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*Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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STATUTORY INSTRUMENTS

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**2022 No. 1361**

**ROAD TRAFFIC**

**ENVIRONMENTAL PROTECTION**

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

*Made - - - - 15th December 2022*

*Coming into force at 11.00 p.m. on 31st December 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a), and Article 10(8) of Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011(b).

A draft of these Regulations was laid before and approved by a resolution of each House of Parliament in accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018.

**PART 1**

**Introduction**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Road Vehicle Carbon Dioxide Emission Performance Standards (Cars, Vans and Heavy Duty Vehicles) (Amendment) Regulations 2022.

(2) These Regulations come into force at 11.00 p.m. on 31st December 2022.

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(a) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to the 2020 Act.  
(b) EUR 2019/631. Article 10 was amended by S.I. 2020/1418.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

## **Interpretation**

### **2. In these Regulations—**

“Commission Delegated Regulation (EU) No 114/2013” means Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO<sub>2</sub> emissions targets for new light commercial vehicles**(a)**;

“Commission Implementing Decision (EU) 2020/1339” means Commission Implementing Decision (EU) 2020/1339 of 23 September 2020 on the approval pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO<sub>2</sub> emissions from certain light commercial vehicles in relation to the Worldwide Harmonised Light Vehicle Test Procedure**(b)**;

“Commission Implementing Decision (EU) 2020/1714” means Commission Implementing Decision (EU) 2020/1714 of 16 November 2020 amending Implementing Decision (EU) 2019/1119 as regards the testing methodology for certain not-off vehicle charging hybrid electric passenger cars and to take into account the use of alternative fuels and Implementing Decision (EU) 2020/1339 as regards rear position lamps**(c)**;

“Commission Implementing Decision (EU) 2020/1806” means Commission Implementing Decision (EU) 2020/1806 of 25 November 2020 on the approval of the use of the engine-on coasting function in passenger cars with internal combustion engines and in not off-vehicle charging hybrid electric passenger cars as an innovative technology pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council and repealing Commission Implementing Decisions 2013/128/EU, 2013/341/EU, 2013/451/EU, 2013/529/EU, 2014/128/EU, 2014/465/EU, 2014/806/EU, (EU) 2015/158, (EU) 2015/206, (EU) 2015/279, (EU) 2015/295, (EU) 2015/1132, (EU) 2015/2280, (EU) 2016/160, (EU) 2016/265, (EU) 2016/588, (EU) 2016/362, (EU) 2016/587, (EU) 2016/1721, (EU) 2016/1926, (EU) 2017/785, (EU) 2017/1402, (EU) 2018/1876, (EU) 2018/2079, (EU) 2019/313, (EU) 2019/314, (EU) 2020/728, (EU) 2020/1102, (EU) 2020/1222**(d)**;

“Commission Implementing Regulation (EU) 725/2011” means Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council**(e)**;

“Commission Implementing Regulation (EU) 293/2012” means Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council**(f)**;

“Commission Implementing Regulation (EU) 427/2014” means Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council**(g)**;

“Commission Implementing Regulation (EU) 2017/1152” means Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the

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**(a)** EUR 2013/114, amended by S.I. 2019/550, 2021/898 and 2021/1242.

**(b)** EUDN 2020/1339.

**(c)** EUDN 2020/1714.

**(d)** EUDN 2020/1806.

**(e)** EUR 2011/725, amended by S.I. 2019/550.

**(f)** EUR 2012/293, amended by S.I. 2019/550 and 2021/1242.

**(g)** EUR 2014/427, amended by S.I. 2019/550.

correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012(a);

“Commission Implementing Regulation (EU) 2017/1153” means Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010(b);

“Commission Regulation (EU) No 1014/2010” means Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council(c);

“Commission Regulation (EU) No 63/2011” means Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO<sub>2</sub> emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council(d);

“Regulation (EU) 2018/956” means Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles(e);

“Regulation (EU) 2019/631” means Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011(f);

“Regulation (EU) 2019/1242” means Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO<sub>2</sub> 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(g).

