

EXPLANATORY MEMORANDUM TO

**THE ROAD VEHICLE CARBON DIOXIDE EMISSION PERFORMANCE
STANDARDS (CARS AND VANS) (AMENDMENT) (EU EXIT) REGULATIONS
2020**

2020 No. 1418

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument uses powers in the European Union (Withdrawal) Act 2018¹ (“the Withdrawal Act”) to correct deficiencies in EU-derived legislation that regulates carbon dioxide emissions from cars and light commercial vehicles (vans), arising as a result of the withdrawal of the United Kingdom (“UK”) from the European Union (“EU”). These amendments will ensure that the legal framework that regulates carbon dioxide emissions from newly registered cars and vans in Great Britain (“GB”) will continue to function correctly following the transition period.

Explanations

What did any relevant EU law do before exit day?

- 2.2 Emissions of carbon dioxide (“CO₂”) from new passenger cars and vans registered in Europe each year are governed by Regulation (EU) 2019/631², which came into legal effect on 1 January 2020. This repealed and replaced Regulation (EC) 443/2009 and Regulation (EU) 510/2011 which previously regulated this area. These two regulations, and associated delegated regulations, were corrected for in a prior EU Exit Statutory Instrument (“SI”), the Road Vehicles Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2019³ (“2019/550”). Due to the UK continuing to follow EU rules until the end of the transition period (31st December 2020), it is now necessary to correct deficiencies in Regulation (EU) 2019/631 and to amend SI 2019/550 to account for the change in EU legislation.
- 2.3 Regulation (EU) 2019/631 establishes mandatory fleet average CO₂ emissions reduction targets for all new cars and vans registered in the EU single market. Specific individual manufacturer targets are also set and are based on a formula which compares the mass of the vehicles within a manufacturer’s fleet against the average mass of all registered vehicles that are in scope of the Regulation. Fines, called ‘excess emission premiums’, are levied for non-compliance with these individual targets.

¹ <https://www.legislation.gov.uk/ukpga/2018/16/introduction/enacted>

² <https://www.legislation.gov.uk/eur/2019/631>

³ <https://www.legislation.gov.uk/uksi/2019/550/made>

- 2.4 EU Member States are required to record information about new vehicle registrations within their territories and report it to the European Environment Agency by 28 February of the following year. This data is collated by the European Commission (“the Commission”), and provisional calculations for the emissions performance of individual manufacturers are published by 30 June of that year. Manufacturers may then work with the Commission over a period of three months to correct any errors or anomalies within their data set. The Commission publishes the final data by 31 October.
- 2.5 Flexibilities exist within these Regulations to allow manufacturers to meet their targets. These include the ability for manufacturers to pool their registrations together; to receive ‘super-credits’ for putting more zero and low emission vehicles (“ZLEVs”) on the market; to apply for ‘eco-innovation credits’ for deploying technologies that contribute towards CO₂ reductions, but are not tested during the vehicle emissions testing procedure; and to apply for derogations from the fleet CO₂ emissions target if classified as a small or niche volume vehicle manufacturer. A small volume manufacturer is a manufacturer which registers fewer than 10,000 cars, or 22,000 vans in a calendar year. A niche volume manufacturer registers between 10,000 and 300,000 cars in one calendar year. Manufacturers apply to the Commission for these flexibilities to be approved. The process for applying for these flexibilities is included either within Regulation (EU) 2019/631, or within the associated delegated regulations that have already been corrected by SI 2019/550.

Why is it being changed?

- 2.6 The proposed changes are designed to ensure that the CO₂ emissions of new cars and vans registered in GB continue to be regulated. If these changes are not made, then the retained EU legislation would fail to function and would have no legal impact on newly registered cars and vans in GB. This would mean that, after the transition period, newly registered cars and vans would not be subject to any functioning CO₂ emissions regulation.
- 2.7 The proposed changes also ensure the legislation continues to work as intended and is at least as ambitious as under the current EU regime. The provisions within the EU legislation are based on EU registrations and data. Extracting UK registrations and data from the totals without making sensible amendments would see certain provisions within the legislation fail to work sensibly, such as fixed derogation thresholds.
- 2.8 Regulation (EC) 443/2009 and Regulation (EU) 510/2011 are listed in Annex II to the Northern Ireland Protocol (“NIP”). These regulations were repealed and replaced by Regulation (EU) 2019/631 on 1 January 2020. As successor regulations are also deemed to be in scope of the NIP, Regulation (EU) 2019/631 will continue to have direct effect in Northern Ireland (“NI”), and new vehicles registered in NI will continue to be captured by the EU regime. Hence, the changes to this legislation are applicable to GB only.
- 2.9 A summary of the changes being made to the current legislation is below. Please refer to section 7 for further detail:
- Moving from fixed derogation thresholds to thresholds based on each manufacturer’s share of EEA sales occurring in the UK, thus ensuring that manufacturers retain the same “type” of CO₂ target after the UK’s withdrawal - e.g. retaining their position as a small or niche volume manufacturer;

