes.

#### **Information: SPV manufacturers**

74.—(1) Where an SPV manufacturer wishes to acquire a CRTS credit or a VRTS credit for a scheme year accordance with [article 21](#), [22](#), [53](#) or [54](#), the SPV manufacturer must comply with [paragraphs \(2\) to \(4\)](#).

(2) An SPV manufacturer must notify the administrator on or before 20th April of the year following the scheme year for which it wishes to acquire a credit described in [paragraph \(1\)](#) of—

- (a) the name, address and other contact details of the person to whom any notification or correspondence about the Trading Schemes should be sent;

- (b) the name which the SPV manufacturer indicates, or intends to indicate, on the certificate of conformity or the individual vehicle approval certificate for the ZE SPVs of which it is the manufacturer; and
  - (c) the world manufacturer identifier of the vehicle identification number which the SPV manufacturer indicates, or intends to indicate, on the certificate of conformity or the individual vehicle approval certificate for the ZE SPVs of which it is the manufacturer.
- (3) Subject to paragraph (5), an SPV manufacturer must ensure that the following information, in relation to each ZE SPV of which is the manufacturer and which is registered during a scheme year for which it wishes to acquire a credit described in paragraph (1), is available to the administrator through the process of type-approval and registration of vehicles, and to the extent that it is not, provide it to the administrator on or before 31st August of the year following that scheme year—
- (a) the information specified in sub-paragraphs (a) to (s) of paragraph 1 of Schedule 7, in relation to each ZE SPV of category M1 which is registered during that scheme year; and
  - (b) the information specified in sub-paragraphs (a) to (t) of paragraph 6 of Schedule 7, in relation to each ZE SPV of category N1, and each ZE SPV of category N2 which is within the description in paragraph (c) of the definition of “van” in article 3(1), which is registered during that scheme year.
- (4) An SPV manufacturer must provide to the administrator, on or before 31st August of the year following the scheme year for which it wishes to acquire a credit described in paragraph (1)—
- (a) the number of ZE SPVs of which the participant is the manufacturer and which were registered during the scheme year which are to be used exclusively by a car club for the provision of a car club service for a period of 18 months from the date they are registered, along with the vehicle identification numbers of the SPVs and the name by which the operator of the car club is known;
  - (b) evidence that condition C of the zero-emission conditions (warranty) is met in relation to the ZE SPVs of which the SPV manufacturer is the manufacturer and which were registered during the scheme year;
  - (c) the number of ZE SPVs of which the participant is the manufacturer and which were registered during the scheme year, except for ZE wheelchair accessible SPVs, and a breakdown of that number by vehicle category for the purposes of Article 4 of Regulation (EU) 2018/858;
  - (d) the number of ZE wheelchair accessible SPVs of which the participant is the manufacturer and which were registered during the scheme year; and
  - (e) a copy of the audit certificate referred to in article 76(3).
- (5) The obligation in paragraph (3) does not apply to the extent that the administrator—
- (a) is satisfied that the information referred to in that paragraph is not available in relation to a particular vehicle; and
  - (b) notifies the SPV manufacturer concerned of that fact in writing

### **Maintenance and audit of records by participants in the Trading Schemes**

**75.—**(1) A participant in the Trading Schemes must keep a record of the information referred to in article 73(1) and (5)(a) to (d) in relation to the cars, vans and ZE SPVs of which the participant is the manufacturer and which are registered during each scheme year.

(2) A participant in the Trading Schemes must, on at least an annual basis, carry out an audit of the records required to be kept under paragraph (1) to ensure its compliance with the requirements of that paragraph.

(3) The participant in the Trading Schemes must evidence the satisfactory completion of such an audit by completing a document in writing (referred to in paragraph (4) as “an audit certificate”).

(4) The audit certificate may be in such form as the participant in the Trading Schemes sees fit but must be—

- (a) signed by a person who exercises management control in respect of the activities of the participant; and
- (b) kept with its records.

### **Maintenance and audit of records by SPV manufacturers**

**76.**—(1) An SPV manufacturer must keep a record of the information referred to in [article 74\(3\)](#) and [\(4\)\(a\)](#) to [\(d\)](#) in relation to the ZE SPVs of which it is the manufacturer and which are registered during each scheme year for which the SPV manufacturer wishes to earn a CRTS credit or VRTS credit.

(2) An SPV manufacturer must, on at least an annual basis, carry out an audit of the records required to be kept under paragraph (1) to ensure its compliance with the requirements of that paragraph.

(3) An SPV manufacturer must evidence the satisfactory completion of such an audit by completing a document in writing (referred to in paragraph (4) as “an audit certificate”).

(4) The audit certificate may be in such form as the SPV manufacturer sees fit but must be—

- (a) signed by a person who exercises management control in respect of the activities of the SPV manufacturer; and
- (b) kept with its records.

