

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT ROAD VEHICLES AND NON-ROAD
MOBILE MACHINERY (TYPE-APPROVAL)
(AMENDMENT) (EU EXIT) REGULATIONS 2020

DRAFT NEW HEAVY DUTY VEHICLES (CARBON
DIOXIDE EMISSION PERFORMANCE
STANDARDS) (AMENDMENT) (EU EXIT)
REGULATIONS 2020

DRAFT ROAD VEHICLE CARBON DIOXIDE
EMISSION PERFORMANCE STANDARDS (CARS
AND VANS) (AMENDMENT) (EU EXIT)
REGULATIONS 2020

Thursday 12 November 2020

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Monday 16 November 2020

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The Committee consisted of the following Members:

Chair: CHRISTINA REES

- | | |
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| Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Maclean, Rachel (<i>Parliamentary Under-Secretary of State for Transport</i>) |
| † Buchan, Felicity (<i>Kensington</i>) (Con) | † Mohindra, Mr Gagan (<i>South West Hertfordshire</i>) (Con) |
| Davies-Jones, Alex (<i>Pontypridd</i>) (Lab) | † Rodda, Matt (<i>Reading East</i>) (Lab) |
| † Eshalomi, Florence (<i>Vauxhall</i>) (Lab/Co-op) | † Slaughter, Andy (<i>Hammersmith</i>) (Lab) |
| † Fletcher, Mark (<i>Bolsover</i>) (Con) | Thompson, Owen (<i>Midlothian</i>) (SNP) |
| † Hart, Sally-Ann (<i>Hastings and Rye</i>) (Con) | † Tomlinson, Michael (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Higginbotham, Antony (<i>Burnley</i>) (Con) | Bradley Albrow, Abi Samuels, <i>Committee Clerks</i> |
| Hillier, Meg (<i>Hackney South and Shoreditch</i>) (Lab/Co-op) | † attended the Committee |
| † Jenkinson, Mark (<i>Workington</i>) (Con) | |
| † Jones, Andrew (<i>Harrogate and Knaresborough</i>) (Con) | |
| † Jupp, Simon (<i>East Devon</i>) (Con) | |

Ninth Delegated Legislation Committee

Thursday 12 November 2020

[CHRISTINA REES *in the Chair*]

Draft Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020

11.30 am

The Parliamentary Under-Secretary of State for Transport (Rachel Maclean): I beg to move,

That the Committee has considered the draft Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020.

The Chair: With this it will be convenient to discuss the draft New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020 and the draft Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020.

Rachel Maclean: It is a pleasure to serve under your chairmanship, Ms Rees.

The type-approval instrument will be made under powers conferred by the European Union (Withdrawal) Act 2018 and the Road Traffic Act 1988 and is needed for the end of the transition period. Currently, vehicles can be registered in the UK only if they have a valid EU type approval. Existing EU exit legislation provides for a provisional type-approval scheme to maintain control of the registration of vehicles after the transition period. That must now be amended to implement our obligations with regard to Northern Ireland. These draft regulations will ensure that the Government give effect to their commitments under the Northern Ireland protocol. The protocol applies EU legislation on type approval to Northern Ireland. Therefore, these regulations disapply much of our existing EU exit statutory instrument, made in 2019, in Northern Ireland, essentially leaving the status quo in place there. The measure also ensures unfettered access for Northern Ireland businesses to the Great Britain market.

This regulation will also remove a 4-metre height limit for vehicles that was introduced in the EU to protect older infrastructure, such as overhead tram wires. UK manufacturers have been able to produce tall vehicles, such as double decker buses, only in limited volumes. This instrument will permit the mass production in Great Britain of vehicles exceeding 4 metres in height in the future. These changes do not affect the environmental and safety standards to which vehicles will be approved.

The Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020 govern the establishment and enforcement of carbon dioxide emission targets in

relation to manufacturers of new cars and vans. These regulations are also covered by the Northern Ireland protocol and so create requirements in Great Britain only.

EU regulation establishes mandatory fleet average CO₂ emissions targets for all cars and vans registered in the EU each year. Based on these targets, manufacturers receive individual fleet targets based on a comparison between the average weight of their fleet and the average weight of all relevant vehicles registered in the EU. As only the manufacturer's fleet average is regulated, it may sell any vehicle that it wishes, provided that the emissions of its fleet balance out to meet its target. Fines are levied for non-compliance.

The purpose of the cars and vans CO₂ instrument is to ensure that the Government are able to set and enforce emissions targets that are at least as ambitious as the current arrangements for vehicle emissions regulation, which the Government committed to in 2018. It also amends a prior EU exit SI, the Road Vehicle Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2019, to reflect subsequent changes at EU level.

I come now to the New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020. EU regulation establishes performance targets for CO₂ emissions reductions from the new HDV fleets. Those targets are designed to encourage the uptake of zero-emission vehicles and promote efficiency improvements in new internal combustion engines. Fines apply for non-compliance. This measure will apply UK-wide, as it is not listed in the Northern Ireland protocol. This instrument has the same aim as the cars and vans regulation. It will ensure that the Government are able to effectively set and enforce emissions targets that are at least as ambitious as the current arrangements for vehicle emissions regulation. It also amends a prior EU exit SI, made in 2019, regarding the collection of data from such vehicles, to reflect amendments to the EU legislation since that SI was laid before the House.