- The addition of a provision covering the permanent removal of vehicles from GB has been created due to the NIP. If a vehicle is first registered in GB and subsequently exported to NI (under the EU regime) within three months, it will not count towards GB CO₂ emissions targets. This is to prevent double counting of vehicles under both the GB and EU Regulations;
- Establishing a domestic eco-innovations approvals process so manufacturers can apply for relevant technologies to be approved and to receive credits for real-world CO₂ reduction in GB without first having to be tested in the EU;
- The maximum amount of super-credits manufacturers can use against their emissions targets for producing ZLEVs has been reduced to a maximum combined credit of 3.75g CO₂/km over 2021 and 2022 to reflect their application over two years rather than three years;
- Manufacturer fines (excess emission premiums) have been converted from €95 per gram of exceedance per vehicle registered to £86, to reflect the current exchange rate.
- Replacing all references to the UK as an EU Member State in order to ensure that all regulatory requirements continue to apply in GB (as well as in NI);
- Replacing all obligations to, and enforcement actions undertaken by, the Commission with the Secretary of State for Transport to reflect the fact that new car and van registrations in GB will be regulated domestically following the end of the transition period.

2.10 The one (EU) Regulation, two delegated regulations and ten Implementing Decisions mentioned in paragraphs 6.5 to 6.7 will all be retained in UK law at the point that the UK exits the transition period. They will be amended to ensure that all of the obligations and commitments listed within, continue to apply in a sensible and effective manner after the end of the transition period. The delegated Regulation (EU) 293/2012 that was amended by the last EU Exit SI, 2019/550, has also been amended to reflect EU level changes.

What will it now do?

2.11 The purpose of the instrument is to make the required amendments to the retained EU legislation regulating CO₂ emissions from newly registered cars and vans in GB to correct for deficiencies arising from the UK's withdrawal from the EU, and to reflect the UK's obligations under the NIP.

2.12 Following the transition period, this instrument will ensure GB has its own regulatory CO₂ emission regime for newly registered cars and vans. The intention is that the legislation remains operable within UK law; continues to regulate CO₂ emissions from newly registered cars and vans in the UK in a manner which is at least as ambitious as current arrangements; and, as far as possible, ensures manufacturers retain the same level of target.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument is being made under the affirmative procedure as it will transfer functions and obligations that are currently exercised by the European Commission to a public authority within GB. Additionally, there are a number of provisions within

the Regulations that allow for updates to the legislation to be made, such as updating the formula that sets manufacturers' targets to reflect changes to the weight of the relevant vehicle fleet.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 The territorial application of this instrument includes England, Wales and Scotland.
- 3.3 Annex II to the NIP includes references to Regulation (EC) 443/2009 and Regulation (EC) 510/2011. Both Regulations were repealed and replaced by Regulation (EU) 2019/631 on 1 January 2020. As successor regulations are deemed to also be in scope of the NIP, Regulation (EU) 2019/631 will continue to have direct effect NI, meaning all vehicles registered in NI will continue to be captured by the EU regime.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England, Wales, Scotland and Northern Ireland.
- 4.2 The territorial application of this instrument includes England, Wales and Scotland.

5. European Convention on Human Rights

- 5.1 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement regarding Human Rights:
“In my view the provisions of the Road Vehicles Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020 are compatible with the Convention rights”.