### **Preparation of provisional information**

**77.**—(1) On or before 31st May of each year following a scheme year, the administrator must prepare the following information for the scheme year, and for each participant in the Trading Schemes—

- (a) the total number of cars of which the participant is the manufacturer and which were registered during the scheme year;
- (b) the total number of vans of which the participant is the manufacturer and which were registered during the scheme year;
- (c) the number of ZE cars of which the participant is the manufacturer and which were registered during the scheme year;
- (d) the number of ZE vans of which the participant is the manufacturer and which were registered during the scheme year;
- (e) the number of NZE cars of which the participant is the manufacturer and which were registered during the scheme year and their specific emissions of CO<sub>2</sub>;
- (f) the number of NZE vans of which the participant is the manufacturer and which were registered during the scheme year and their specific emissions of CO<sub>2</sub>;
- (g) the average of the specific emissions of CO<sub>2</sub> of the NZE cars of which the participant is the manufacturer and which were registered during the scheme year;
- (h) the average of the specific emissions of CO<sub>2</sub> of the NZE vans of which the participant is the manufacturer and which were registered during the scheme year;

- (i) the number of ZE SPVs of category M1, except for ZE wheelchair accessible SPVs, of which the participant is the manufacturer and which were registered during the scheme year;
  - (j) the number of ZE wheelchair accessible SPVs of which the participant is the manufacturer and which were registered during the scheme year;
  - (k) the number of ZE SPVs of category N1, or of category N2 which fall within the description in paragraph (c) of the definition in “van” in [article 3\(1\)](#), of which the participant is the manufacturer and which were registered during the scheme year;
  - (l) the number of CRTS allowances allocated and, where applicable, the number of banked CRTS allowances;
  - (m) the number of VRTS allowances allocated and, where applicable, the number of banked VRTS allowances;
  - (n) the number of CCTS allowances allocated;
  - (o) the number of VCTS allowances allocated;
  - (p) the number of CRTS credits acquired;
  - (q) the number of VRTS credits acquired;
  - (r) the number of units of activity in the CRTS and any additional matters for which the participant must account for that scheme year in accordance with [article 27\(1\)\(b\)](#) or [\(c\)](#) (car club credits and borrowed CRTS allowances);
  - (s) the number of units of activity in the VRTS and any additional matters for which the participant must account for that scheme year in accordance with [article 59\(1\)\(b\)](#) or [\(c\)](#) (car club credits and borrowed VRTS allowances);
  - (t) the number of units of activity in the CCTS;
  - (u) the number of units of activity in the VCTS.
- (2) The administrator must, on or before 31st May of each year following a scheme year, notify in writing each participant in the Trading Schemes of—
- (a) the provisional information mentioned in [paragraph \(1\)](#); and
  - (b) such of the information specified in [Schedule 7](#) for that participant and that scheme year as the administrator holds.
- (3) On or before 31st May of each year following a scheme year, the administrator must prepare the following information for the scheme year and for each SPV manufacturer—
- (a) the number of ZE SPVs of category M1, except for ZE wheelchair accessible SPVs, of which the SPV manufacturer is the manufacturer and which were registered during the scheme year;
  - (b) the number of ZE wheelchair accessible SPVs of which the SPV manufacturer is the manufacturer and which were registered during the scheme year;
  - (c) the number of ZE SPVs of category N1, or of category N2 which fall within the description in paragraph (c) of the definition in “van” in [article 3\(1\)](#), of which the SPV manufacturer is the manufacturer and which were registered during the scheme year;
  - (d) the number of CRTS credits acquired;
  - (e) the number of VRTS credits acquired.
- (4) The administrator must, on or before 31st May of each year following a scheme year, notify in writing each SPV manufacturer of—
- (a) the provisional information mentioned in [paragraph \(3\)](#); and

- (b) such of the information specified in [Schedule 7](#) in relation to that SPV manufacturer and that scheme year as the administrator holds.

### **Error notification**

**78.**—(1) On or before 31st August of each year following a scheme year, a participant in the Trading Schemes or an SPV manufacturer may notify the administrator of any errors identified in the information notified by the administrator under [article 77\(2\)](#) or [\(4\)](#).

(2) A notification given under [paragraph \(1\)](#)—

- (a) must identify the error; and  
(b) may be accompanied by evidence which demonstrates that the administrator has made an error.

(3) The administrator must take into account a notification given under [this article](#) in the preparation of the final information under [article 79](#).

### **Preparation and notification of final information**

**79.** On or before 31st October of each year following a scheme year, the administrator must prepare the final information mentioned in [article 77\(1\)](#) and [\(3\)](#) and notify it in writing to each participant in the Trading Schemes and each SPV manufacturer.