## PART 2

### Cars and vans

#### CHAPTER 1

##### Regulation (EU) 2019/631

#### **Amendments to Regulation (EU) 2019/631**

**3.**—(1) Regulation (EU) 2019/631 is amended as follows.

(2) In Article 1(2) (subject matter and objectives), at the end insert “as it has effect in domestic law(h), and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol(i)”.

(3) In Article 2 (scope)—

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(a) EUR 2017/1152, amended by S.I. 2020/1418.

(b) EUR 2017/1153, amended by S.I. 2020/1418.

(c) EUR 2010/1014, amended by S.I. 2019/550 and 2021/1242.

(d) EUR 2011/63, amended by S.I. 2019/550 and 2021/1242.

(e) EUR 2018/956, amended by S.I. 2019/846.

(f) EUR 2019/631, amended by S.I. 2020/1418, 2021/898 and 2021/1242.

(g) EUR 2019/1242, amended by S.I. 2020/1402.

(h) EUR 2017/1151, amended by S.I. 2022/1273.

(i) OJ No. L 175, 07.07.2017, p. 1; amended by Commission Regulation (EU) 2017/1154, 2017/1347 and 2018/1832.

- (a) in paragraph 1—
  - (i) in point (a), for “Annex II to Directive 2007/46/EC (‘passenger cars’)” substitute “Article 4 of Regulation (EU) 2018/858(a), as it has effect in domestic law (in respect of vehicles with GB type-approval) or, where relevant, Article 4 of Regulation (EU) 2018/858(b) as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval) (‘passenger cars’),”;
  - (ii) in point (b)—
    - (aa) for “Annex II to Directive 2007/46/EC” substitute “Article 4 of Regulation (EU) 2018/858, as it has effect in domestic law (in respect of vehicles with GB type-approval) or, where relevant, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval),”;
    - (bb) after “Article 2(2) of Regulation (EC) No 715/2007” insert “as it has effect in domestic law(c) (in respect of vehicles with GB type-approval) or, where relevant, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol(d) (in respect of vehicles with UK (NI) type-approval or EU type-approval),”;
    - (cc) for “Directive 2007/46/EC and Regulation (EC) No 715/2007” substitute “Regulation (EU) 2018/858 and Regulation (EC) No 715/2007, as those Regulations have effect in domestic law (in respect of vehicles with GB type-approval) and, where relevant, as those Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval),”;

(b) for paragraph 3 substitute—

“3. This Regulation does not apply to special purpose vehicles as defined in:

- (a) point 5 of Part A of Annex 1 to Regulation (EU) 2018/858, as that Regulation has effect in domestic law, in the case of vehicles with GB type-approval; or
- (b) point 5 of Part A of Annex 1 to Regulation (EU) 2018/858, as that Regulation 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 or EU type-approval.”.

(4) In Article 3(1) (definitions)—

- (a) in point (b), for “Article 18 of Directive 2007/46/EC” substitute “Articles 36 and 37 of Regulation (EU) 2018/858, as it has effect in domestic law, or as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (b) in points (c) and (d), for “Directive 2007/46/EC”, both times it occurs, substitute “Regulation (EU) 2018/858, as it has effect in domestic law, or as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;

(c) for point (f) substitute—

“(f) “manufacturer” means the person or body responsible to the relevant approval authority for all aspects of:

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(a) EUR 2018/858, amended by S.I. 2019/648, 2020/818 and 2022/1273.  
 (b) OJ No. L 151, 14.06.2018, p. 1; amended by Regulation (EU) 2019/2144 and Commission Delegated Regulation (EU) 2021/1445.  
 (c) EUR 2007/715.  
 (d) OJ No. L 171, 29.06.2007, p. 1; amended by Commission Regulation (EC) No 692/2008, Regulation (EC) No 595/2009, Commission Regulation (EU) No 566/2011, No 459/2012, and Regulation (EU) 2018/858.