In conclusion, these statutory instruments ensure that we can control vehicle registration, maintain the level of ambition around carbon dioxide emissions, minimise the cost to industry and implement the Northern Ireland protocol. I hope that hon. Members will join me in supporting the regulations, which I commend to the Committee.

11.35 am

Matt Rodda (Reading East) (Lab): I thank you, Ms Rees, and the Minister. Brexit and climate change are two serious issues that we must deal with properly. The statutory instruments cut across both issues and so require scrutiny, especially in the light of approaching deadlines, political pressure and the demands of dealing with the coronavirus pandemic. As the Government move to enshrine EU regulations in UK law, I take the opportunity to emphasise the need to maintain truly and equally ambitious CO₂ reduction targets and high vehicle safety standards.

The first instrument deals with vehicle standards. There is undoubtedly a need to introduce new regulations to allow vehicles and engines to be produced in Northern Ireland to be sold in Britain. None the less, I emphasise that it is important for the Government to remain

vigilant about several related safety issues. For example, the Health and Safety Executive provides official advice to deal with the extra precautions needed when working at height on vehicles. As the instrument eliminates the 4-metre height limit on vehicles, I ask the Minister to commit to monitoring the situation and to take all the necessary steps to keep those who work with large vehicles safe at all times. Will she write to me about the steps that the Department may take?

Rachel Maclean *indicated assent.*

Matt Rodda: I note that the Minister is nodding. I am grateful and I look forward to hearing from her.

I have more serious concerns about the second and third instruments that relate to important aspects of the Government's environmental policy and, I believe, clearly show that Ministers are seeking to water down their commitment to tackling the climate emergency. The Department for Transport's explanatory memorandums on the two instruments on carbon dioxide emission performance standards say that the Government aim to introduce standards to UK law that are

"at least as ambitious as under the current EU regime."

Independent analysis by the Transport & Environment think-tank questions that claim, however, and points out that, although the headline aims are the same, flaws in the current proposals reduce their effectiveness. I will address two specific examples; I hope that hon. Members will forgive me for their somewhat technical nature.

First, the regulations use the average mass of cars in the EU to set targets for future UK carbon dioxide emissions, rather than the average mass of cars in the UK. That amounts to watering down the regulations and setting lower targets for the UK, because UK cars are on average heavier. Secondly, the regulations allow manufacturers to use an additional 3.5 grams of carbon dioxide per kilometre of super-credits as an additional allowance for producing CO₂ for some battery and plug-in hybrid vehicles that, in many cases, also have internal combustion engines.

According to experts, replacing EU regulations with the current proposals will mean that a fifth fewer electric vehicles are sold in the UK. That could mean that, in 2030, only one third of cars sold are electric. The Committee will have noted the Government's interest in enhancing the number of electric vehicles.

That is a significant change in policy that will hamper the UK's ability to meet vital targets to reduce greenhouse gas emissions. Last year, the Government declared a climate emergency and promised to take climate change much more seriously. If the instruments are passed in this watered-down form, however, it will clearly signal that the Government's actions do not match their words.

As a constructive Opposition, we call for the Government to withdraw the instruments and introduce secondary legislation that transposes current EU regulations into UK law instead. If the Government commit to that, we will do all we can to expedite that process and allow the necessary legislation to be passed before it is needed.

Reducing the carbon dioxide produced by road transport should be the central priority for any Government. We cannot reduce our efforts to tackle the climate emergency and we will therefore vote against these regulations.

11.40 am

Rachel Maclean: I thank the hon. Gentleman for his comments. I definitely commit to writing to him. I reiterate the Government's position: we do intend to maintain standards that are at least as ambitious. He has indicated his willingness to vote against the Government; nevertheless, we are confident that the legislation will enable us to meet our legal greenhouse gas and net zero commitments and the emissions targets. I remind him of all the work that we are doing to introduce an end to the sale of diesel and petrol cars and vans. We are actively looking at that policy, as he knows.

Question put.

The Committee divided: Ayes 10, Noes 3.

Division No. 1]

AYES

Buchan, Felicity	Jones, Andrew
Fletcher, Mark	Jupp, Simon
Hart, Sally-Ann	Maclean, Rachel
Higginbotham, Antony	Mohindra, Mr Gagan
Jenkinson, Mark	Tomlinson, Michael

NOES

Eshalomi, Florence	Slaughter, Andy
Rodda, Matt	

Question accordingly agreed to.

Resolved,

That the Committee has considered the draft Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020.

**DRAFT NEW HEAVY DUTY VEHICLES
(CARBON DIOXIDE EMISSION
PERFORMANCE STANDARDS)
(AMENDMENT) (EU EXIT)
REGULATIONS 2020**

Resolved,

That the Committee has considered the draft New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020.—(*Rachel Maclean.*)

**DRAFT ROAD VEHICLE CARBON DIOXIDE
EMISSION PERFORMANCE STANDARDS
(CARS AND VANS) (AMENDMENT) (EU
EXIT) REGULATIONS 2020**

Resolved,

That the Committee has considered the draft Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020.—(*Rachel Maclean.*)

11.43 am

Committee rose.

