
STATUTORY INSTRUMENTS

2020 No. 1402

The New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation (EU) 2019/1242

2. Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC is amended in accordance with regulations 3 to 18.

Amendment of Article 1

3.—(1) Article 1 (subject matter and objective) is amended as follows.

(2) For the words from “In order to contribute” to “(EU) 2018/842” substitute “In order to contribute to the United Kingdom’s target of achieving net-zero greenhouse gas emissions by 2050”.

(3) Omit “, and to ensure the proper functioning of the internal market.”.

(4) For “Union fleet” substitute “UK fleet”.

Amendment of Article 2

4.—(1) Article 2 (scope) is amended as follows.

(2) In paragraph 2, for “Union”, each time it occurs, substitute “United Kingdom”.

(3) In paragraph 3—

(a) for “The Commission shall, by means of implementing acts,” substitute “The Secretary of State may by regulations”;

(b) omit the sentence beginning “Those implementing acts”.

Amendment of Article 4

5.—(1) Article 4 (average specific CO₂ emissions of a manufacturer) is amended as follows.

(2) For the words from “Starting from 1 July 2020” to “determine” substitute “For the reporting period beginning with 1 July 2021, and for each subsequent reporting period, the Secretary of State must determine”.

Amendment of Article 5

6.—(1) Article 5 (zero and low-emission heavy-duty vehicles) is amended as follows.

(2) In the first sentence of paragraph 1, for the words from “Starting from 1 July 2020” to “determine” substitute “For the reporting period beginning with 1 July 2021, and for each subsequent reporting period, the Secretary of State must determine”.

Amendment of Article 6

7.—(1) Article 6 (specific CO₂ emissions targets of a manufacturer) is amended as follows.

(2) For “Commission” substitute “Secretary of State”.

Amendment of Article 8

8.—(1) Article 8 (compliance with the specific CO₂ emissions targets) is amended as follows.

(2) In paragraph 1—

- (a) for “Commission” substitute “Secretary of State”;
- (b) in point (a) for “4 250 EUR” substitute “£3,830⁽¹⁾”;
- (c) in point (b) for “6 800 EUR” substitute “£6,130”.

(3) In paragraph 3—

- (a) for “The Commission shall, by means of implementing acts,” substitute “The Secretary of State may by regulations”;
- (b) omit the second sentence.

(4) In paragraph 4, for “shall be considered as revenue for the general budget of the European Union” substitute “must be paid into the Consolidated Fund”.

Amendment of Article 9

9.—(1) Article 9 (verification of the monitoring data) is amended as follows.

(2) In paragraph 1, for “Commission” substitute “Secretary of State”.

(3) In paragraph 2, for “Commission shall” substitute “Secretary of State must”.

(4) In paragraph 3—

- (a) in the first sentence, for the words from “Commission” to “acts,” substitute “Secretary of State may by regulations”;
- (b) omit the second sentence.

Amendment of Article 10

10.—(1) Article 10 (assessment of reference CO₂ emissions) is amended as follows.

(2) In the first subparagraph—

- (a) for “Union” substitute “United Kingdom”;
- (b) for the words from “Commission” to “acts,” substitute “Secretary of State may by regulations”;

(3) Omit the second subparagraph.

(1) The exchange rate used for the figures in this paragraph was as at 29th May 2020 (one pound sterling was then equal to €1.11003).

Amendment of Article 11

11.—(1) Article 11 (publication of data and manufacturer performance) is amended as follows.

(2) In paragraph 1—

- (a) for the words before point (a) substitute “By 30 April 2022 and in each subsequent year, the Secretary of State must publish a list indicating:”;
- (b) in point (a) for “2020” substitute “2021”;
- (c) in point (b) for “2020” substitute “2021”;
- (d) in point (d) for “2020” substitute “2021”;
- (e) in point (f)—
 - (i) for “2020” substitute “2021”;
 - (ii) for “Union” substitute “United Kingdom”.

(3) In paragraph 2—

- (a) in the first subparagraph, in the words before point (a), for the words from “Commission” to “adjust” substitute “Secretary of State may be regulations adjust”;
- (b) in the second subparagraph—
 - (i) for “Commission shall” substitute “Secretary of State must”;
 - (ii) for “shall apply” substitute “must apply”;
 - (iii) for “delegated acts” substitute “regulations”.

Amendment of Article 12

12.—(1) Article 12 (real-world CO₂ emissions and energy consumption) is amended as follows.

(2) For “Commission shall” in paragraphs 1 and 2, each time those words occur, and in the first subparagraph of paragraph 3, substitute “Secretary of State must”.

(3) In paragraph 2, for “national authorities” substitute “other agencies of the Secretary of State”.

(4) In the second subparagraph of paragraph 3—

- (a) for the words from “Commission” to “and shall” substitute “Secretary of State must monitor and report annually on how the gap referred to in the first subparagraph evolves, and must”;
- (b) for “submit a legislative proposal to” substitute “may by regulations”.

(5) In paragraph 4—

- (a) in the first sentence, for the words from “Commission” to “acts,” substitute “Secretary of State may determine by regulations”;
- (b) omit the second sentence.

Amendment of Article 13

13.—(1) Article 13 (verification of the CO₂ emissions of heavy-duty vehicles in-service) is amended as follows.

(2) In paragraph 4—

- (a) in the first subparagraph—
 - (i) in the first sentence, for the words from “Commission” to “acts,” substitute “Secretary of State may by regulations prescribe”;
 - (ii) omit the second sentence;

- (b) omit the second subparagraph.

Amendment of Article 14

14.—(1) Article 14 (amendments to Annexes I and II) is amended as follows.

(2) In paragraph 1 for “Commission is empowered to adopt delegated acts in accordance with Article 17 to” substitute “Secretary of State may by regulations”.

(3) In paragraph 2 for “Commission shall” substitute “Secretary of State may”.

(4) In paragraph 3—

- (a) in the first sentence, for the words from “Commission” to “acts,” substitute “Secretary of State may by regulations”;
- (b) omit the second sentence.

Amendment of Article 15

15.—(1) Article 15 (review and report) is amended as follows.

(2) In paragraph 1—

- (a) for the words from “Commission” to “Council” substitute “Secretary of State must lay before Parliament a report”;
- (b) for the words from “European Union” to the end of the sentence, substitute “United Kingdom’s target of achieving net-zero green-house gas emissions by 2050”.

(3) In paragraph 2, in point (e) omit “as well as the geographical situation of Member States”.

(4) In paragraph 4—

- (a) in the first sentence—
 - (i) for “Commission shall” substitute “Secretary of State must”;
 - (ii) for “all affected Member States” substitute “the United Kingdom”;
- (b) for the second sentence substitute—

“The Secretary of State may by regulations make provision to that effect by 31 December 2027.”.

(5) In paragraph 5—

- (a) in the first sentence—
 - (i) for “Commission shall” substitute “Secretary of State must”;
 - (ii) for “Union”, both times it occurs, substitute “United Kingdom”;
- (b) for the second sentence substitute—

“The Secretary of State must lay a report containing that evaluation before Parliament and may by regulations make provision for follow-up measures.”.

Substitution of Article 16

16. For Article 16 (including the heading) substitute—

*“Article 16
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 purposes;
 - (ii) consequential, 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.”.

Omission of Article 17

- 17. Omit article 17 (exercise of the delegation).

Omission of Article 21

- 18. Omit Article 21 (entry into force).