- (i) the GB type-approval procedure, the UK (NI) type-approval procedure or the EU type-approval procedure; and
- (ii) for ensuring conformity of production.”;
- (d) in point (g), for “Annex I to Directive 2007/46/EC” substitute “Annex 1 to Commission Implementing Regulation (EU) 2020/683, as it has effect in domestic law<sup>(a)</sup>, or, as the case may be, in point 2.6 of Annex 1 to Commission Implementing Regulation (EU) 2020/683 as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol<sup>(b)</sup>”;
- (e) in point (h)—
  - (i) after “Regulation (EC) No 715/2007 and its implementing Regulations” insert “, as that Regulation and its implementing Regulations have effect in domestic law or, as the case may be, as that Regulation and its implementing Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
  - (ii) after “not type-approved in accordance with Regulation (EC) No 715/2007,” 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) after “pursuant to Regulation (EC) No 715/2007,” 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) after “Regulation (EU) 2017/1151,” 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,”;
- (f) in point (i), for “Annex I to Directive 2007/46/EC” substitute “Annex 1 to Commission Implementing Regulation (EU) 2020/683, as it has effect in domestic law or, as the case may be, points 2.1 and 2.3 of Annex 1 to Commission Implementing Regulation (EU) 2020/683 as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (g) in point (l), after “Regulation (EU) 2017/1151” insert “, as it has effect in domestic law or, as the case may be, point 3.2.25 of Annex 11 to Regulation (EU) 2017/1151 as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”;
- (h) in point (m), after “Regulation (EU) 2017/1151” 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”;
- (i) in point (n), for “Annex II to Directive 2007/46/EC” substitute “Article 2 of Commission Regulation (EU) 1230/2012<sup>(c)</sup> or, as the case may be, paragraph 1.6 of Section A of Part 2 of Annex 8 to Regulation (EU) 2021/535<sup>(d)</sup>, as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”;
- (j) after point (p) insert—
  - “(q) “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;
  - (r) “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,

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(a) EUR 2020/683, amended by S.I. 2022/1273.

(b) OJ No. L 163, 26.05.2020, p. 1; amended by Commission Implementing Regulation (EU) 2022/195, 2022/799, 2022/1177 and 2022/1362.

(c) EUR 2012/1230, amended by S.I. 2019/648 and 2022/1273.

(d) OJ No. L 117, 06.04.2021, p. 1.

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;

- (s) “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;
- (t) “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 type-approval certificates, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;
- (u) “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;
- (v) “the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.

(5) In Article 7 (monitoring and reporting of average emissions)—

- (a) in paragraph 1, after “Regulation (EC) No 715/2007” 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 11—
  - (i) for “Annex II to Directive 2007/46/EC” substitute “Article 4 of Regulation (EU) 2018/858, 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) after “Article 2(2) of Regulation (EC) No 715/2007” 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 Article 10(4) (derogations for certain manufacturers), in point (c), after “Regulation (EU) 2017/1151” 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”.

(7) In Article 12 (real-world CO<sub>2</sub> emissions and fuel or energy consumption)—

- (a) in paragraph 1, after “Regulation (EC) No 715/2007” 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”;
- (b) in paragraph 3, after “Regulation (EC) No 715/2007” 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 13 (verification of the CO<sub>2</sub> emissions of vehicles in-service)—

- (a) in paragraph 1, after “Regulation (EU) 2017/1151” 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, after “Regulation (EU) 2017/1151” 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,”;
- (c) in paragraph 3, after “Chapter XI of Regulation (EU) 2018/858,” 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 or by virtue of the Northern Ireland Protocol,”.

