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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend both the Passenger Car (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations 2001 (“the 2001 Regulations”) and the Road Vehicles (Approval) Regulations 2009 (“the 2009 Regulations”) in order to deal with amendments to the European Union legislation which they implement. They also amend the 2009 Regulations, the Motorcycles (Type-Approval) Regulations 2018 (“the Motorcycles Regulations”) and the Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (“the AFV Regulations”) to introduce offence provisions in relation to the use of defeat systems / devices to cheat emissions testing, together with minor technical amendments to the Motorcycles Regulations and AFV Regulations to correct minor defects in those instruments.

The amendments to the 2001 Regulations, which are dealt with in *Part 2* of these Regulations, reflect the change of the basis of the test to be used for measuring fuel economy from the New European Drive Cycle (NEDC) to the Worldwide Harmonised Light vehicle Test Procedure (WLTP) in accordance with Commission Regulation (EC) No. 2017/1151 of 1st June 2017. This in turn requires changes to the published material concerning the vehicles produced by motor car manufacturers.

Accordingly, *regulation 4* of these Regulations amends the definitions of “official fuel consumption” and “official specific emissions of CO<sub>2</sub>” to refer to Commission Regulation (EC) No. 2017/1151 and *regulation 5* substitutes the new format for the Fuel Economy Label prescribed by Schedule 1 to 2001 Regulations.

The amendments to the 2009 Regulations, which are set out in *Parts 3 to 6* of these Regulations, update the relevant principal Regulations to incorporate a number of developments in the EU legislation into the provisions concerning National Small Series and Individual Approval, in particular amendments to Regulations (EU) Nos. 715/2007 (light duty emissions), 595/2009 (heavy duty emissions), 661/2009 (general safety regulation) and 79/2009 (hydrogen safety) and their implementing acts, into the provisions concerning national small series type approval and individual approval.

*Part 3* amends *Part 1* of the 2009 Regulations (preliminary). In particular, *regulation 6* amends the definition of the Framework Directive (Directive 2007/46/EC) to cover both future amendments to it and additional amendments already made and *regulation 8* updates the list of EU instruments specified in Schedule 2 (interpretation of “regulatory acts”).

*Part 4* amends *Part 4* of 2009 Regulations (national small series type approval and individual approval). In particular:

*regulation 8* amends *regulation 25* (grant of national small series type approval) to permit the approval authority when making a decision over the grant of approval to waive specified requirements of the Framework Directive and to amend the maximum permitted number of vehicles that may be given small series approval in any year;

*regulations 9 to 12* amend Schedule 4 (technical and administrative requirements for grant of national small series approval), *regulations 9 and 10* amending sections 1 and 2 of *Part 2* (requirements for M1 category vehicles), *regulation 11* amending section 1 of *Part 3* (requirements for N1 category vehicles) and *regulation 12* amending *Part 4* (requirements for category M2, M3, N2, N3, and O vehicles); and

*regulation 13* amends Schedule 5 (technical and administrative requirements for the grant of individual vehicle approval).

The more significant changes introduced by these provisions concern the introduction of requirements for Euro VI vehicles (those tested to heavy duty rules) (*regulations 9, 11, 12 and 13*), a new (WLTP) test for measuring emissions from light duty vehicles (*regulations 9, 11, 12 and*

**Changes to legislation:** There are currently no known outstanding effects for the The Road Vehicles (Defeat Devices, Fuel Economy and Type-Approval) (Amendment) Regulations 2018. (See end of Document for details)

13), requirements for the compulsory fitting of advanced emergency braking and lane departure warning systems (regulations 12 and 13) and new requirements for mirrors (regulations 12 and 13).

In *Part 5*, *regulations 14 and 15* correct deficiencies in Part 5 (validity of approvals and end-of-series vehicles) of the 2009 Regulations. *Regulation 14* extends the application of regulation 31 of 2009 Regulations to enable the UK approval authority to issue end-of-series derogations covering sale in the UK of vehicles type approved by any EU approval authority, not just by the UK authority.

In *Part 6* (Miscellaneous), *regulation 16* inserts new regulations 33A and 33B into the 2009 Regulations to provide for an offence of placing on the market or registering a vehicle that is fitted with a defeat system. *Regulation 17* reclassifies “duplicate certificates” as “replacement certificates”. *Regulation 18* inserts a new schedule 7 into the 2009 Regulations to provide that the offence in the new regulation 33A is to be punishable by either criminal or civil penalties and to make provision for enforcement (including in connection with false statements and obstruction of officers, powers of search, detention of goods by customs officers and recovery of expenses of enforcement).

*Part 7* amends the Motorcycle Regulations. In particular, *regulation 19* inserts a new regulation 14A to support the existing prohibition on use of defeat devices found in Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. *Regulation 20* makes amendments to Schedule 1 of the Motorcycles Regulations to correct the maximum period of imprisonment for an offence under those Regulations, to provide for reasons to be given when an appeal against a penalty notice is successful, and to correct a cross-reference error.

*Part 8* amends the AFV Regulations in a similar manner to the amendments in Part 7. In particular, *regulation 21* inserts a new regulation 14A to support the existing prohibition on use of defeat devices found in Regulation (EU) No 167/2013 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles. *Regulation 22* makes similar amendments to Schedule 1 of the AFV Regulations to those in regulation 20 which amend the Motorcycles Regulations. *Regulation 23* makes a further correcting amendment to Schedule 2 of the AFV Regulations to insert a provision making a consequential amendment to the Motor Fuel (Composition and Content) Regulations 1999.

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared, and a Review provision has not been included.

A draft of these Regulations was notified to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ No L 241, 17.9.2015, p.1), as notification number 2018/52/UK.

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