

STATUTORY INSTRUMENTS

2019 No. 846

**EXITING THE EUROPEAN UNION
ENVIRONMENTAL PROTECTION**

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

Made - - - - 8th April 2019

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 ^{M1}.

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.

Marginal Citations

M1 2018 c. 16.

Citation and commencement

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

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 2**

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

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ 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 CO₂ emissions from and fuel consumption of new heavy-duty vehicles is amended as follows.

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 1

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

Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 2

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

Commencement Information

- I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 3

- [^{F16} For Article 3 (definitions) substitute—
 “For the purposes of this Regulation—
 (a) the definitions set out in Regulation (EU) 2018/858 of the European Parliament and of the Council, in Regulation (EC) No 595/2009 of the European Parliament and of the Council and in Regulation (EU) 2019/1242 of the European Parliament and of the Council apply;
 (b) “regulations” means regulations made in accordance with Article 11A.”.]

Textual Amendments

- F1** Reg. 6 substituted (2.12.2020) by [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. 1(2), **20**

Commencement Information

- I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 4

[^{F2}7. For Article 4 (including the heading) substitute—

“Article 4

Monitoring and reporting in respect of Part A of Annex 1

1. From 1 January 2021, the Secretary of State must monitor the data specified in Part A of Annex 1 relating to new heavy-duty vehicles registered for the first time in the United Kingdom.
2. By 30 September each year, starting in 2021, manufacturers must report to the Secretary of State those data of the previous reporting period of 1 July to 30 June.
3. Data relating to new heavy-duty vehicles that were registered previously outside the United Kingdom shall not be monitored and reported, unless that registration was made less than three months before registration in the United Kingdom.”.]

Textual Amendments

- F2** Reg. 7 substituted (2.12.2020) by [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. 1(2), **21**

Commencement Information

- I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 5

[^{F3}8. For Article 5 (including the heading) substitute—

“Article 5

Monitoring and reporting in respect of Part B of Annex 1

1. From the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles must monitor the data specified in point 2 of Part B of Annex 1, for each new heavy-duty vehicle.

By 30 September each year, starting in 2021, manufacturers must report to the Secretary of State the data specified in point 2 of Part B of Annex 1, for each new heavy-duty vehicle with a date of simulation falling within the preceding reporting period of 1 July to 30 June.

The date of simulation must be the date reported in accordance with data entry 71 in point 2 of Part B of Annex 1.

2. Each manufacturer must appoint a contact point for the purpose of reporting data in accordance with this Regulation.”.]

Textual Amendments

F3 Reg. 8 substituted (2.12.2020) by [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. 1(2), 22

Commencement Information

I8 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 2

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.

Commencement Information

I9 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 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 [^{F4}30 April each year, starting from 2022], 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 ^{F5}

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

Textual Amendments

- F4** Words in reg. 10 substituted (2.12.2020) by [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. 1(2), **23(2)(a)**
- F5** Words in reg. 10 omitted (2.12.2020) by virtue of [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. 1(2), **23(2)(b)**

Commencement Information

- I10** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

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.”.

Commencement Information

- I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

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.”.

Commencement Information

I12 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

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.

Commencement Information

- I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Amendment of Article 10

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

- (2) For paragraph 1 substitute:

[^{F6}“1. By 30 April every year, starting in 2022, the Secretary of State must publish an annual report with the Secretary of State’s analysis of the data transmitted to it by manufacturers for the preceding reporting period.”].

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

- (4) Omit paragraph 3.

Textual Amendments

- F6** Words in reg. 14(2) substituted (2.12.2020) by [The New Heavy Duty Vehicles \(Carbon Dioxide Emission Performance Standards\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1402\)](#), regs. [1\(2\)](#), [24\(2\)](#)

Commencement Information

- I14** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

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.

Commencement Information

- I15** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 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.”.

Commencement Information

I16 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Omission of Article 12

17. Omit Article 12 (committee procedure).

Commencement Information

I17 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Omission of Article 13

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

Commencement Information

I18 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Omission of Article 14

19. Omit Article 14.

Commencement Information

I19 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Omission of text following Article 14

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

Commencement Information

I20 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

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 ”.

Commencement Information

I21 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Omission of Annex II

22. Omit Annex II.

Commencement Information

I22 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 2](#)

Signed by authority of the Secretary of State for Transport

Department for Transport

Jesse Norman
Minister of State

Changes to legislation: There are currently no known outstanding effects for the The Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

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 CO₂ 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.

Changes to legislation:

There are currently no known outstanding effects for the The Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019.