- (9) In Article 15 (review and report)—
- (a) in paragraph 2, after “Regulation (EC) 715/2007” 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”;
  - (b) in paragraph 7, for the words from “Regulations (EC) No 715/2007” to the end, substitute “Regulation (EC) No 715/2007 and, where applicable, Commission Regulation (EU) 2017/1151, as those Regulations have effect in domestic law, and as those Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol”.
- (10) In Part A of Annex 1 (specific emissions targets for passenger cars)—
- (a) in point 3—
    - (i) after “Annex XXI to Regulation (EU) 2017/1151” insert “, as it had effect in EU law immediately before IP completion day,”;
    - (ii) after “Implementing Regulation (EU) 2017/1153” insert “, as it had effect in EU law immediately before IP completion day(a),”;
  - (b) in point 5, in point (a), for “NEDCCO2 is WLTPCO2 as defined in point 3” substitute “NEDCCO2 is NEDCCO2 as defined in point 3”;
  - (c) in point 6.0, after “Article 7a of Implementing Regulation (EU) 2017/1153” insert “, as it had effect in EU law immediately before IP completion day”.
- (11) In Part B of Annex 1 (specific emissions targets for light commercial vehicles)—
- (a) in point 3—
    - (i) after “Annex XXI to Regulation (EU) 2017/1151” insert “, as it had effect in EU law immediately before IP completion day,”;
    - (ii) after “Implementing Regulation (EU) 2017/1152,” insert “as it had effect in EU law immediately before IP completion day(b),”;
  - (b) in point 6.0, after “Article 7a of Implementing Regulation (EU) 2017/1152” insert “, as it had effect in EU law immediately before IP completion day”.
- (12) In Part A of Annex 2 (collection of data on new passenger cars and determination of CO2 emissions monitoring information)—
- (a) in point 3(a), for “EC type-approval” substitute “GB type-approval, UK (NI) type-approval and EU type-approval”;
  - (b) in point 3(c), before “national type-approval of small series” insert “GB type-approval of small series and”;
- (13) In Section 1 of Part B of Annex 2 (aggregated monitoring data), in the first column of the table—
- (a) for “EC type-approval” substitute “GB type-approval, UK (NI) type-approval and EU type-approval”;
  - (b) before “national type-approval of small series” insert “GB type-approval of small series and”.
- (14) In Section 2 of Part B of Annex 2 (detailed monitoring data – one vehicle record), in note (1), for “In the case of national type-approval of small series (NSS) or individual approval (IVA),” substitute “In the case of GB type-approval of small series or national type-approval of small series (both to be labelled as NSS), or individual approval (IVA),”.
- (15) In Part A of Annex 3 (collection of data on new light commercial vehicles and determination of CO2 emissions monitoring information)—

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(a) OJ No. L 175, 07.07.2017, p. 679; amended by Commission Implementing Regulation (EU) 2017/1231, 2018/1002, 2018/2043 and 2019/1840.

(b) OJ No. L 175, 07.07.2017, p. 644; amended by Commission Implementing Regulation (EU) 2018/1003, 2018/2042 and 2019/1839.

- (a) in point 1.1—
  - (i) in the words before point (a), for “EC type-approved” substitute “GB type-approved, UK (NI) type-approved and EU type-approved”;
  - (ii) in point (q), 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 point 1.2.1.2, after “Annex XXI to Regulation (EU) 2017/1151” 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”;
- (c) in point 1.2.2, after “Annex XXI to Regulation (EU) 2017/1151”, both times it occurs, 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)”;
- (d) in point 1.2.4—
  - (i) after “Annex XXI of Regulation (EU) 2017/1151”, each time it occurs, 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) for “EC type-approval” substitute “GB type-approval, UK (NI) type-approval or EU type-approval”;
  - (iii) in the key to Formula 2, after “Section 5 of Annex XII to Regulation (EC) No 692/2008” insert “, as it had effect in EU law immediately before IP completion day(a)”;
- (e) in point 3—
  - (i) in point (a), for “EC type-approval” substitute “GB type-approval, UK (NI) type-approval and EU type-approval”;
  - (ii) in point (d), before “national type-approval of small series” insert “GB type-approval of small series and”.

(16) In Part B of Annex 3 (methodology for determining CO2 monitoring information for new light commercial vehicles), in paragraph 1—

- (a) for “EC type-approval” substitute “type-approval (that being the total number of vehicles subject to GB type-approval, UK (NI) type-approval and EU type-approval)”;
- (b) before “and national type-approval of small series” insert “, GB type-approval of small series”.