6. Legislative Context

- 6.1 This instrument is made in exercise of powers in section 8 of the European Union (Withdrawal) Act 2018.
- 6.2 The Withdrawal Act makes provision for repealing the European Communities Act 1972 (“ECA”) and will preserve EU law, as it stands at the moment of exit, in UK law. It enables the creation of a new body of domestic legislation by bringing the texts of directly applicable EU legislation into domestic legislation, as well as saving EU-derived domestic legislation which was made to implement the UK’s obligations as a member of the EU. The Act also contains temporary powers to make secondary legislation to enable Ministers and the devolved administrations to deal with deficiencies in retained EU law, to ensure that the UK’s legal system continues to function properly outside the EU.
- 6.3 The Act also contains powers to make secondary legislation to enable Ministers and the devolved administrations to fix deficiencies in retained EU law, to ensure that the UK’s legal system continues to function properly outside of the EU.
- 6.4 The European Union (Withdrawal Agreement) Act 2020 ratified the Withdrawal Agreement between the United Kingdom and the European Union, and provided for the UK to enter into a transition period, making provision for most aspects of the ECA to remain in force until the end of the transition period on 31 December 2020. It also changed the date on which the Withdrawal Act will retain the texts of directly applicable EU legislation into domestic legislation to 31 December 2020.

- 6.5 This instrument corrects for deficiencies arising from retaining Regulation (EU) 2019/631 following the UK's withdrawal from the EU. These changes can be found in detail in Section 7.
- 6.6 This instrument also corrects for deficiencies arising from the UK's withdrawal from the EU in two delegated EU Regulations; Regulation (EU) 2017/1152⁴ and Regulation (EU) 2017/1153⁵. Both Regulations set out a methodology regarding a change in regulatory CO₂ testing procedure for cars and vans.
- 6.7 The instrument will also correct for deficiencies in ten retained Implementing Decisions: 2019/1119; 2019/1861; 2020/174; 2020/728; 2020/759; 2020/1102; 2020/1167; 2020/1168; 2020/1222 and 2020/1232. These Implementing Decisions specify the technologies that have been approved as eco-innovations for cars and vans.
- 6.8 The delegated Regulation (EC) 293/2012⁶ that was previously amended by the 2019/550 SI will be further amended due to changes to the relevant EU legislation since that SI was laid. This regulation establishes the rules for the monitoring and reporting of emissions data from newly registered vans.

7. Policy background

What is being done and why?

- 7.1 This instrument is designed to ensure that the UK Government is able to regulate CO₂ emissions from newly registered cars and vans in GB after its withdrawal from the EU. Amendments are required to the retained EU text in order to ensure that all of the deficiencies, failings and inoperabilities that would exist in the retained text as a result of the UK's withdrawal are corrected.
- 7.2 The instrument has been designed to:
- Maintain regulations that as closely as possible match the current arrangements;
 - Enable the UK government to assume the obligation and functions of the European Commission;
 - Ensure the UK can meet its commitment to ensuring that UK CO₂ emissions regulation is at least as ambitious as current arrangements; and
 - Provide certainty to vehicle manufacturers and minimise additional reporting burdens.
- 7.3 There are some choices that have had to be made in order to ensure that they above criteria are met.
- 7.4 Currently, manufacturer targets are established by formulae which compare the mass of all newly registered cars and/or vans in a manufacturer's fleet against the average mass of all such vehicles in the EU. This formula ensures that, as it is only the fleet average that is regulated, manufacturers may register any vehicle within the EU market, thereby protecting the diversity of the fleet, whilst the fleet as a whole

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017R1152&from=EN>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017R1153&from=EN>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02012R0293-20190708&from=EN>

becomes more efficient. The average mass figure is updated every three years to ensure that it keeps pace with any changes to the overall mass of the European fleet.

