



Brussels, 13 November 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES FOR CO₂ STANDARDS FOR NEW PASSENGER CARS AND NEW LIGHT COMMERCIAL VEHICLES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities, but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, stakeholders are reminded of legal repercussions which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU CO₂ standards for new passenger cars and new light commercial vehicles⁴ will no longer apply to the United Kingdom. This has in particular the following consequences:

1. SPECIFIC EMISSIONS TARGETS

Article 4 of Regulation (EC) No 443/2009 and Article 4 of Regulation (EU) No 510/2011 provides an obligation for manufacturers of new passenger cars and new light commercial vehicles to meet specific CO₂ targets that are calculated annually

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ Regulation (EC) No 443/2009 of the European Parliament and the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles, OJ L 140 5.6.2009, p. 1; Regulation (EU) No 510/2011 of the European Parliament and the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles, OJ L 145, 31.5.2011, p. 1.

taking into account the EU wide reduction targets set out in Article 1 of the respective Regulation (i.e. passenger cars: 130gCO₂/km by 2015 and 95g CO₂/km by 2021; light commercial vehicles: 175gCO₂/km by 2017 and 147gCO₂/km by 2020). It is for manufacturers to ensure that the average CO₂ emissions of their fleet of newly registered vehicles do not exceed their annual specific emissions target.

As of the withdrawal date, new passenger cars and new light commercial vehicles registered in the United Kingdom will no longer count towards the calculation of the average specific emissions of CO₂ in the EU.

2. ANNUAL TRANSMISSION OF CO₂ EMISSION DATA

According to Article 8 of Regulation (EC) No 443/2009 and Article 8 of Regulation (EU) No 510/2011, by 28 February each year, Member States must record and transmit to the Commission certain data on new passenger cars and new light commercial vehicles registered in the Union in the preceding calendar year. That data will form the basis for determining the average specific emissions of CO₂ and the specific emissions target for each manufacturer and will also serve for assessing whether manufacturers comply with those targets.⁵

Data for new registrations in 2018 transmitted by 28 February 2019 prior to the withdrawal date will be considered for determining the 2018 average specific emissions of CO₂ and the specific emissions target for that year for manufacturers of new passenger cars and new light commercial vehicles.

As of the withdrawal date, the United Kingdom is no longer required to record and transmit to the Commission data on registrations in the United Kingdom, i.e. in 2020 the United Kingdom is no longer obliged to transmit the data in relation to registrations in the calendar year 2019.

3. DEROGATIONS FROM THE SPECIFIC EMISSIONS TARGET

According to Article 11 of Regulation (EC) No 443/2009 and Article 11 of Regulation (EU) No 510/2011, manufacturers may under certain conditions benefit from derogations from their specific emission targets, if they are responsible for fewer than 300 000 new registrations of passenger cars and fewer than 22 000 new registrations of light commercial vehicles in the EU per calendar year.

Registrations in the United Kingdom as of the withdrawal date do not count when assessing whether a manufacturer is eligible for such derogations. If the withdrawal of the United Kingdom affects the eligibility of a manufacturer for a derogation, that manufacturer must notify the Commission immediately.

⁵ In order to ensure the consistency of the data to be transmitted by the Member States, 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 (OJ L 293, 11.11.2010, p. 15) and 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 (OJ L 98, 4.4.2012, p. 1) set out rules on the collection and reporting of that data.

4. EU REPRESENTATIVES

Pursuant to Article 3(1)(c) of Regulation (EC) No 443/2009 and Article 3(1)(f) of Regulation (EU) No 510/2011 read in conjunction with Article 3(27) and (28) and Article 5(3) of Directive 2007/46/EC, as of the withdrawal date,

- a manufacturer based in the United Kingdom has to have an EU representative in the EU-27;
- a manufacturer based in a third country whose EU representative is currently based in the United Kingdom has to have an EU representative in the EU-27.

The Commission should be informed immediately of the contact details of the EU representative.

European Commission
Directorate-General Climate Action