(17) In Part C of Annex 3 (formats for transmission of data)—

- (a) in Section 1, in the table entitled “aggregated monitoring data”—
  - (i) for “EC type-approval” substitute “GB type-approval, UK (NI) type-approval and EU type-approval”;
  - (ii) before “national type-approval of small series” insert “GB type-approval of small series and”;
- (b) in Section 2—
  - (i) in the table entitled “detailed monitoring data — one vehicle record”, omit the row after row (w);
  - (ii) in note (2), for “In the case of national type-approval of small series (NSS) or individual approval (IVA),” substitute “In the case of GB type-approval of small series or national type-approval of small series (both to be labelled as NSS), or individual approval (IVA),”.

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(a) OJ No. L 199, 28.7.2008, p. 1; amended by Commission Regulation (EU) No 566/2011, No 459/2012, No 630/2012, No 143/2013, No 171/2013, No 195/2013, No 519/2013, No 136/2014, 2015/45, 2016/427, 2016/646, 2017/1151, 2017/1221, and 2018/1832.



## CHAPTER 2

### Tertiary legislation made pursuant to Regulation (EU) 2019/631

#### **Amendments to Commission Regulation (EU) 1014/2010**

- 4.—(1) Commission Regulation (EU) 1014/2010 is amended as follows.
- (2) In Article 1 (definitions)—
- (a) in point (1), for “including the data specified in the third column of the table set out in Annex I to this Regulation” substitute “containing the data in point 1 of Part A of Annex 2 to Regulation (EU) 2019/631”;
  - (b) in point (4), for “Article 3(18) of Directive 2007/46/EC” substitute “Article 3(24) of 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”;
  - (c) in point (5), for “Article 2 of Commission Regulation (EC) No 692/2008” substitute “Article 2 of Regulation (EU) 2017/1151, 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”.
- (3) In Article 3 (data sources)—
- (a) in paragraph 1, for “Annex III and Annex VIII” to the end, substitute “Annex 2 and Annex 6 of Commission Implementing 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.”;
  - (b) in paragraph 5, for “Annex I to this Regulation” substitute “point 1 of Part A of Annex 2 to Regulation (EU) 2019/631”.
- (4) In Article 7 (vehicles not covered by EC type-approval)—
- (a) in the heading, for “EC type-approval” substitute “GB, UK (NI) or EU type-approval”;
  - (b) in paragraph 1—
    - (i) before “national type-approval of small series” insert “GB type-approval of small series or”;
    - (ii) for “Article 23 of Directive 2007/46/EC” substitute “Article 42 of Regulation (EU) 2018/858, 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) for “Article 24 of that Directive” substitute “Article 45 of Regulation (EU) 2018/858 as it has effect in domestic law or, as the case may be, in accordance with Articles 44 and 45 of 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”;
  - (c) in paragraph 2, in point (b), for “vehicle types approved nationally in small series” substitute “vehicles with GB type-approval of small series or national type-approval of small series”.
- (5) In Article 8 (list of manufacturers), in paragraph 1, for “Directive 76/114/EEC” substitute “Commission Regulation (EU) No 19/2011(a), as it has effect in domestic law, or Regulation (EU) 2021/535, as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.
- (6) For the table in Annex 1 (data sources) substitute “The relevant data sources are those set out in point 1 of Part A of Annex 2 to Regulation (EU) 2019/631.”.

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(a) EUR 2011/19, amended by S.I. 2022/1273.

## **Amendments to Commission Regulation (EU) No 63/2011**

**5.**—(1) Commission Regulation (EU) No 63/2011 is amended as follows.

(2) In Article 6 (reduction target for a derogation pursuant to Article 11(4) of Regulation (EC) No 443/2009), in paragraph 4, for “25%” substitute “45%”.

(3) In point 4 of Annex 2, for “25%” substitute “45%”.

(4) In the heading to Annex 5, for “25%” substitute “45%”.

