
STATUTORY INSTRUMENTS

2022 No. 1361

**The Road Vehicle Carbon Dioxide Emission
Performance Standards (Cars, Vans and Heavy
Duty Vehicles) (Amendment) Regulations 2022**

PART 3

Heavy duty vehicles

CHAPTER 1

Regulation (EU) 2018/956

Amendments to Regulation (EU) 2018/956

15.—(1) Regulation (EU) 2018/956 is amended as follows.

(2) In Article 2 (scope), in point (a), after “Regulation (EC) No 715/2007 of the European Parliament and of the Council,” insert “as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol.”

(3) In Article 3 (definitions)—

(a) in point (a), after “Regulation (EC) No 595/2009 of the European Parliament and of the Council”, insert “(as those Regulations have effect in domestic law⁽¹⁾ or, as the case may be, as those Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol)”;

(b) after point (b), insert “(c) “the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.

(4) In Article 7 (monitoring of the results of on-road verification tests), in paragraphs 1 and 2, after “Regulation (EC) No 595/2009” insert “, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol⁽²⁾,”.

(5) In Article 9 (administrative fines), in paragraph 1, in point (a), after “Regulation (EC) No 595/2009,” insert “as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol.”.

(6) In Part A of Annex 1 (data to be monitored and reported by the Secretary of State)—

(a) in point (d), for “Appendix 2 to Annex II to Directive 2007/46/EC” substitute “Appendix 2 to Annex 1 to Regulation (EU) 2018/858, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;

(1) EUR 2009/595, amended by S.I. 2022/1273.

(2) OJ No. L 188, 18.07.2009, p. 1; amended by Commission Regulation (EU) No 582/2011 and 133/2014, Regulation (EU) 2018/858 and 2019/1242.

- (b) in point (g), for “point 2 of Annex IX to [Directive 2007/46/EC](#)” substitute “point 2 of Annex 8 to Regulation (EU) 2020/683, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (c) in point (k), for “Member States” substitute “the Secretary of State”.
- (7) In Part B of Annex 1 (data to be monitored and reported by manufacturers of heavy-duty vehicles)—
- (a) in table 1, in the heading of the second column, after “Annex I to Regulation (EU) 2017/2400” insert “, as it has effect in domestic law⁽³⁾, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol⁽⁴⁾”;
- (b) in table 2—
- (i) in the heading of the third column, after “Part I of Annex IV to Regulation (EU) 2017/2400,” insert “as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
- (ii) in the third column of the rows numbered 24 and 25, after “Appendix 1 to Annex VI to Regulation (EU) 2017/2400” insert “, as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (iii) in the third column of the rows numbered 32 and 33, after “Appendix 1 to Annex VII to Regulation (EU) 2017/2400” insert “, as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (iv) in the third column of the rows numbered 39 and 40, after “Appendix 1 to Annex X to Regulation (EU) 2017/2400” insert “, as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (v) in the third column of the rows numbered 75, 76, 77, 78 and 101, after “Annex I to Regulation (EU) No 582/2011,” insert “as those provisions have effect in domestic law⁽⁵⁾ or, as the case may be, as those provisions have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol⁽⁶⁾,”;
- (vi) in footnote g, after “European Modular System (EMS) in accordance with” insert “the Road Vehicles (Construction and Use) Regulations 1986⁽⁷⁾ or, as the case may be,”.

CHAPTER 2

Regulation (EU) 2019/1242

Amendments to Regulation (EU) 2019/1242

- 16.**—(1) Regulation (EU) 2019/1242 is amended as follows.
- (2) In Article 2 (scope)—

(3) EUR 2017/2400, amended by [S.I. 2022/1273](#).

(4) OJ No. L 349, 29.12.2017, p. 1; amended by Commission Regulation (EU) 2019/318, 2020/1181 and 2022/1379.

(5) EUR 2011/582, amended by [S.I. 2022/1273](#).

(6) OJ No. L 167, 25.06.2011, p. 1; amended by [Commission Regulation \(EU\) No 64/2012](#), 519/2013, 133/2014, 136/2014, 627/2014, 2016/1718, 2017/1347, 2017/2400, 2018/932, 2019/1939 and 2020/1181.

(7) [S.I. 1986/1078](#).