### **Publication of final information**

**80.**—(1) On or before 15th March of the year which begins one year after the end of a scheme year, the administrator must publish the following information for the scheme year—

- (a) the information mentioned in [paragraph 1](#) of [Schedule 7](#), with the exception of the information in sub-paragraph [\(n\)](#) and sub-paragraphs [\(t\)](#) to [\(v\)](#);
- (b) the information mentioned in [paragraph 6](#) of [Schedule 7](#), with the exception of the information in sub-paragraph [\(o\)](#) and sub-paragraphs [\(u\)](#) to [\(w\)](#);
- (c) in relation to each participant in the Trading Schemes and where applicable—
- (i) the number of ZE cars and ZE vans of which the participant was the manufacturer and which were registered during the scheme year;
- (ii) the number of NZE cars and NZE vans of which the participant was the manufacturer and which were registered during the scheme year;
- (iii) the baseline for the purposes of the CCTS or VCTS;
- (iv) the number of credits acquired by the participant under each of [article 19\(1\)](#), [19\(2\)](#), [20](#), [51](#) and [52](#);
- (v) the net number of allowances and, where applicable, credits in each of the Trading Schemes which each participant in the schemes acquired or disposed of through trading during the trading window following the scheme year;
- (vi) the average of the specific emissions of CO<sub>2</sub> of the NZE cars, and of the NZE vans, of which the participant was the manufacturer and which were registered during the scheme year;
- (d) in relation to each SPV manufacturer—
- (i) the number of ZE SPVs of which the manufacturer is the manufacturer and which were registered during the scheme year, stating how many of those were ZE wheelchair accessible SPVs;

- (ii) the number of credits acquired by the SPV manufacturer under each of [articles 21\(1\), 21\(2\), 22, 53 and 54](#);
  - (iii) the number of credits in each of the CRTS or VRTS which the SPV manufacturer disposed of through trading during the trading window following the scheme year;
  - (e) the average of the specific emissions of CO<sub>2</sub> of all the NZE cars, and of all the NZE vans, registered during the scheme year.
- (2) In [paragraph \(1\)\(c\)\(v\)](#), a reference to “trading” is a reference to trading allowances or credits under [article 25, 26, 37, 57, 58 or 69](#).
- (3) In [paragraph \(1\)\(d\)\(iii\)](#), a reference to “trading” is a reference to disposing of credits through trading under [article 26 or 58](#).
- (4) The administrator may publish amended information at any time where it discovers any error or omission in the published information.

### **Power of administrator to require information from participants and SPV manufacturers**

**81.**—(1) The administrator may at any time require a participant in the Trading Schemes or an SPV manufacturer to provide information which is required by the administrator in order to administer the Trading Schemes by giving a notice to the participant or the manufacturer.

(2) Any notice given under [paragraph \(1\)](#) must—

- (a) be in writing;
- (b) identify the information required and the reason it is required; and
- (c) specify the form in which, and the time period within which, the information must be provided to the administrator.

(3) A person to whom a notice is given under this article must comply with the requirement contained in the notice.

(4) The information which a person may be required to provide under this article includes information that, although not in the person’s possession, it is reasonable to require the person to obtain or compile for the purpose of administering the Trading Schemes.

### **Updating information provided with an application under [Part 3 of Schedule 4](#) (low-volume participants)**

**82.** A low-volume CRTS participant and a low-volume VRTS participant must notify the administrator without delay if there is a change in the information provided with the application made under [Part 3 of Schedule 4](#) which affects the participant’s eligibility to be a low-volume CRTS participant or a low-volume VRTS participant, as the case may be.

### **Updating information provided with an application under [Schedule 5](#) (pool participants)**

**83.**—(1) Each manufacturer which is a member of a pool participant in the Trading Schemes must notify the administrator without delay if there is a change to the identity of the manufacturer notified to the administrator as the contact point in accordance with [paragraph 5\(c\)\(i\) of Schedule 5](#).

(2) A notification under [paragraph \(1\)](#) must be accompanied by the evidence mentioned in [paragraph 7\(b\) of Schedule 5](#) in relation to the new manufacturer which will act as the contact point.

### **Manner of provision of information to administrator**

**84.**—(1) Any obligation of a participant in the Trading Schemes or an SPV manufacturer to provide information to, or to notify, the administrator must be complied with by providing the information, or making the notification—

- (a) through a website of the administrator; or
- (b) in another manner, in a case where the administrator determines that it is necessary to allow notification or the provision of information in that manner.

(2) This article is subject to [article 81\(2\)\(c\)](#) (power of administrator to require information for Trading Scheme administration), [article 86\(b\)](#) (power of administrator to require production of information or documents) and [paragraph 9\(d\)](#) of [Schedule 4](#) (form of application under that Schedule).