## **Amendments to Commission Implementing Regulation (EU) 725/2011**

**6.**—(1) Commission Implementing Regulation (EU) 725/2011 is amended as follows.

(2) In Article 2 (scope)—

(a) in paragraph 1—

(i) in points (b) and (d), for “Regulation (EC) No 661/2009” substitute “Regulation (EC) No 661/2009(a), in the case of vehicles with GB type-approval, and Regulation (EU) 2019/2144(b), as it has effect in EU law as amended from time to time, in the case of vehicles with UK (NI) type-approval or EU type-approval”;

(ii) in point (c), for “Regulations (EC) 661/2009 and (EC) No 1222/2009” substitute “Regulation (EC) No 661/2009 and Regulation (EC) No 1222/2009(c), in the case of vehicles with GB type-approval, and Regulation (EU) 2019/2144 and Regulation (EU) 2020/740(d), as those Regulations have effect in EU law as amended from time to time, in the case of vehicles with UK (NI) type-approval or EU type-approval”;

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

(c) in paragraph 3, in point (b), after “Regulation (EU) 2017/1151” 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), in point (e)(i), for “points (a) and (b) of Article 41(3)” to the end, substitute “points (a) and (b) of Article 68(1) of Regulation (EU) 2018/858 (as it has effect in domestic law, or as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol) meeting the requirements set out in Article 73 of that Regulation, with the exception of technical services designated in accordance with Article 72(1) of that Regulation”.

(4) In Article 5 (baseline and eco-innovation), in paragraph 3, after “second subparagraph of point 1.2.3.1 of sub-Annex 6 to Annex XXI to Regulation (EU) 2017/1151,” 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 11 (certification of CO<sub>2</sub> savings from eco-innovations), in paragraph 1, for “an EC type-approval certificate” substitute “a GB type-approval certificate (the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is type-approved)”.

## **Amendments to Commission Implementing Regulation (EU) 293/2012**

**7.**—(1) Commission Implementing Regulation (EU) 293/2012 is amended as follows.

(2) In Article 2 (definitions)—

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(a) EUR 2009/661.

(b) OJ No. L 325, 16.12.2019, p. 1; amended by Commission Delegated Regulation (EU) 2021/1243, 2021/1341, 2021/1958, 2022/545 and 2022/1398.

(c) EUR 2009/1222, amended by S.I. 2020/1509.

(d) OJ No. L 177, 05.06.2020, p. 1.

- (a) in the words before point (1), for “Article 2 of Commission Regulation (EC) 692/2008” substitute “Article 2 of Regulation (EU) 2017/1151, 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 point (1), for “including the data specified in the third column of the table set out in Annex I to this Regulation” substitute “containing the data set out in point 1.1 of Part A of Annex 3 to Regulation (EU) 2019/631”;
- (3) In Article 4 (data sources)—
- (a) in paragraph 1, for “the table in Annex I to this Regulation” substitute “point 1.1 of Part A of Annex 3 to Regulation (EU) 2019/631”;
  - (b) in paragraph 6, for “Annex I to this Regulation” substitute “point 1.1 of Part A of Annex 3 to Regulation (EU) 2019/631”;
  - (c) in paragraph 10, at the end insert “, as it has effect in domestic law, and as it had effect in EU law immediately before IP completion day”.
- (4) In Article 8 (vehicles not covered by EC type-approval)—
- (a) in the heading, for “EC type-approval” substitute “GB, UK (NI) or EU type-approval”;
  - (b) in the first paragraph—
    - (i) before “national type-approval of small series” insert “GB type-approval of small series and”;
    - (ii) for “Article 23 of Directive 2007/46/EC” substitute “Article 42 of Regulation (EU) 2018/858, 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) for “Article 24 of that Directive,” substitute “Article 45 of Regulation (EU) 2018/858, as it has effect in domestic law or, as the case may be, Articles 44 and 45 of 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,”;
  - (c) in the second paragraph—
    - (i) for “Manufacturer name EU standard denomination” substitute “Manufacturer name UK standard denomination”;
    - (ii) in point (b), for “vehicle types approved nationally in small series” substitute “vehicles with GB type-approval of small series or national type-approval of small series”.
- (5) In Article 10 (additional information to be provided by manufacturers), in paragraph 3—
- (a) for “point 1a.1 of Part A of Annex II to Regulation (EU) No 510/2011” substitute “point 1.2.3 of Part A of Annex 3 to Regulation (EU) 2019/631”;
  - (b) for “point 1c. of Part A of Annex II to that Regulation” substitute “point 1.2.2 of Part A of Annex 3 to Regulation (EU) 2019/631”.
- (6) In Article 10a (notification of errors by manufacturers), in paragraph 1, for “EC type approval” substitute “GB type-approval, UK (NI) type-approval or EU type-approval”.
- (7) For the table in Annex 1 (data sources) substitute “The relevant data parameters are those set out in point 1.1 of Part A of Annex 3 to Regulation (EU) 2019/631.”.