- 7.5 Following the transition period, the average mass figure that all other vehicles are compared against will be retained in order to ensure continuity for vehicle manufacturers. This means that the sum of all manufacturer emission targets in GB will be above the corresponding figure in the EU, however this does not represent a weakening or loosening of emission standards. It will allow manufacturers to continue to register the same vehicles that they would have otherwise registered had GB vehicles remained in the EU scheme, and represents a continuation of the current emission reduction effort levels that manufacturers face into 2021.
- 7.6 At the first such update to the average vehicle mass, the mass will be amended to reflect the average mass of all relevant vehicles registered domestically only.
- 7.7 Manufacturers may currently apply for derogations from the formula that establishes the manufacturer fleet CO₂ target if their total registrations for any calendar year fall beneath pre-defined thresholds. For cars, these thresholds are 300,000 vehicles for a 'niche volume' derogation or 10,000 vehicles for a 'small volume' derogation, whilst for vans the threshold is 22,000 for a 'small volume' derogation – there is no 'niche volume' derogation for vans. A small volume derogation allows the manufacturer to work directly with the Commission to negotiate a CO₂ reduction that is appropriate for the type of vehicle that they sell. The agreed CO₂ reduction should be reflective of the markets they sell in to and reflects the manufacturer's economic capability to reduce emissions/deploy emission reduction technologies. A niche volume derogation allows a manufacturer to meet a fixed reduction percentage based on their own historical emissions.
- 7.8 Directly pro rating these thresholds to account for the UK share of the EU market is problematic as different manufacturers see different shares of their EU sales occur in the UK – a direct ratio would have the effect of moving some manufacturers either into or out of the derogation thresholds that they currently use, and may therefore mean they receive significantly tougher or weaker CO₂ targets than they otherwise would have received. Therefore, each manufacturer will receive individual thresholds based on their share of EU sales that occurred in the UK in 2017. 2017 has been chosen as the year as the previous SI in this area also used 2017 as the baseline for derogation thresholds, and manufacturers will have prepared using this data. This will ensure that manufacturers qualify for the same type of derogation in the UK that they would have received through the EU regulation. The de minimis threshold of 1,000 vehicles is retained.
- 7.9 Manufacturers may apply for credits against their CO₂ targets for technologies on their vehicles that reduce emissions but are not 'seen' during the regulatory type approval test. To gain credit, manufacturers must demonstrate the emissions saving, have it independently verified and apply to the Commission who adjudicate.
- 7.10 In order to ensure that these technologies are still deployed on GB vehicles, this instrument automatically recognises all such eco-innovation approvals that have occurred at the end of the transition period, and that have not already been corrected for in SI 2019/550. Following the transition period, this instrument mirrors the current approvals system domestically, ensuring that new technologies can continue to be tested and approved in GB.

- 7.11 The current EU regulation has a provision which states that if any vehicle is registered outside of the EU and then subsequently imported within three months, it will count towards EU CO₂ emissions targets. There is no parallel ‘export’ provision for vehicles that are registered in the EU and then exported. This therefore could lead to a situation whereby vehicles moving permanently between GB and NI (which will remain in the EU scheme), and vice versa within three months will be counted in both regimes. To ensure that a vehicle is not double counted in both the EU (covering NI) and GB regulation, an additional provision has been added, covering vehicles registered in GB and subsequently moved permanently to NI or exported. Consequently, if any vehicle is first registered in GB and then moved permanently to NI (or exported elsewhere) within three months of that first registration date, it will not count towards GB CO₂ emissions targets.
- 7.12 Manufacturers may benefit from ‘super-credits’ when registering new zero or low emission vehicles (“ZLEVs”). If a vehicle is registered and has emissions <50g CO₂/km, it will be double-counted in the years 2020-2022 in the EU. This acts as incentive for manufacturers to put more ZLEVs on to the market. Under the EU regime, qualifying vehicles will be counted according to the following multipliers:
- 2 vehicles in 2020
 - 1.67 vehicles in 2021
 - 1.33 vehicles in 2022
- 7.13 These credits can then be used against the manufacturer’s emissions targets. Manufacturers may benefit up to a maximum of 7.5g CO₂/km cumulatively across the three years that super-credits apply.
- 7.14 As the 2020 multiplier will no longer apply, this has been omitted, and the super-credit cap in this regulation has been reduced to 3.75g CO₂/km over 2021 and 2022.
- 7.15 The CO₂ emissions test procedure that all vehicles must undertake as part of the vehicle approval procedure changed in 2017 from the New European Drive Cycle (“NEDC”) to the Worldwide Harmonised Light vehicle Test Procedure (“WLTP”). WLTP is designed to be more representative of real-world driving behaviours than NEDC, and therefore is designed to provide a CO₂ emission figure that is closer to the fuel consumption figures that drivers would find in the real-world, while still being a replicable, laboratory testing procedure.
- 7.16 Regulation (EC) 2017/1152 and Regulation (EC) 2017/1153 establish the correlation procedures for converting all NEDC-based CO₂ figures and calculations found within (EU) 2019/631 into WLTP figures, with the 2020 reporting year being used as the baseline for this conversion, ahead of WLTP figures and calculations being used in 2021. This Instrument clarifies that the EU dataset will be used for the basis of this conversion, in order to ensure that domestic legislation remains at least as ambitious as current arrangements in 2021.
- 7.17 Other such changes that have been made include replacing references to the European Union, Community, or Member States with Great Britain, United Kingdom or Secretary of State as appropriate; removing expired time limited provisions and amending other dates within the text to ensure that they are operable after the UK’s withdrawal; and amending cross-references to other pieces of legislation as appropriate.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address deficiencies arising from retaining EU law, following the UK's departure from the EU. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 There are currently no plans to consolidate the legislation amended by this instrument.