- (a) in paragraph 1, in the third subparagraph, for “Annex II to [Directive 2007/46/EC](#) of the European Parliament and of the Council” substitute “Article 4 of and Annex 1 to Regulation (EU) 2018/858, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
 - (b) in paragraph 3, after “Regulation [\(EC\) No 595/2009](#) and its implementing measures” insert “, as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.
- (3) In Article 3 (definitions)—
- (a) in point (9), after “Regulation [\(EC\) No 595/2009](#) and its implementing measures,” insert “as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
 - (b) for point (10) substitute—
 - “(10) “manufacturer” means the person or body responsible:
 - (a) either—
 - (i) for submitting the data related to new heavy-duty vehicles pursuant to Article 5 of Regulation (EU) 2018/956; or
 - (ii) in the case of zero-emission heavy-duty vehicles, to the relevant approval authority for all aspects of any of the following—
 - (aa) the GB type-approval procedure in accordance with Regulation (EU) 2018/858 as it has effect in domestic law;
 - (bb) the UK (NI) type-approval procedure in accordance with Regulation (EU) 2018/858 as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol;
 - (cc) the EU type-approval procedure in accordance with Regulation (EU) 2018/858 as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol;
 - (dd) the individual type-approval procedure; and
 - (b) for ensuring conformity of production.”;
 - (c) in point (11)—
 - (i) after “Regulation [\(EC\) No 595/2009](#) and its implementing measures,” insert “as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
 - (ii) after “Regulation [\(EC\) No 715/2007](#) of the European Parliament and of the Council and its implementing measures” insert “, as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
 - (d) after point (15) insert—
 - “(16) “GB type-approval” means the procedure whereby the approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of Regulation (EU) 2018/858, and “GB type-approved” is to be construed accordingly;

(17) “UK (NI) type-approval” means an EU type-approval granted by the Secretary of State in respect of Northern Ireland in accordance with Regulation (EU) 2018/858, as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol, and “UK (NI) type-approved” is to be construed accordingly;

(18) “EU type-approval” means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of Regulation (EU) 2018/858, as it has effect in EU law as amended from time to time, and “EU type-approved” is to be construed accordingly;

(19) “approval authority” means the authority or authorities with competence for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or of the individual vehicle approval, for the authorisation process for parts and equipment, for issuing and, if appropriate, for withdrawing or refusing approval certificates, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;

(20) “type-approval certificate” means the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is type-approved;

(21) “the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.

(4) In Article 9 (verification of the monitoring data), in paragraph 1, after “Article 9(4) of Regulation (EU) 2017/2400” insert “, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.

(5) In Article 12 (real-world CO₂ emissions and energy consumption)—

(a) in paragraph 1—

(i) after “the framework of Regulation (EC) No 595/2009” insert “, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;

(ii) after “point (b) of Article 5c of Regulation (EC) No 595/2009” insert “, as it has effect in domestic law, and Article 5c of Regulation (EC) No 595/2009, as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;

(b) in paragraph 2, after “point (b) of Article 5c of Regulation (EC) No 595/2009,” insert “as it has effect in domestic law, and Article 5c of Regulation (EC) No 595/2009, as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.

(6) In Article 13 (verification of the CO₂ emissions of heavy-duty vehicles in-service)—

(a) in paragraph 1—

(i) after “Article 9(4) of Regulation (EU) 2017/2400” insert “, as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;

(ii) at the end insert “, as it has effect in domestic law or, as the case may be, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;

(b) in paragraph 2—

(i) after “Regulation (EC) No 595/2009 and its implementing measures,” insert “as that Regulation and its implementing measures have effect in domestic law or, as the case

- may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
- (ii) after “that Regulation and its implementing measures,” insert “as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
- (c) in paragraph 3, after “Chapter XI of Regulation (EU) 2018/858” insert “(as it has effect in domestic law in the case of vehicles with GB type-approval, and as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol in the case of vehicles with UK (NI) type-approval)”.
- (7) In Article 14 (amendments to Annexes I and II)—
- (a) in paragraph 2, after “Regulation (EC) No 595/2009 and its implementing measures” insert “, as that Regulation and its implementing measures have effect in domestic law, and as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
- (b) in paragraph 3, after “Article 12(1) of Regulation (EU) 2017/2400” insert “, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”.
- (8) In Article 15 (review and report), in paragraph 2—
- (a) in point (b), for “Directive 2009/33/EC” substitute “the Cleaner Road Transport Vehicles Regulations 2011⁽⁸⁾ and the Cleaner Road Transport Vehicles (Scotland) Regulations 2010⁽⁹⁾”;
- (b) in point (d), after “Regulation (EU) 2017/2400” insert “, as it has effect in domestic law, and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (c) in point (g), for “Directive (EU) 2018/2001 of the European Parliament and of the Council” substitute “the Renewable Transport Fuel Obligation Order 2007⁽¹⁰⁾”.
- (9) In Part 2 of Annex 2 (adjustment factors referred to in point (b) of Article 11(2)), after “Regulation (EC) No 595/2009 and its implementing measures”, both times it occurs, insert “, as that Regulation and its implementing measures have effect in domestic law or, as the case may be, as that Regulation and its implementing measures have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.

⁽⁸⁾ S.I. 2011/1631, amended by S.I. 2015/102, 2016/275, 2020/818 and 2020/964.

⁽⁹⁾ S.S.I. 2010/390, amended by S.S.I. 2012/89, 2015/446, 2016/49 and S.I. 2020/818.

⁽¹⁰⁾ S.I. 2007/3072, amended by S.I. 2009/843, 2011/493, 2011/2937, 2013/816, 2015/534, 2018/374, 2020/1541, 2021/1115 and 2021/1420.