### **Amendments to Commission Delegated Regulation (EU) No 114/2013**

- 8.**—(1) Commission Delegated Regulation (EU) No 114/2013 is amended as follows.
- (2) In Article 6, in paragraph 1, for “Commission”, each time it occurs, substitute “Secretary of State”.

## **Amendments to Commission Implementing Regulation (EU) 427/2014**

**9.**—(1) Commission Implementing Regulation (EU) 427/2014 is amended as follows.

(2) In Article 2 (scope)—

(a) in paragraph 1—

- (i) in points (b) and (d), for “Regulation (EC) No 661/2009” substitute “Regulation (EC) No 661/2009, in the case of vehicles with GB type-approval, or Regulation (EU) 2019/2144 as it has effect in EU law as amended from time to time, in the case of vehicles with UK (NI) type-approval or EU type-approval”;
- (ii) in point (c), for “Regulation (EC) No 661/2009 and of Regulation (EC) No 1222/2009” substitute “Regulation (EC) No 661/2009 and Regulation (EC) No 1222/2009, in the case of vehicles with GB type-approval, or Regulation (EU) 2019/2144 and Regulation (EU) 2020/740 as they have effect in EU law as amended from time to time, in the case of vehicles with UK (NI) type-approval or EU type-approval”;

(b) in paragraph 2, in point (b), 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”;

(c) in paragraph 3, for “EC type-approved” substitute “GB type-approved”;

(d) in paragraph 4, in point (b), after “Commission Regulation (EU) 2017/1151” 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), in point (5)(a), for “Article 41(3)(a) and (b)” to the end substitute “Article 68(1)(a) and (b) of Regulation (EU) 2018/858 (as it has effect in domestic law, or as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol) meeting the requirements set out in Article 73 of that Regulation with the exception of technical services designated in accordance with Article 72(1) of that Regulation”.

(4) In Article 5 (baseline and eco-innovation), in paragraph 4, after “second subparagraph of point 1.2.3.1 of sub-Annex 6 or point 3.2.3.1 of sub-Annex 7 to Annex XXI to Regulation (EU) 2017/1151,” 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,”.

(5) In Article 11 (certification of CO<sub>2</sub> savings from eco-innovations), in paragraph 1, for “an EC type-approval certificate” substitute “a GB type-approval certificate”.

## **Commission Implementing Regulation (EU) 2017/1152**

**10.**—(1) Commission Implementing Regulation (EU) 2017/1152 is amended as follows.

(2) In Article 2 (definitions), at the beginning, insert—

“In this Regulation and its Annexes, any reference to a Regulation originating from the EU is to be read—

- (a) where it relates to a calculation made or action taken before IP completion day, or otherwise to any period before IP completion day, as a reference to that Regulation as it had effect in EU law immediately before IP completion day;
- (b) where it relates to a calculation made or action taken on or after IP completion day, or otherwise to any period after IP completion day, as a reference to that Regulation as it has effect in domestic law (for vehicles with GB type-approval) 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 (for vehicles with UK (NI) type-approval or EU type-approval).”