10. Consultation outcome

10.1 The Department for Transport ran a six-week public consultation on the draft proposals for the GB cars and vans CO₂ regime over the period from 10th July to 21st August 2020. The consultation document can be found at: <https://www.gov.uk/government/consultations/regulating-co2-emission-standards-for-new-cars-and-vans-after-transition>

10.2 In total there were eighteen responses to the consultation including from car manufacturers, trade associations, campaign and environmental groups. The responses were generally supportive of the government's proposals to ensure that there is a continuation of CO₂ emissions regulation post the transition period.

10.3 The key themes raised were on the 'average mass value' which manufacturer fleets will be compared against, and the risk that domestic manufacturer targets will be weaker than in the EU (the proposals do not change the existing baseline for comparison and will ensure a continuation of existing effort levels); and on the super-credit cap reduction to 3.75g CO₂/km (views were polarised, with arguments both for and against this cap being lowered/removed or raised. In keeping with the powers available under the Withdrawal Act, the proposed cap of 3.75g CO₂/km remains unchanged).

10.4 Due to the consultation, the time period in the provision covering vehicles being permanently removed from GB was reduced from six months to three months.

10.5 The Government's response to the consultation can be found on www.gov.uk (published 13 October 2020).

11. Guidance

11.1 Detailed guidance on how the Regulation will function and how manufacturers can apply for certain flexibilities will be made available on line, as soon as it is practicable to do so.

12. Impact

12.1 There is no significant impact on business, charities or voluntary bodies.

12.2 There is no significant impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because the costs and benefits to business are expected to fall below £5m in any one calendar year. The instrument maintains existing regulatory standards for CO₂ emissions from newly

registered cars and vans in the UK, so will not impose any additional regulatory burden at the point of the UK's withdrawal from the EU.

- 12.4 When the formulae are updated as required by the legislation, and the average mass figure in the formulae reflects a UK average rather than an EU average, economic models indicate that increasing uptake of electric vehicles through the early 2020s will allow manufacturers to meet the new targets without any additional economic burden.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 An exemption for vehicle manufacturers registering fewer than 1,000 vehicles into the EU market per calendar year already exists in order to mitigate the impacts on small businesses. The 1,000 vehicle de minimis threshold is being retained by this instrument.
- 13.3 As this instrument maintains the current regulatory position and is not expected to have any impact on small businesses, it is not necessary to take additional action to minimise the impact of the requirements on small business.

14. Monitoring & review

- 14.1 As this instrument is made under the Withdrawal Act, no review provision is required.

15. Contact

- 15.1 Alexandra Geraghty at the Department for Transport, Telephone: 07866012746 or email: Alexandra.geraghty@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Dr. Bob Moran, Deputy Director, Environment Strategy Division at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rachel Maclean MP can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.

Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Appropriateness statement

- 1.1 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020 do no more than is appropriate. This is the case because the instrument ensures that the Regulations governing CO₂ emissions from newly registered cars and vans in Great Britain will continue to be legally operable when the United Kingdom withdraws from the European Union”.

2. Good reasons

- 2.1 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action. This instrument ensures that the Regulations governing CO₂ emissions from newly registered cars and vans in Great Britain will continue to be legally operable when the United Kingdom withdraws from the European Union”.

“The instrument corrects a number of inoperabilities and/or deficiencies that exist in the retained EU legislation created as a result of the UK’s withdrawal from the EU. Amending these deficiencies will ensure that the CO₂ emissions from newly registered cars and vans in GB are regulated in an effective manner after the UK’s withdrawal from the EU.”

3. Equalities

- 3.1 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement(s):

“The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.

- 3.2 The Parliamentary Under Secretary of State, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, the Department for Transport has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

4. Explanations

- 4.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.