## **Commission Implementing Regulation (EU) 2017/1153**

**11.**—(1) Commission Implementing Regulation (EU) 2017/1153 is amended as follows.

(2) In Article 2 (definitions), at the beginning, insert—

“In this Regulation and its Annexes, any reference to a Regulation originating from the EU is to be read—

- (a) where it relates to a calculation made or action taken before IP completion day, or otherwise to any period before IP completion day, as a reference to that Regulation as it had effect in EU law immediately before IP completion day;
- (b) where it relates to a calculation made or action taken on or after IP completion day, or otherwise to any period after IP completion day, as a reference to that Regulation as it has effect in domestic law (for vehicles with GB type-approval) 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 (for vehicles with UK (NI) type-approval or EU type-approval).”

### **Amendments to Commission Implementing Decision 2020/1339**

**12.**—(1) Commission Implementing Decision 2020/1339 is amended as follows.

(2) In Article 1 (innovative technology), in the words before point (a), after “paragraph 1.1.4 of Appendix 2 to Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151” insert “; as that Regulation applies in EU law as amended from time to time and by virtue of the Northern Ireland Protocol,”.

(3) In Article 3 (certification of CO<sub>2</sub> savings), in paragraph 5, omit “and shall make that information available” to the end.

(4) Omit Article 5 (entry into force).

### **Revocation of Commission Implementing Decision 2020/1714**

**13.** Commission Implementing Decision 2020/1714 is revoked.

### **Revocation of Commission Implementing Decision 2020/1806**

**14.** Commission Implementing Decision 2020/1806 is revoked.

## **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(a) or, as the case may

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

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(a),”.

(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”;
- (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(b), and as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol(c)”;
- (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

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(a) 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) EUR 2017/2400, amended by S.I. 2022/1273.

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

- law<sup>(a)</sup> 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<sup>(b)</sup>”;
- (vi) in footnote g, after “European Modular System (EMS) in accordance with” insert “the Road Vehicles (Construction and Use) Regulations 1986<sup>(c)</sup> 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)—

- (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)—

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(a) EUR 2011/582, amended by S.I. 2022/1273.

(b) 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.

(c) S.I. 1986/1078.

- (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 CO<sub>2</sub> 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 CO<sub>2</sub> 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(a) and the Cleaner Road Transport Vehicles (Scotland) Regulations 2010(b)”;
  - (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(c)”.
- (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,”.

Signed by authority of the Secretary of State for Transport

15th December 2022

*Jesse Norman*  
Minister of State  
Department for Transport

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(a) S.I. 2011/1631, amended by S.I. 2015/102, 2016/275, 2020/818 and 2020/964.  
 (b) S.S.I. 2010/390, amended by S.S.I. 2012/89, 2015/446, 2016/49 and S.I. 2020/818.  
 (c) 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.

## 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 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 paragraphs (a), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained EU law relating to carbon dioxide emission performance standards for cars, vans and heavy-duty vehicles.

Part 2 amends Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (Regulation (EU) 2019/631). It also amends Commission Regulations and Decisions made under Regulation (EU) 2019/631 concerning:

- (a) monitoring and reporting of data on the registration of new passenger cars and vans;
- (b) derogations from carbon dioxide emissions targets for manufacturers of new cars and vans;
- (c) approval and certification of innovative technologies for reducing carbon dioxide emissions from new cars and vans; and
- (d) methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure for new cars and vans.

In addition, using powers conferred by Article 10(8) of Regulation (EU) 2019/631, regulation 3(10)(b) of these Regulations amends the calculation formula of the carbon dioxide emission derogation targets set out in Part A of Annex 1 to that Regulation. This corrects an error introduced by regulation 2(2)(f) of the Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1242) (“the 2021 Regulations”). Accordingly, these Regulations are being issued free of charge to all known recipients of the 2021 Regulations.

Part 3 amends Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles. That Part also amends Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO<sub>2</sub> 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.

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.

An Explanatory Memorandum has been prepared and is available alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk), or from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

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